



# TRAFFICKING IN PERSONS REPORT

## JUNE 2017









DEAR READER:

Human trafficking is one of the most tragic human rights issues of our time. It splinters families, distorts global markets, undermines the rule of law, and spurs other transnational criminal activity. It threatens public safety and national security.

But worst of all, the crime robs human beings of their freedom and their dignity. That's why we must pursue an end to the scourge of human trafficking.

Today we take another key step towards that goal. The 2017 *Trafficking in Persons Report* highlights the successes achieved and the remaining challenges before us on this important global issue.

In particular, the introduction of this year's Report focuses on the responsibility of governments to criminalize human trafficking and hold offenders accountable. To that end, this Report is intended to

assist governments in identifying threats so law enforcement agencies around the world can respond effectively and gain insight into where human trafficking remains most severe. The Report will also equip local and sub-national law enforcement agencies to better assist in efforts to target and prosecute those who commit these terrible crimes.

Because human trafficking is global in scope, international partners are essential to success. That's why the State Department will continue to establish positive partnerships with governments, civil society, law enforcement groups, and survivors to provide help for those who need our support.

The United States is a leader in the fight against human trafficking. We seek justice for victims and accountability for offenders. This Report is instrumental to our strategy to end human trafficking. I am proud of the work and dedication of the Department towards that end, and remain committed to the elimination of human trafficking here and abroad.

Sincerely,

A handwritten signature in black ink that reads "Rex W. Tillerson".

Rex W. Tillerson  
Secretary of State

Three Nigerian sex trafficking survivors gaze out over the Mediterranean after leaving Italy, where they were exploited. In 2016, more than 11,000 Nigerian women and girls arrived in Italy by sea.







## DEAR READER:

This year, the theme of the *Trafficking in Persons Report* is increasing criminal accountability of human traffickers and addressing challenges in prosecution—an essential component of the 3P paradigm of prosecution, protection, and prevention. As a former federal prosecutor in the United States and now as Ambassador-at-Large to Monitor and Combat Trafficking in Persons, this topic is deeply personal to me.

I am particularly and acutely aware of the lives destroyed by human trafficking. I will never forget a young woman in a case I prosecuted, a survivor who I'll call Teresa. She was raised in Central America by her grandmother, and as a young woman, was deceived by a man she thought cared for her with promises of love and a better life. That man brought Teresa to the United States and, instead of building a new life with her, forced her into commercial sex, took all the money she was paid, and intimidated her with threats of deportation and humiliation before her family. His threats not only instilled fear in Teresa and coerced her into exploitation; they also convinced her she was a criminal for violating federal immigration and local anti-prostitution laws.

There are people like Teresa trapped in compelled service all over the world who fear that justice systems will punish them, rather than convict and incarcerate their traffickers—and in reality their fears are often justified. Teresa ultimately stood before a judge in a case against her trafficker and shared her experience in a court of law. What's more, she saw her trafficker convicted and sentenced to jail, and she received an award of restitution for the money he made by exploiting her. When the case was over, I was able to return to Teresa a picture she had carried with her to the United States of her grandmother, who had since passed away—a memory of her prior life. While governments can never fully reverse the trauma of human trafficking, they can help survivors pursue the justice they deserve and return to a life of their choosing, a life with dignity and free will.

When I engage with representatives of foreign governments, I often speak with police, investigators, prosecutors, and judges. I commend those who are fearless in the fight against human trafficking—those who courageously take on the tough cases, those who argue for stringent sentences for criminals and restitution for victims, and those who do so while ensuring that victims are treated with dignity. A victim-centered and trauma-informed approach requires, first and foremost, that the criminal justice system not penalize victims of human trafficking when they are forced to commit crimes as a direct result of their exploitation. When forced criminality takes place as part of the scheme, victims should not be further punished by the very system meant to protect them; and when they are, their convictions should be expunged and they should receive support and the comprehensive services to which they are entitled.

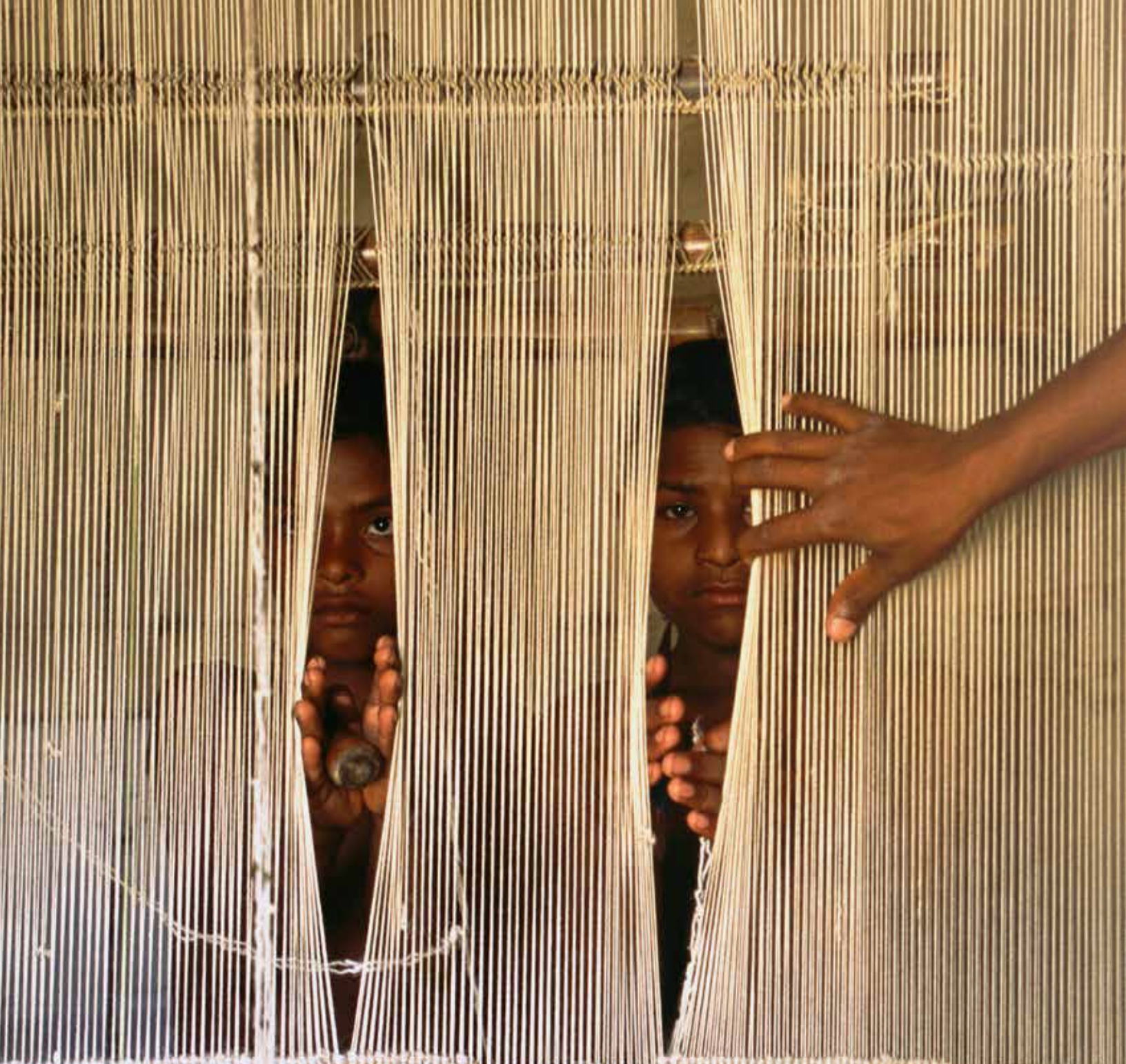
In my time serving as Ambassador-at-Large, I have had the incredible honor of meeting inspiring individuals who fight each day to end modern slavery. I have seen first-hand how those on the ground in countries around the world implement effective strategies to combat human trafficking. Having the benefit and honor of these experiences, I am confident that we are closer than ever to creating strong communities where justice and freedom prevail.

Sincerely,

A handwritten signature in black ink that reads "Susan Coppedge".

Susan Coppedge  
Ambassador-at-Large to Monitor  
and Combat Trafficking in Persons









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A police officer keeps watch over a brothel in Peru. When law enforcement officers moonlight as security for brothels, they are often complicit in sex trafficking and other illicit activities.

*“The scale of human trafficking is atrocious. The silence that conceals this crime is disgraceful. We have to speak out because the victims are living in fear for their lives. We have to raise our voices for them. That means confronting the social and economic conditions that abet this crime. It means arresting the traffickers. And above all, it means protecting the victims.”*

– Former United Nations Secretary General Ban Ki-moon



# ENHANCING CRIMINAL ACCOUNTABILITY AND ADDRESSING CHALLENGES IN PROSECUTION EFFORTS

The modern anti-trafficking movement commenced in earnest with the adoption of the Palermo Protocol in 2000, and since then has grown substantially. Governments have made progress and continue to work to pass and implement legislation criminalizing all forms of human trafficking, collaborate with civil society and human trafficking survivors to strengthen victim protections at the policy and grassroots levels, and take prevention measures and raise public awareness about the dangers and indicators of modern slavery.

While this progress is encouraging, traffickers around the world continue to exploit millions of victims in forced labor and sex trafficking. This multi-billion dollar industry destroys families and communities, weakens the rule of law, strengthens criminal networks, and offends universal concepts of human decency.

Although support from civil society and international organizations has led to more holistic and effective anti-trafficking solutions, governments bear primary responsibility for addressing human trafficking. That is why the *Trafficking in Persons (TIP) Report* annually measures government efforts across the 3P paradigm of prosecuting traffickers, protecting victims, and preventing the crime.

In the last five years, the Introduction to this Report has examined the protection and prevention elements of this paradigm to enhance understanding of the crime and highlight global trends and achievements in combating it. For instance, the Report has explained the importance of using a victim-centered approach to identify and protect victims, and also to effectively prosecute trafficking cases. It has taken a hard look at the journey from victim to survivor and at the support survivors need to reclaim their lives. And it has profiled a wide range of effective strategies to prevent human trafficking, including by examining vulnerabilities in global supply chains.

This year's Introduction focuses on prosecution efforts—the distinct responsibility governments bear under the Palermo Protocol to criminalize human trafficking in all its forms and to prosecute and hold offenders accountable for their crimes.

Human trafficking is not analogous to migrant smuggling (a crime against a state by which an individual voluntarily enters into an agreement with another party to gain illegal entry into a foreign country) or employment-related wage and hour abuses (administrative violations of labor law). Under the minimum standards for the elimination of human trafficking under the Trafficking Victims Protection Act (TVPA), an effective criminal justice response to human trafficking should treat the prosecution of cases as seriously as other grave crimes, such as kidnapping or rape, and impose consequences that are severe enough to be a deterrent.

## VICTIM STORIES

The victims' testimonies included in this Report are meant to be illustrative and to characterize the many forms of trafficking and the wide variety of places in which they occur. They do not reflect all forms of human trafficking and could take place almost anywhere in the world. Many of the victims' names have been changed in this Report. Most photographs are not images of confirmed trafficking victims. They illustrate the myriad forms of exploitation that comprise human trafficking and the variety of situations in which trafficking victims are found.



# INDIA | UNITED KINGDOM

Vihaan, a maritime machinist, accepted a job in the oil industry on a boat off the coast of the United Kingdom, thinking the sacrifice of leaving his family would be worth the money he could send home to support them. Once he arrived, the job was not as promised. Vihaan was not paid and had to work long hours under difficult conditions. When the Indian owner of the vessel abandoned the ship due to unpaid debts, he left the crew stranded with their wages unpaid. Vihaan and his crewmates decided they would not desert the ship until they had been paid, and waited seven months before the Indian bank that owned the ship agreed to settle the unpaid wages.



Effective anti-trafficking law enforcement efforts are challenging. Human trafficking often unfolds in various stages and over extended periods of time, typically involving multiple actors. Human trafficking is a hidden crime, in which perpetrators take advantage of power imbalances and coerce and intimidate their victims into silence. Victims of trafficking may not know they are entitled to legal protection and may fear being prosecuted or punished for crimes or immigration violations committed as a direct result of the trafficking scheme. Even if a victim initially consents to enter into a situation in which exploitation later occurs, or to participate in criminal acts during such exploitation, such consent is legally irrelevant under the Palermo Protocol once that person is subjected to compelled service through force, fraud, or coercion. In all of these scenarios, law enforcement must collect evidence to enable prosecutors to prove suspects intended to exploit someone, often with few, if any, corroborating witnesses. Where the crime takes place across multiple countries, governments may face additional challenges securing international cooperation, as well as jurisdiction, to effectively investigate and prosecute trafficking crimes.

The pages that follow examine the importance of a comprehensive anti-trafficking law, the need for criminal accountability with strong deterrent effects, and some of the challenges governments face in investigating and prosecuting human trafficking crimes.

## Scope and Efficacy of National Anti-Trafficking Laws

The primary tool needed for effective prosecution of trafficking cases is a comprehensive anti-trafficking law that clearly defines the crime consistent with international law—specifying the acts, means, and ends. Such laws set the framework for all national anti-trafficking efforts. They give authority to law enforcement initiatives and provide clarity to justice sector officials so they can use the provisions during the investigation and prosecution of suspected trafficking crimes.

As it relates to prosecution and law enforcement, a strong anti-trafficking law includes:

- The criminalization of all forms of trafficking in persons.
- A clear definition of human trafficking that describes the acts, means, and ends, as distinct from related crimes—such as migrant smuggling, prostitution, kidnapping, organ trafficking, or illegal adoption.
- Penalties of imprisonment for the commission of trafficking crimes that are commensurate with those for other serious crimes, such as rape or kidnapping.
- A mandate setting forth clear roles and responsibilities for relevant government agencies or ministries, including with respect to inter-ministerial coordination of anti-trafficking policies.

Strong, comprehensive anti-trafficking laws signal governments' commitment not to tolerate human trafficking and give law enforcement and prosecutors the tools needed to secure convictions and justice for victims.



## HUMAN TRAFFICKING DEFINED

The TVPA defines “severe forms of trafficking in persons” as:

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

A victim need not be physically transported from one location to another for the crime to fall within this definition.

A Burmese teenage girl who worked in a shrimp-peeling shed receives support services at a shelter in Thailand. Children are exploited in forced labor around the world.

*It’s an issue that cuts across class, race, and even gender. Both boys and girls are exploited in this way.”*

– Kansas sex trafficking victim

## Criminal Accountability and Strong Deterrence

In addition to protecting victims from retribution or re-victimization, an effective criminal justice response brings traffickers to justice both to punish them for their crimes and to deter others. Yet, in many countries, governments struggle to hold perpetrators of human trafficking criminally accountable and, even when convictions are obtained, they sometimes impose suspended sentences, fines, or administrative penalties in place of prison sentences.

As noted above, a strong anti-trafficking response should recognize the serious nature of trafficking in persons and impose punishments commensurate with those prescribed for other serious crimes in a given country, such as rape and kidnapping. For example, in 2015, courts in **Lithuania** convicted 17 traffickers and sentenced all of them to time in prison, with terms ranging from three to eight years' imprisonment, which are commensurate with penalties for other serious crimes. Lithuania also amended its criminal code in 2014 to ensure child sex traffickers tried on prostitution charges could not benefit from lighter sentences. That amendment increased the prescribed penalties for profiting from prostitution and removed a provision permitting judges to consider whether a child had consented, better reflecting the requirements of international law that children cannot consent to sex trafficking. In addition to offering justice to victims of exploitation, strict penalties can serve as a stronger deterrent for would-be traffickers.

Yet many governments do not impose sentences that include adequate jail time. Judicial officials in many countries frequently impose suspended sentences, fines, or administrative penalties on human traffickers. These less severe punishments can result from broader sentencing guidelines, lack of understanding regarding the crime of human trafficking, systemic inefficiencies in criminal justice systems, or socio-cultural considerations, among other reasons. In other countries, human trafficking laws allow judges to impose a fine in lieu of incarceration, a practice that can limit the potential for a true deterrent effect for the defendant and other traffickers. Traffickers who have exploited others for profit often have the means to pay fines, which become a mere cost of doing business.

While cultural perceptions of criminal justice may create disparities in the way countries assess and penalize suspected criminals, the Palermo Protocol, to which 170 States are party, does not allow for cultural variations. For example, access to justice should be extended to all victims regardless of age or gender, and to vulnerable populations that may typically experience discrimination. Similarly, the prosecution of trafficking cases should move forward regardless of the gender of the trafficker. The judicial system should prioritize both sex trafficking and labor trafficking cases, and adult and male victims as well as women and children.

For example, in recent years, the Government of **Bahrain** began to criminally prosecute potential labor law violations that rose to the level of human trafficking. In 2014, Bahrain's Ministry of Labor referred 63 such cases for prosecution out of 427 pending labor violations. Previously, none of these types of cases were investigated under the criminal law but were treated administratively. This improvement in sanctioning labor traffickers is significant and provides a greater deterrent effect.

Ideally, and consistent with the Palermo Protocol, a victim-centered legal framework should also authorize court-ordered restitution or compensation to victims in conjunction with the successful conviction of traffickers. Several governments have gone further to make restitution mandatory to provide victims with monetary support for damages suffered. In 2015, a judge in **Guyana** sentenced a convicted trafficker to a three-year prison sentence and required her to pay the victim restitution—the first time a court ordered restitution by a trafficker in that country. In **Switzerland**, 28 victims received restitution payments from their traffickers following

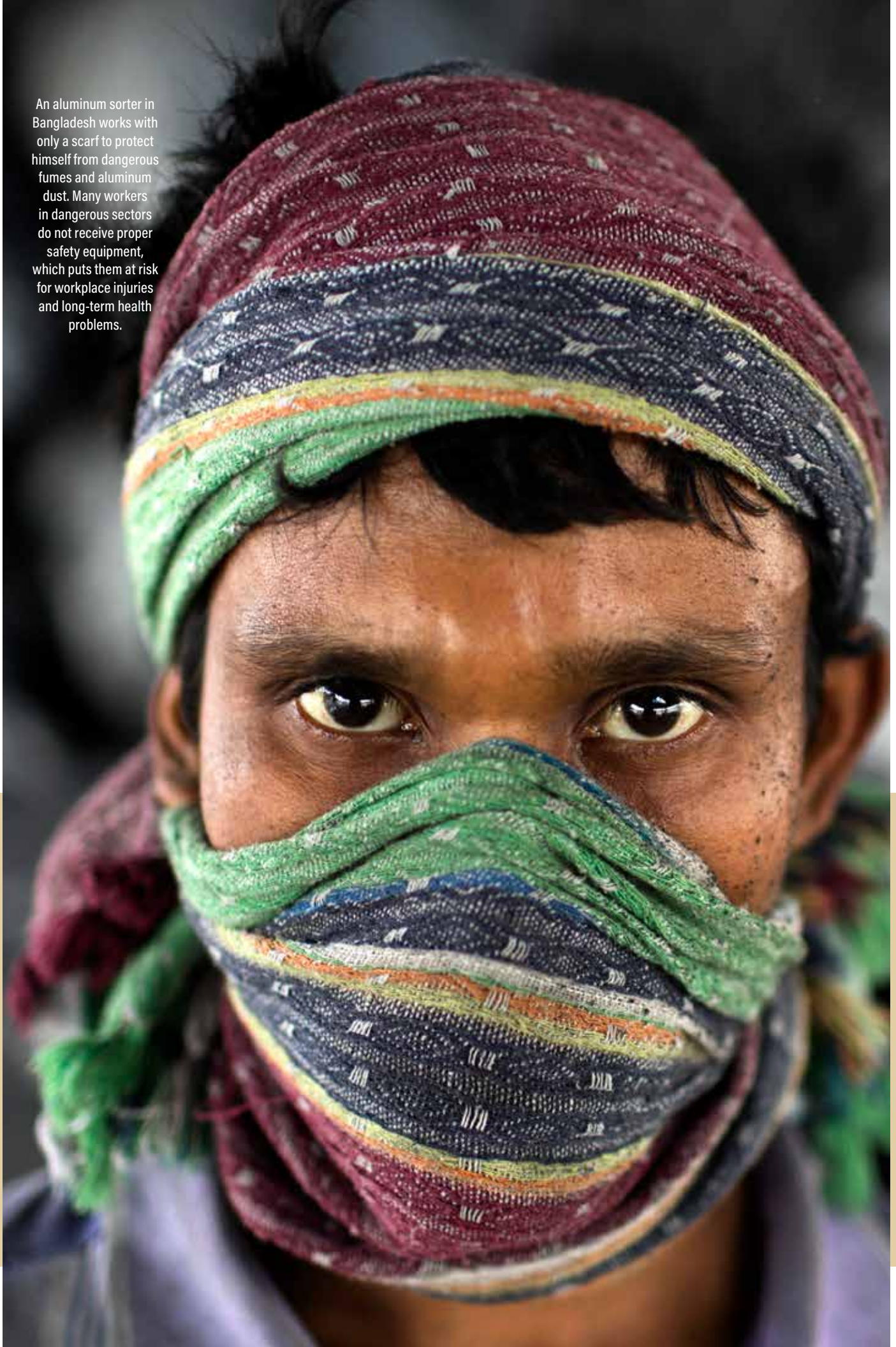


## SYRIA | LEBANON

Maya was 22 when she fled her home country of Syria due to conflict in the region. She was promised a job working in a factory in Lebanon, but when she arrived she was forced into commercial sex along with more than 70 other Syrian women. They endured severe physical and psychological violence. Eventually, police raided the apartment units the women lived in and arrested 10 men and eight women who had been part of the sex trafficking scheme.



An aluminum sorter in Bangladesh works with only a scarf to protect himself from dangerous fumes and aluminum dust. Many workers in dangerous sectors do not receive proper safety equipment, which puts them at risk for workplace injuries and long-term health problems.





An internally displaced person picks cotton in Syria with her child on her back. Traffickers often prey on those without security or opportunities, coerce and deceive them, and then profit from their compelled service.

# INDIA | NEW ZEALAND

Rajiv arrived in New Zealand on a student visa to enroll in a business management program. Before courses started, he travelled to the Bay of Plenty, where he knew there was agricultural work, to earn extra money for school expenses. He soon found himself in a situation he could not leave. His employers forced him to use fake identification documents so he could work 80-hour weeks illegally in kiwi fruit orchards. Rajiv and other migrant workers lived in fear of being deported or kidnapped if they complained about the grueling work. Rajiv's employer refused to give him his promised wages. After several months, Rajiv escaped the orchards and sought assistance from the New Zealand authorities.

their 2015 convictions. In March 2015, a court in **Australia** ordered a convicted trafficker to pay the equivalent of \$134,000 in back wages and interest to the Indian national he had subjected to forced labor. In many other instances, however, even in countries with well-developed justice systems, courts do not award restitution during criminal sentencing and, in some cases, prosecutors fail to request restitution on behalf of victims.

## Common Challenges in the Pursuit of Justice

Effective anti-trafficking law enforcement efforts are inherently challenging and even the most effective governments struggle to address the crime comprehensively. Worldwide convictions of human traffickers listed in this year's Report were fewer than 10,000, while estimates of the number of victims of human trafficking remain in the tens of millions. Even with the low numbers of convictions, however, many criminal justice systems around the world are faced with cases that exceed their processing capacity. Limited funding and poor training for personnel impede the investigation of many types of crimes, including human trafficking. Often, the time and resources that do exist are stretched across competing priorities. These challenges must be addressed head on.

### *Barriers to Building a Strong Case*

Building a strong human trafficking case can be complex and unwieldy. In many instances, police officials begin an investigation with a single victim who often may be the only witness who can describe the force, fraud, or coercion experienced in the course of his or her victimization. Officials must then gather evidence to corroborate that testimony, which is often a challenging and time-consuming process. It is vital that law enforcement is sufficiently trained on how to corroborate the victim's testimony and how to gather evidence to prove a suspect's intent to exploit a person in forced labor or sex trafficking. In addition, investigators and prosecutors should work together during the investigation stage to ensure the necessary evidence is collected and any weaknesses in the case are addressed as early as possible. Inadequate or incomplete evidence is often to blame for the lack of successful trafficking cases around the world.

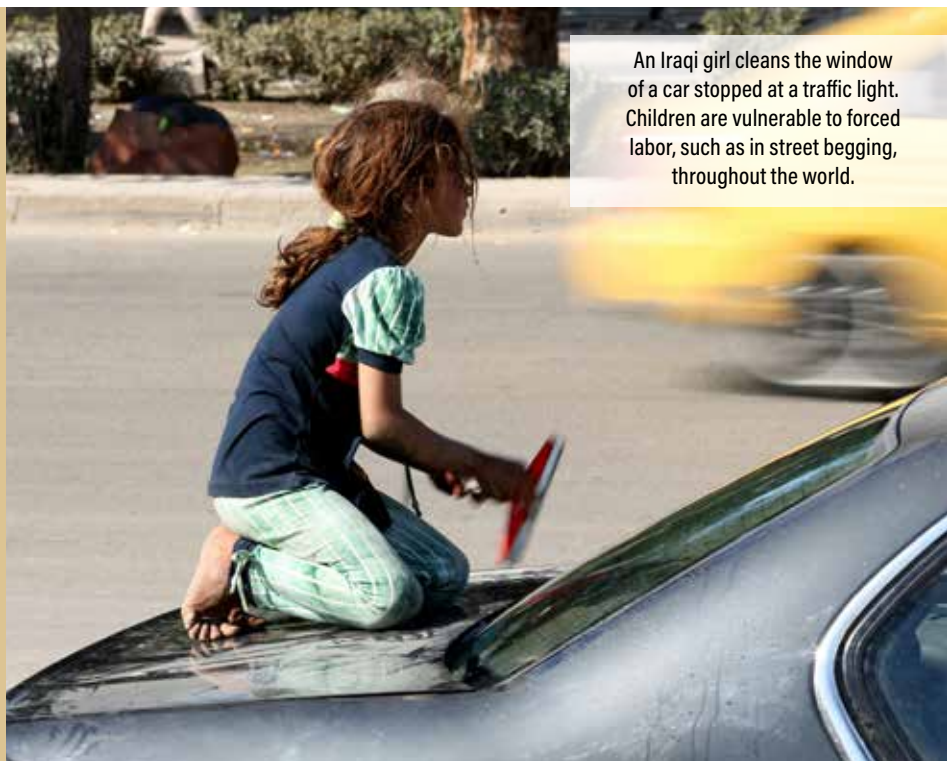
In response to certain issues in evidence collection, governments in some countries have increased coordination between police and prosecutors. In **South Africa**, the National Prosecuting Authority leads national anti-trafficking efforts, with prosecutors overseeing provincial anti-trafficking taskforces—allowing them to lead provincial law enforcement efforts and trainings for respective police and community personnel country-wide, further building the expertise and network of trained professionals.

Law enforcement and judicial officials need advanced training to develop appropriate investigation and evidence-processing techniques. In **Ukraine**, the Prosecutor General issued a directive in 2017 to give human trafficking investigations priority access to surveillance resources. In **Cambodia**, local organizations and even some officials acknowledge an urgent need for the law to authorize sophisticated evidence-collection techniques, including undercover investigations, wiretaps, and the ability to seek search warrants. These techniques can help law enforcement decrease reliance on witness testimony and adapt to the increasingly clandestine nature of human trafficking in Cambodia. Without such authority, law enforcement is limited in its ability to investigate these cases and is



*"I never thought there was human trafficking [in Ohio]. The problem was in front of my eyes. I just did not pay attention."*

– Imam Talal Eid, Islamic Center of Greater Toledo



forced to close them when evidence cannot be obtained. In many other countries, the challenge lies in collecting and processing forensic evidence that can be lawfully admitted in court proceedings.

### ***Delays in Prosecution***


In many countries, backlogs in the courts or with over-burdened law enforcement personnel delay prosecutions and slow the delivery of justice. Many governments lack adequate personnel to handle time-intensive trafficking cases or face high personnel turnover of those officials with experience to prosecute them. Significant delays in prosecution can discourage victims from testifying or pursuing a case, or may have the practical result that the individual is no longer in the country or available to assist law enforcement or testify at trial. Worse, these delays can allow traffickers to continue exploiting, threatening, or intimidating victims, including survivors whose testimony is necessary to achieve a conviction.

With limited resources and staff, some governments have made efforts to designate specialized prosecutors to manage anti-trafficking caseloads, a step that facilitates the development of expertise on the investigation and prosecution of complex trafficking cases and allows for continued attention to combating this crime. For example, a specialized prosecutor would understand why a trafficking victim may initially lie to law enforcement about the facts of the crime or even describe a willing involvement in the trafficking scheme. An inexperienced prosecutor may see a reluctant or untruthful witness as an impediment to prosecution, instead of seeing evidence of the trafficker's success in controlling the victim such that he or she does not feel safe confiding in law enforcement. Specialized prosecutors better understand how to navigate these challenges.

In **Botswana**, after the passage of the 2014 Anti-Human Trafficking Act, the Directorate of Public Prosecutions designated a prosecutor to specialize in building trafficking prosecutions. Such specialized staff understand the intricacies and issues that routinely arise in a trafficking case and can share this information with other judicial sector officials through routine trainings and case work. Specialized prosecutors also gain an understanding of the needs and demands on victim-witnesses and can develop specialized mechanisms to assist them.


Supreme Court of the **Philippines** instituted the continuous trial system pilot project in 2014 to significantly expedite human trafficking prosecutions. During its first year, the court completed seven trafficking cases in less than one year and it continued to expedite trafficking prosecutions in subsequent years, even though some cases remain pending prosecution. By comparison, in 2013, trafficking cases prosecuted in the Philippines took an average of three-and-a-half to five years to complete.

In some countries with a civil law system, trafficking is treated as a high crime, requiring trials at the high court level, which may not convene regularly or address trafficking matters given other critical caseloads and limited resources. To address this, governments should encourage high courts to hold routine sessions, fund special sessions to prevent or reduce case backlogs, or prioritize human trafficking cases when setting court dates.



*In our day...wars and conflicts have become the prime driver of trafficking in persons. They provide an enabling environment for traffickers to operate, as persons fleeing persecutions and conflicts are particularly vulnerable to being trafficked. Conflicts have created conditions for terrorists, armed groups and transnational organized crime networks to thrive in exploiting individuals and populations reduced to extreme vulnerability by persecution and multiple forms of violence."*

– Archbishop Bernardito Auza, Permanent Observer of the Holy See to the United Nations



A refugee family arrives in France. Refugees are particularly vulnerable to exploitation by traffickers.





### *Non-Criminal Resolutions*

A criminal investigation and trial may be time- and resource-intensive, with no guarantee of a conviction or financial restitution. Lengthy judicial processes in turn can cause victims to become frustrated and discouraged with the legal system; victims who are traumatized and seek to move on with their lives may simply stop participating if the investigation or prosecution drags on too long. It is also often expensive for victims to travel to and stay in cities where trials are located. Defendants may seek to postpone or draw out a trial as a tactic, knowing that victims may be unable economically or emotionally to continue to participate and press their claims. Often the same realities that make individuals vulnerable to human trafficking, including economic pressures, discrimination, and a lack of agency, persist when the trafficking scheme ends. Support services and access to work authorization often allow victims to continue participating in long trials.

Given all of these challenges, human trafficking victims sometimes choose to mediate or settle their cases out-of-court, rather than participate in criminal proceedings. These alternative venues are seen as speedier and more likely to secure a positive result—in the form of financial compensation, including monetary payments for back wages or labor law violations. NGOs may even advise victims in some countries to seek mediation over criminal investigations to avoid the financial and emotional drain that may result where criminal proceedings are not likely to result in a conviction. In other instances, victims may prefer agreements on back wages or damages through an out-of-court settlement rather than risk the exposure and uncertainty of a criminal trial that, even if successful, will fail to compensate the victim financially.

For example, in **Laos**, the government has encouraged victims to cooperate with prosecutors, and the Lao Women's Union has made efforts to familiarize individual victims with the criminal court process; however, in previous years, an overall lack of incentives, resources, and lawyers made it difficult for victims to fully participate in formal legal proceedings, which could be lengthy and unlikely to include restitution awards. Rather than support prosecution efforts in the courts, this situation led some victims to choose traditional out-of-court mediation for faster closure and financial redress.

Mediation procedures, however, fall short of the Palermo Protocol's standards, which defines trafficking in persons as a crime to be prosecuted, not a civil wrong to be remedied by damages. In addition, terms of imprisonment commensurate with the heinous nature of the crime are expected to serve as a more effective deterrent than monetary damages or penalties alone. Even in countries in which legal systems allow for both civil and criminal cases to be brought against alleged traffickers, the civil claim ideally occurs in addition to a criminal case, not as an alternative. Governments must work to instill confidence in criminal justice systems and hold perpetrators of human trafficking accountable. Without prison sentences, human traffickers will likely not be deterred effectively.

### *Complicity and Corruption*

Those who enforce the law are not above the law. Official complicity is a problem that plagues many criminal justice systems. In some countries, law enforcement personnel ignore clear signs of exploitation or actively participate in or facilitate human trafficking. Some police officials work when they are off-duty as security guards at brothels or other establishments where sex trafficking victims are exploited, making them potentially complicit with traffickers and reducing the likelihood victims would trust police enough to report such crimes. At borders, some officials take bribes to allow illegal crossings of trafficking victims or smuggled migrants who are vulnerable to trafficking and may later face exploitation; others may produce fraudulent documents for traffickers or their associates. Still other government officials are culpable for using their positions to facilitate or commit trafficking crimes for their own financial gain or even exploit victims themselves, such as by subjecting their household workers to domestic servitude or knowingly purchasing commercial sex from trafficking victims.

Because of law enforcement officials' unique position in government, they are also able to obstruct investigations. At times prompted by bribes or pressure from suspected traffickers or complicit officials, some law enforcement officials intentionally delay investigative efforts by slowing down evidence processing and requesting adjournments, among other practices. This can lengthen or delay the process and the commencement of a trial. As noted earlier, delays increase the burden on victims, including the financial burden, and may discourage their continued participation in criminal trials. These delays also allow traffickers and complicit officials more time to intimidate witnesses and their families.

It is vital that governments investigate vigorously any signs of official complicity and prosecute government and law enforcement officials both for any involvement in the crime and for related corrupt acts. Complicit government officials should face criminal accountability and stringent sentences, not merely reassignment or other administrative measures. Accountability creates a strong deterrent for any other potentially complicit officials. Publicly prosecuting corruption also builds trust in government in general and law enforcement in particular, and it can encourage victims and witnesses to report human trafficking cases.

Many governments are taking locally appropriate measures to respond to corruption and complicity. For example, in 2015, **Antigua and Barbuda's** Royal Police Force passed a new standing order prohibiting police officers from engaging in secondary employment at night clubs and strip clubs. This type of secondary employment is common practice in the region,

but the government passed this order to avoid the appearance of police protection for these establishments. In 2013, **Nepal's** anti-corruption commission indicted 46 officials from the Departments of Foreign Employment and Immigration for issuing fraudulent documents, a deterrent to others who might be tempted to facilitate human trafficking.

Governments can also encourage transparency as a means to uncover or deter official complicity and corruption, and empower independent officials to investigate or report cases of official complicity in trafficking, as with anti-discrimination ombudsmen in **Finland** and **France**. Dedicated anti-trafficking police units not only encourage the development of specialized skills among law enforcement but can also serve to inoculate against broader corruption and complicity. Such units have been established in **Chile, Cyprus, Ukraine, Thailand, and South Africa**, to name a few. Vetting members of such units through background checks and security clearances provides additional safeguards against corruption and complicity.

### ***Prosecution of All Criminally Culpable Parties***


Given the far-reaching nature of many human trafficking schemes, cases often involve multiple actors—intermediaries and recruitment agencies who entice people to leave their homes with promises of employment; truck or taxi drivers who transport potential victims; smugglers who help people cross borders; enforcers who monitor and control victims; those who financially benefit from the exploitation; and those who oversee the exploitation itself—the club, brothel or hotel owner, factory or farm manager, mine operator or ship captain, among others.

All such persons, if knowingly involved, are criminally culpable. Human traffickers are not only the individuals overseeing the exploitation of victims or the chief conspirators orchestrating the scheme. Any intermediary involved in the recruitment or transportation process, if aware of the intended exploitation of victims of sex or labor trafficking, is responsible and should be held criminally liable. Similarly, those who knowingly purchase or procure a commercial sex act from a victim of sex trafficking are also human traffickers.

For example, intermediaries in some areas recruit women with offers of ostensibly legitimate work abroad, only to later force them into labor or sex trafficking. These recruiters, however, often act in concert with traffickers in destination cities or countries and know what conditions await the women. When the exploitation is uncovered—usually in the destination country—victims can only identify the recruiter who originally deceived them and not the main trafficker and organizer. Worse yet, victims who are repatriated from exploitation abroad often return to the same places where they were recruited and may experience intimidation by intermediaries who were directly involved in their trafficking but were not held accountable. The lack of investigation and prosecution leaves the victim susceptible to retaliation, and also inhibits some victims from reporting their exploitation to authorities and participating in trials against their traffickers.

Governments should improve efforts to detect and prosecute all who are knowingly involved in perpetrating trafficking crimes and exploiting victims, including through robust investigations that reveal the tactics of the scheme, track the individuals in the criminal organization, and follow the monetary payments.

In many instances, officials may assume that intermediaries are not conspirators or are unaware of what will happen to the workers they recruit or transport, and thus that the intermediaries are not liable for prosecution. Careful investigation of all those in the trafficking network is essential to ensure perpetrators at all levels are held accountable for their involvement in trafficking crimes and as a deterrent measure to discourage others from assuming these roles.



*These are people living in some of the most horrifying conditions imaginable. We see children forced to make bricks in Peru, disentangle fishing nets in Ghana, or sold into prostitution in Southeast Asia. We see men held captive on fishing boats off the coast of Thailand, or women trapped as domestic workers in the Persian Gulf. No country is immune from this crisis."*

– Nikki Haley, U.S. Permanent Representative to the United Nations



Regardless of whether law enforcement officials can establish an intermediary had knowledge of the intended exploitation, they should question such intermediaries as part of an investigation to understand the larger scheme, and to ensure justice and security for victims. In a case in the **United States**, New York state authorities charged several defendants with sex trafficking and money laundering in 2012; they also charged six cab drivers for their role in transporting the victims and finding new customers, pursuing every intermediary responsible for supporting the sex trafficking operation, as well as the purchasers.

Authorities can also raise awareness in communities where recruiters frequently operate, by alerting those likely to be targets of the false promises that can lead to their victimization. Being active in vulnerable communities may also help law enforcement identify victims who can help establish a pattern of behavior by recruiters and prove the requisite intent to support a criminal conviction. The **Philippine** Overseas Employment Administration undertakes robust awareness-raising efforts so Filipino overseas workers can identify warning signs of illegal or unscrupulous recruitment practices. Well-informed overseas workers, in turn, provide information to the Agency that enables it to identify and investigate proactively suspicious recruitment activities. In 2015, the Agency investigated 98 cases of illegal recruitment involving 231 complainants. This resulted in the closure of 12 non-licensed establishments and the referral of 84 cases for criminal investigation.

Undertaking robust efforts to investigate and prosecute all intermediaries and actors knowingly involved in the perpetration of trafficking crimes is essential to deterring trafficking crimes from taking place and holding all perpetrators accountable. Many countries' trafficking laws have provisions penalizing collaborators and accomplices, specifically outlining different punishments for those involved to varying degrees in the separate portions of the crime. Thus, governments should look to use anti-trafficking laws to prosecute all those knowingly engaged in the full range of offenses covered by these laws.

### ***Need for Bilateral and Multilateral Cooperation***

Human trafficking occurs in virtually every country in the world and often crosses borders. While the crime of human trafficking does not require movement either within or across borders, cases often involve movement between source, transit, and destination countries. This is especially true in an increasingly interconnected global economy, with migration on the rise. People seeking opportunity or fleeing conflict frequently transit several countries and face vulnerabilities to human trafficking along the way. Others, recruited from their homes, are moved by intermediaries and exploiters, sometimes including migrant smugglers, en route to third countries where they face exploitation. Traffickers often capitalize on the lack of cooperation between governments to hide the full scope of their criminal enterprise. The transnational nature of many trafficking crimes requires increased efforts by governments to cooperate with each other. Governments must adhere to their obligations under Articles 2 and 10 of the Palermo Protocol, which require cooperation and information-sharing among governments' law enforcement, immigration, and other relevant authorities to investigate and prosecute trafficking.

Source-country governments report challenges in investigating and prosecuting trafficking crimes in which victims encounter exploitation on the other side of the border. Destination- and transit-country governments report an inability to collect evidence proving fraud or coercion in the initial recruitment scheme. In addition, jurisdictional questions often pose significant challenges to law enforcement efforts. However, there are promising efforts to cooperate internationally. In 2016, with support from **Sri Lanka**, **Nepal** sent a team of police and other officials from the ministries of labor, foreign affairs, and social welfare to Sri Lanka's capital city Colombo to investigate allegations that human traffickers and migrant smugglers were increasingly using Sri Lanka as a transit point for Nepali women to be exploited in other countries. In collaboration with the Sri Lankan police, the Nepali team found and helped send home 19 stranded migrant workers.



## KUWAIT

Nicole left her impoverished family to work as a maid in Kuwait with the intention of sending her earnings back home. For nine months she worked constantly, suffered physical and verbal abuse, and received no pay. When her work visa expired, her employer took Nicole to the police and falsely accused her of a petty crime. Nicole tried to explain her innocence and reported that she had not been paid and had been abused over the past nine months. The police did not listen and instead jailed Nicole for six months. After her time in jail, Nicole was deported and returned home without any compensation.



*I had no holidays or rest days ...  
We had to prepare gear, fix  
cables, stitch the nets. It was  
constant, constant."*

- Omol, Irish fishing industry trafficking victim

The government of **Kazakhstan** jointly investigated 17 cases related to trafficking in cooperation with several foreign governments, including the **Kyrgyz Republic**, **Uzbekistan**, **Russia**, and **Tajikistan** during the 2016 reporting period. In **St. Lucia**, police investigators cooperated with the **United States**, **Bangladesh**, and the **United Kingdom** in the course of investigating three men from India and one from Bangladesh who were charged with subjecting nine individuals to forced labor in the hospitality industry. The government recently initiated prosecution of all four defendants. In a sex tourism case involving the **United Kingdom** and **India**, a state-level law enforcement agency in India cooperated with law enforcement in the United Kingdom to prosecute a British defendant. Similarly, law enforcement authorities from the **United States** and **Mexico** conduct coordinated, bilateral law enforcement actions under the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative to dismantle human trafficking networks operating across their shared border. In 2015, the two governments simultaneously apprehended eight defendants in both countries and charged them with operating a sex trafficking enterprise. The governments then collaborated to secure the extradition to the United States in 2016 of the five defendants apprehended in Mexico.

Many trafficking laws also include provisions allowing for extra-territorial jurisdiction, allowing governments to investigate their citizens responsible for trafficking crimes abroad. For instance, in the **United States**, **Portugal**, **Qatar**, and **Sweden**, laws prohibiting sexual crimes against children have extra-territorial reach allowing for the prosecution of suspected child sex tourists who are those countries' nationals for offenses committed while abroad.

In addition to leveraging member state expertise and resources, multilateral organizations generate momentum to develop global, regional, and domestic strategies to help dismantle trafficking networks and empower vulnerable populations. INTERPOL publishes notices requesting cooperation or issuing alerts to member countries that allow national police to share critical crime-related information. For instance, a green notice provides warnings and intelligence about persons who have committed criminal offenses and are likely to repeat these crimes in other countries. UNODC, charged with promoting implementation of the Palermo Protocol, convenes government experts to collaborate on emerging human trafficking issues, and provides technical assistance to governments upon request. Additionally, UNODC maintains a public case law database with more than 1,400 human trafficking cases from around the world as well as a case digest to assist criminal law and other practitioners interested in how evidentiary issues are addressed in other jurisdictions.

Multilateral and regional organizations also work to foster consensus among their member states on common goals, commitments, and norms; and they can help standardize research and data collection methods at the regional and sub-regional levels. The Association of Southeast Asian Nations (ASEAN) is one example of multilateral leadership where consensus-building led to the development and adoption of a new legally-binding regional instrument. The ASEAN Convention against Trafficking in Persons, Especially Women and Children, which entered into force on March 8, 2017, provides a framework for Member States to enter into direct law enforcement cooperation on human trafficking cases. Multilateral fora also frequently provide a venue for member states, civil society, academia, the private sector, and survivors to exchange information on experiences and challenges, including identifying new and emerging issues related to human trafficking.

As with every aspect of combating human trafficking, collaboration can leverage expertise, resources, and capacity, which lead to better overall outcomes in law enforcement and victim protection.

## Conclusion

Human trafficking is an assault on human dignity and should be penalized accordingly. No government can hold human traffickers accountable or address the needs of victims without stringent and comprehensive human trafficking laws, strong law enforcement and prosecutorial capacity funded with adequate resources, and an informed judiciary. Victims of human trafficking deserve timely and meaningful access to justice through a system that respects rule of law and due process rights. Without these measures, human trafficking will continue to flourish.

While governments cannot undo the pain and indignity victims face, they can seek to right those wrongs through official acknowledgment of injustice and by prosecuting, convicting, and sentencing traffickers and those complicit in human trafficking. In taking these measures, governments provide justice for victims, create more stable societies to keep the vulnerable safe, and work towards a world free from modern slavery.



Countries in the 2017 TIP Report that are not States Parties to the Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime



*Between April 2016 and March 2017, the Maldives became party to the Protocol.*

## VENEZUELA | TRINIDAD AND TOBAGO

Working with a recruiter in Venezuela, Sarah accepted a job in a nursing home in Trinidad and Tobago. She was thrilled by the chance to earn more money, yet nervous that she had to leave her home and did not have enough experience in elder care. When Maria arrived in Trinidad and Tobago, she realized she had been deceived. The recruiter informed her she owed a large debt, and instead of working at a nursing home, she was forced into prostitution at a local hotel bar. Her recruiter confiscated most of her earnings each night.



# PAYING TO WORK: THE HIGH COST OF RECRUITMENT FEES

Each year, millions of workers turn to or are approached by labor intermediaries—recruiters, agents, or brokers—who facilitate the movement of labor to satisfy global demand. As globalization increasingly drives markets toward temporary or seasonal contract work that depends on labor mobility and flexibility, the importance of the recruitment industry grows.

Labor intermediaries function as a bridge between workers and employers and, at their best, can provide helpful guidance and assist in matching workers with jobs and in arranging visas and documentation, medical checkups, pre-departure orientation, training, and travel. These intermediaries can range from licensed and legitimate to informal and unregulated, and increasingly, to criminal.

The International Labor Organization recognizes the important function of recruitment in a globalized world, but cautions against its use in ways that harm workers:

*Recruitment should respond to established labor market needs, and not serve as a means to displace or diminish an existing workforce, to lower labor standards, wages, or working conditions, or to otherwise undermine decent work.*

Around the world, workers and advocates report that unscrupulous recruiters often use misleading and fraudulent practices to take advantage of workers, especially those who do not have access to information about job opportunities and their rights. In many cases, workers also lack access to remedies when they experience exploitation.

Dishonest recruiters employ a variety of practices that ultimately undermine decent working conditions: they mislead workers about the conditions and nature of a job, engage in contract switching, and confiscate or destroy workers' identity documents to prevent them from leaving. Another common practice—charging workers fees to access job opportunities or cover the costs of recruitment—is a dominant model of recruitment in much of the world that contributes to the facilitation of crimes such as corruption and bribery and puts workers at risk of exploitation, including human trafficking.

## WORKER-PAID RECRUITMENT FEES

In many cases, low-wage workers borrow large sums of money to cover the cost of recruitment fees, which can amount to anywhere from several hundreds to tens of thousands of dollars. Misled by promises of high wages, workers may borrow money from family or predatory lenders, or mortgage their homes or land, believing that they can easily repay their debts upon employment. These fees, which may also be combined with unfair and excessive interest rates, mean workers spend a period of time—sometimes years—working exclusively to repay what they owe.

When workers are charged recruitment fees, they become vulnerable to a variety of abuses, including debt bondage, a form of human trafficking in which individuals are forced to give up most or all of their salary until their debts are repaid. Individuals who carry debts that must be repaid with their wages are reluctant to complain to an employer or law enforcement, or leave the job. Workers may endure abusive conditions for fear of losing their job and defaulting on their debts. In many cases, unpaid debt results in threats to family members or loss of family property, adding further pressure for workers to stay in exploitative conditions.

## ENFORCING GOVERNMENT REGULATION AND PRIVATE SECTOR POLICIES

Currently, the loosely defined “recruitment industry” is ripe for creating conditions of exploitation. Existing laws often fail to assign any responsibility to recruitment agents to protect workers, and governments do not actively monitor recruiters or require remediation when recruiters use fraudulent practices to exploit workers. In those countries where recruitment fees are prohibited, governments often do not robustly enforce such prohibitions.

In many cases, it can be difficult to prove that recruiters or recruitment agencies were aware of the exploitative circumstances in which the worker eventually ended up—and, even if they do not knowingly contribute to a human trafficking scheme, their actions can significantly contribute to the vulnerability of the worker. Because holding recruiters criminally accountable is challenging, the enforcement of regulations on abusive recruitment practices is all the more important.

For many businesses, the use of recruiters is a necessity and therefore should be treated as any operating cost, but using recruitment methods that ultimately pass these costs on to workers is both unfair and unsustainable. All employers, including those who contract with governments, should bear the cost and responsibility of using recruiters and should support and work closely with licensed recruitment agents to prohibit unscrupulous recruitment practices. Employers should be willing to pay higher costs for agencies that effectively implement measures to prevent exploitation and governments should promote policies that protect workers, enforce labor regulations, and prosecute criminals who knowingly exploit the vulnerability of workers.





In recent years, there has been growing consensus that, throughout their supply chains, both governments and the private sector should prohibit the practice of charging recruitment fees to workers:

- In 2016, worker, employer, and government representatives to the ILO negotiated and adopted non-binding general principles and operational guidelines for fair recruitment. The ILO identified governments as having the ultimate responsibility for advancing fair recruitment, and included the principle that "No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers."
- In 2011, the Dhaka Principles for migration with dignity included as its first principle that no fees should be charged to migrant workers.
- The United States' 2015 Federal Acquisition Regulation, Ending Trafficking in Persons, prohibits federal contractors from charging workers recruitment fees, among other misleading and fraudulent recruitment practices.
- The International Organization for Migration is developing the International Recruitment Integrity System (IRIS) to provide a platform for addressing unfair recruitment. Accreditation to the program will be based on recruiters' adherence to certain principles, one of which includes a prohibition on charging fees to job seekers.
- The Consumer Goods Forum, a global network of more than 400 retailers, manufacturers, and service providers representing some \$3.5 trillion in sales, adopted a policy in 2016 stating the employer should bear the cost of recruitment, not the worker.
- The Leadership Group for Responsible Recruitment, convened by the Institute for Human Rights and Business, is a group of major companies working together with experts to address the payment of recruitment fees by workers. Launched in 2016, the initiative is based around the Employer Pays Principle, which states that "No worker should pay for a job. The costs of recruitment should be borne not by the worker but by the employer." The aim of the Group is the eradication of worker-paid fees over the coming decade.

Access to fair economic opportunity is critical not only to the livelihood of workers but also to preventing human trafficking. Labor intermediaries can help connect workers and employers and should be compensated for this work. Too often, however, workers are forced to shoulder the cost of their own recruitment, which makes them increasingly vulnerable to exploitation. Governments and the private sector can take actions to eliminate this practice and help to create supply chains free from human trafficking.





# THE FACE OF MODERN SLAVERY

## *Sex Trafficking*

When an adult engages in a commercial sex act, such as prostitution, as the result of force, threats of force, fraud, coercion or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, harboring, enticing, transporting, providing, obtaining, patronizing, soliciting, or maintaining a person for that purpose are guilty of sex trafficking of an adult. Sex trafficking also may occur through a specific form of coercion whereby individuals are compelled to continue in prostitution through the use of unlawful “debt,” purportedly incurred through their transportation, recruitment, or even their “sale”—which exploiters insist they must pay off before they can be free. Even if an adult initially consents to participate in prostitution it is irrelevant: if an adult, after consenting, is subsequently held in service through psychological manipulation or physical force, he or she is a trafficking victim and should receive benefits outlined in the Palermo Protocol and applicable domestic laws.

## *Child Sex Trafficking*

When a child (under 18 years of age) is recruited, enticed, harbored, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be prosecuted as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. The use of children in commercial sex is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death.

## *Forced Labor*

Forced labor, sometimes also referred to as labor trafficking, encompasses the range of activities—recruiting, harboring, transporting, providing, or obtaining—involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labor is exploited by such means, the person’s prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually abused or exploited as well.

## *Bonded Labor or Debt Bondage*

One form of coercion used by traffickers in both sex trafficking and forced labor is the imposition of a bond or debt. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debts. Others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed, wittingly or unwittingly, as a term of employment. Traffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute

to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker’s legal status in the destination country is tied to the employer so workers fear seeking redress.

## *Domestic Servitude*

Involuntary domestic servitude is a form of human trafficking found in distinct circumstances—work in a private residence—that create unique vulnerabilities for victims. It is a crime in which a domestic worker is not free to leave his or her employment and is abused and underpaid, if paid at all. Many domestic workers do not receive the basic benefits and protections commonly extended to other groups of workers—things as simple as a day off. Moreover, their ability to move freely is often limited, and employment in private homes increases their isolation and vulnerability. Labor officials generally do not have the authority to inspect employment conditions in private homes. Domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence. These issues, taken together, may be symptoms of a situation of domestic servitude. When the employer of a domestic worker has diplomatic status and enjoys immunity from civil and/or criminal jurisdiction, the vulnerability to domestic servitude is enhanced.

## *Forced Child Labor*

Although children may legally engage in certain forms of work, children can also be found in slavery or slavery-like situations. Some indicators of forced labor of a child include situations in which the child appears to be in the custody of a non-family member who requires the child to perform work that financially benefits someone outside the child’s family and does not offer the child the option of leaving, such as forced begging. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When children are enslaved, their exploiters should not escape criminal punishment—something that occurs when governments use administrative responses to address cases of forced child labor.

## *Unlawful Recruitment and Use of Child Soldiers*

Child soldiering is a manifestation of human trafficking when it involves the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or other forms of labor. Perpetrators may be government armed forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made to work as porters, cooks, guards, servants, messengers, or spies. Young girls may be forced to “marry” or be raped by commanders and male combatants. Both male and female child soldiers are often sexually abused or exploited by armed groups and such children are subject to the same types of devastating physical and psychological consequences associated with child sex trafficking.

# HUMAN TRAFFICKING: A PUBLIC HEALTH PERSPECTIVE

Human trafficking is a crime increasingly associated with other government priorities such as national security, economic stability, migration, and environmental sustainability. It is reported that human trafficking fuels transnational criminal organizations, exacerbates irregular migratory flows, disrupts labor markets, and sustains other harmful, illicit activities through the forced criminality of its victims. Human trafficking can subvert legitimate economic and labor markets and cause a loss of productivity and economic stability for countries. And certain industries known for the use of forced labor also feature practices that wreak significant environmental damage.

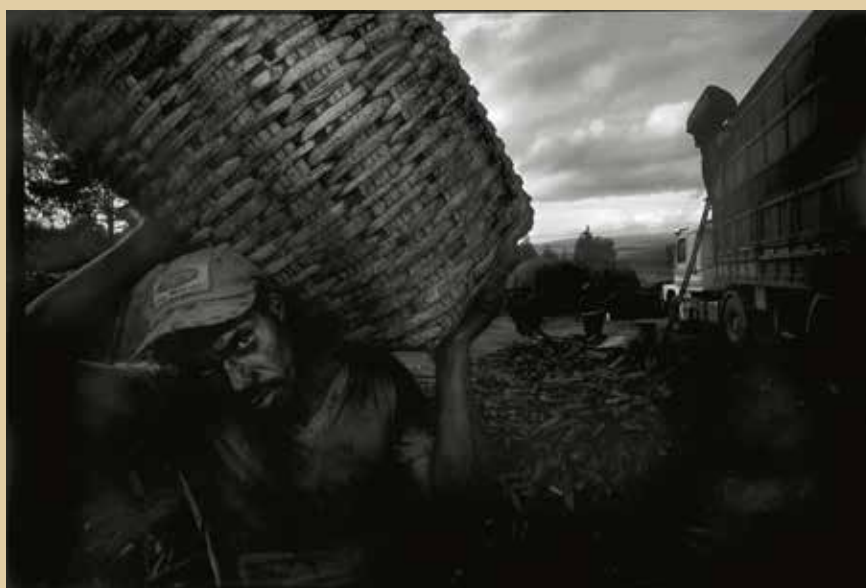
In the public health arena, the consequences of human trafficking are even more evident. The circumstances that victims of human trafficking endure often include unsanitary and dangerous work environments, poor living conditions, substandard nutrition, exposure to sexually transmitted and other communicable diseases, and the denial of access to any health care. Victims of trafficking also frequently suffer physical and mental abuse resulting in physical, sexual, and psychological trauma.

For both children and adults, unsanitary and crowded living conditions, coupled with poor nutrition, foster a host of adverse health conditions. In forced labor cases, long hours and hazardous working conditions including poor training, proximity to dangerous chemicals, lack of personal protective equipment, and financial or physical punishment, including sexual assault, can cause or contribute injuries and illnesses. Sex trafficking victims are exposed to pelvic inflammatory disease, HIV/AIDS, and other sexually transmitted infections. Human traffickers may force pregnant victims to undergo abortions, usually in unsafe conditions, posing further trauma and health risks. In addition to physical harm suffered, the range of recurrent emotional and psychological abuse victims often experience can lead to a host of disorders, such as anxiety, depression, and panic attacks.

The myriad health conditions victims of human trafficking face are often not treated properly or promptly, if at all. Victims may be barred entirely from seeking medical attention for health issues and from seeking preventive services, such as dental cleanings, annual health screenings, or vaccinations, either by their trafficker or due to a lack of health insurance or money. Unaddressed health issues, which may have been treatable if detected early, can become more aggressive and severely degenerate the individual's health. Even after leaving a trafficking situation, survivors face health risks and consequences that last for many years. These often chronic health conditions are compounded for survivors of trafficking by unique barriers to accessing adequate health care and medical treatment. Untreated conditions, especially contagious illnesses, can threaten the health of the individual victims, as well as the collective health condition of their communities.

In responding to the consequences detailed above, several U.S. public health experts in the 2017 compilation of essays titled *Human Trafficking Is a Public Health Issue* make the case that using a public health perspective that moves beyond a criminal justice response has the advantage of enlisting a broader set of stakeholders and leads to more effective strategies to support victims and prevent human trafficking. For example, licensed health care practitioners, first responders, and other service providers can be trained to better identify victims seeking medical attention and help them to come forward. Likewise, professional curricula on domestic violence, child abuse, and elder abuse can integrate human trafficking elements. Such enhanced understanding and expanded training among a wide range of community stakeholders also aids in the prevention of human trafficking, as individuals with certain histories—such as abuse, violence, homelessness, substance abuse, or untreated mental health disorders—are considered at increased risk for human trafficking. In this way, employing a public health perspective can help inform the development of more effective anti-trafficking interventions and prevention strategies.

A man subjected to forced labor loads a truck in a charcoal camp in Brazil. Conditions in the charcoal sector are hazardous and workers are often isolated, making them more vulnerable to human trafficking.







Sex trafficking victims in a shelter in Sarajevo, Bosnia and Herzegovina. Service providers assist victims by facilitating access to medical and mental health care, shelter, and legal support.



## MEXICO

Lilly lived in a small town in Mexico and needed a job. After she inquired at a local dry cleaning establishment, the owners offered her a position and a place to stay, which she happily accepted. Soon after beginning, the owners accused her of stealing and began to force her to work without pay. For almost two years, the owners confined Lilly to an ironing station in the shop and physically abused her if she stopped working. She was allowed only one small meal a day and little access to water. Lilly finally managed to escape the shop and alert the police, who raided the establishment.



# CHILD SOLDIERS PREVENTION ACT LIST

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457), and took effect on June 21, 2009. The CSPA requires publication in the annual *Trafficking in Persons Report* of a list of foreign governments identified during the previous year as having governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the act. These determinations cover the reporting period beginning April 1, 2016, and ending March 31, 2017.

For the purpose of the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the term “child soldier” means:

- (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

The term “child soldier” includes any person described in clauses (ii), (iii), or (iv) who is serving in any capacity, including in a support role, such as a “cook, porter, messenger, medic, guard, or sex slave.”

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA, as amended, prohibits assistance to governments that are identified in the list under the following authorities: International Military Education and Training, Foreign Military Financing, Excess Defense Articles, and Peacekeeping Operations, with exceptions for some programs undertaken pursuant to the Peacekeeping Operations authority. The CSPA also prohibits the issuance of licenses for direct commercial sales of military equipment to such governments. Beginning October 1, 2017, and effective throughout Fiscal Year 2018, these restrictions will apply to the listed countries, absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observation by U.S. government personnel and research and credible reporting from various UN entities, international organizations, local and international NGOs, and international media outlets.


The 2017 CSPA List includes governments in the following countries:

1. Democratic Republic of Congo
2. Mali
3. Nigeria
4. Somalia
5. South Sudan
6. Sudan
7. Syria
8. Yemen



Former anti-Balaka child soldiers wait to be released as part of a UN-negotiated deal in the Central African Republic. Some governments and government-supported militias in African, Asian, and Middle Eastern countries force children to serve as front-line soldiers or servants, and to guard checkpoints.





A child soldier trains in a Syrian training camp. Recruitment and use of children in combat in Syria continues to increase. Syrian government forces, pro-regime militias, and armed groups, including ISIS, continue to recruit and use boys and girls as soldiers, human shields, suicide bombers, and executioners, as well as to fill supporting roles.

## NIGERIA

Boko Haram attacked Abdul's village and kidnapped him when he was 14 years old. They trained him to handle assault weapons such as machine guns, anti-aircraft guns, and rocket-propelled grenades. The group kept him and forced him to carry out various operations during which he was forced to kill 18 civilians. They also forced Abdul to gather intelligence on government forces, where he risked being recognized and prosecuted as a Boko Haram member. After being forced to fight for three years, Abdul decided to flee while on a spying mission, but was recognized as Boko Haram and arrested when he entered an internally displaced persons camp to look for his parents.

*"I was forced literally to kill my best friend as an initiation process into the army. That's something I will never forget, and I still fight with every single day."*

– Michel Chikwanine, former child soldier, DRC

# ASSISTING MALE SURVIVORS OF HUMAN TRAFFICKING

The most frequently cited global statistics on human trafficking indicate that men and boys represent nearly half of the total number of human trafficking victims; yet the identification and proper care of male victims remains an enormous challenge to governments and care providers around the world. Too often, men and boys go unidentified and remain in perilous situations, deprived of their freedom. When they do escape their trafficking situations, they are likely to be neglected by governments and service providers whose programs were established to shelter and assist women and girls. Instead of being treated as exploited individuals, they are at greater risk of being penalized or fined for offenses, such as crossing a border illegally, or of facing charges and imprisonment for crimes committed as a result of being subjected to trafficking.

Male victims of forced labor have been found in nearly all work sectors, including mining, forestry, construction, health care, factories, hospitality, and agriculture. Recent investigative reports have documented the severe abuse of men on fishing boats in Southeast Asia for years at a time and the exploitation of boys in forced labor on fishing vessels on Ghana's Lake Volta. In addition, there have been recent reports of men forced to work in construction in Qatar as it prepares for the 2022 World Cup and in agriculture in the United Kingdom and the United States. Around the world, the sex trafficking of boys and men continues to be hidden and underreported, and there is a severe shortage of programs to meet their needs. For example, reports have documented boys sold into sex trafficking in Afghanistan, including for *bacha baazi*, where men use young boys for social and sexual entertainment. In the United States, men and boys are exploited in commercial sex.

Recent research has documented the physical and mental health impact of human trafficking on men and boys who may have experienced physical and sexual abuse and threats of violence, deprivation of basic nutrition and sanitation, and loss of freedom of movement. Despite experiencing such conditions, male survivors often do not initially see themselves as having been the victim of the crime of forced labor. Instead they are likely to view their labor trafficking situation as bad luck, their own "gullibility," or a "normal" consequence of labor migration. This is reinforced by commonly accepted or traditional gender roles or stereotypes in which men are expected to stand up for themselves and provide for their families. In addition, authorities, such as immigration officers, labor inspectors, and police, often do not recognize male victims due to biases or the tendency to perceive males as less vulnerable to human trafficking or erroneously view human trafficking as exclusively the sex trafficking of girls and women.

Most programs established to assist trafficking victims do not focus on meeting male survivors' needs. In many countries, even when authorities identify a male trafficking victim, there are few anti-trafficking programs able to provide men or boys specialized assistance, especially safe housing.

Male survivors of trafficking need access to **comprehensive and culturally appropriate assistance** to meet their needs, such as housing, medical care, mental health services, legal support, and employment assistance, offered through centers that tailor services to individuals, for example:

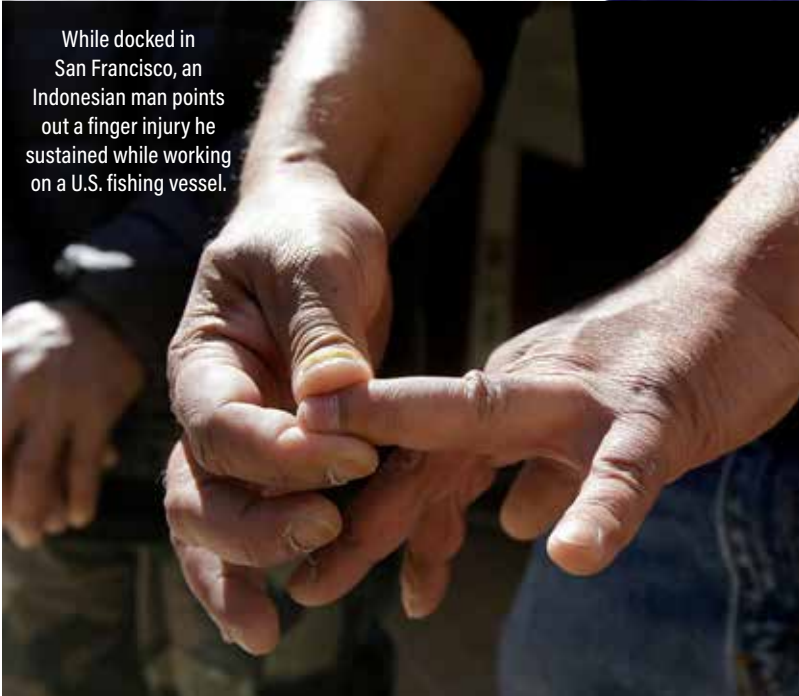
- **Housing.** Access to housing that is safe and has resources to meet their unique needs. The use of homeless shelters is often inadequate for traumatized male survivors.
- **Health.** Access to a wide range of trauma-informed physical and mental health services, including alternatives to traditional care such as peer-to-peer counseling.
- **Legal Support.** Access to legal support to ensure male survivors are aware of their rights, have access to legal proceedings, and are assisted in contacting consular services from their home country and seeking compensation for lost wages and injuries and other forms of restitution.
- **Employment Assistance.** Access to employment assistance that includes education, skills training, and job placement.

While some governments have made progress to improve the anti-trafficking response for male victims, much work remains to ensure men and boys are not overlooked or under-served. Governments should ensure services are sensitive to the needs of all victims, regardless of gender, and adapt methodologies as needed. All trafficking victims should be offered high quality individualized assistance, supported in regaining control of their lives, and empowered to make informed decisions about the options available to them.





While docked in San Francisco, an Indonesian man points out a finger injury he sustained while working on a U.S. fishing vessel.



## UNITED KINGDOM

Tim lost his job in 2009 and was on the edge of destitution when a couple recruited him to work in their construction business, offering him housing and three meals a day. When he arrived at the couple's property, however, he found workers were living in a crowded and dirty trailer. The couple shaved his head, took his clothes, and confiscated his phone and identification. They held him captive, physically and verbally abused him, and forced him to work laying cement driveways. Eventually, the traffickers were arrested and Tim was released.





A child sex trafficking victim eats her lunch in her room at a brothel in Bangladesh. Traffickers subject adults and children to sex trafficking in brothels, bars, massage parlors, and private apartments.

“

*There are situations where you have to force girls by using rape, abuse or torture. When she begins to fear for her life, she stops resisting and starts working.”*

– South African brothel owner and human trafficker





# METHODOLOGY

The Department of State prepared this Report using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, research trips to every region of the world, and information submitted to [tipreport@state.gov](mailto:tipreport@state.gov). This email address provides a means by which organizations and individuals can share information with the Department of State on government progress in addressing trafficking.

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action to fight trafficking based on thorough research that included meetings with a wide variety of government officials, local and international NGO representatives, officials of international organizations, journalists, academics, and survivors. U.S. missions overseas are dedicated to covering human trafficking issues year-round. The 2017 *Trafficking in Persons Report* covers government efforts undertaken from April 1, 2016 through March 31, 2017.

## Tier Placement

The Department places each country in this Report onto one of four tiers, as mandated by the TVPA. This placement is based not on the size of the country's problem but on the extent of governments' efforts to meet the TVPA's minimum standards for the elimination of human trafficking (see page 38), which are generally consistent with the Palermo Protocol.

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking. Indeed, Tier 1 represents a responsibility rather than a reprieve. A country is never finished with the job of fighting trafficking.

Tier rankings and narratives in the 2017 *Trafficking in Persons Report* reflect an assessment of the following:

- enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;

## CAMBODIA

After Lai's family fell into debt to loan sharks, her mother asked her to help the family earn more money. Lai, just 12 years old, was examined by a doctor and issued a certificate of virginity. Her mother then delivered her to a hotel where a man raped her repeatedly. For nearly two years, Lai's mother continued to sell her to make money to pay off their debts. After learning her mother was planning to sell her again, this time for a six-month stretch, Lai fled her home and found sanctuary in a residence for sex trafficking victims.

A Burmese victim of trafficking in Indonesia awaits repatriation. Traffickers use debts, physical abuse, and document confiscation, among other tactics, to trap victims in involuntary servitude.



- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country and sentencing of offenders;
- proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
- government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social workers and law enforcement in an environment of minimal pressure;
- victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
- the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being;
- the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims;
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants recruitment fees; and
- governmental efforts to reduce the demand for commercial sex acts and international sex tourism.

Tier rankings and narratives are NOT affected by the following:

- efforts, however laudable, undertaken exclusively by nongovernmental actors in the country;
- general public awareness events—government-sponsored or otherwise—lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking; and
- broad-based law enforcement or developmental initiatives.



## NIGERIA | ITALY

Paula was walking home from the market in her hometown in Nigeria when a man approached her and offered her a job in Italy that included good pay and housing. The man told Paula she would have to pay a substantial recruitment fee for the job, but she did not have enough money. Paula reasoned that a job in Europe was a once-in-a-lifetime opportunity, and the proposed salary would be enough to pay back the debt easily, so she borrowed the money and eagerly accepted. Paula and a group of other Nigerian women traveled with the recruiters to Italy. Upon arrival, the women realized they had been deceived; the recruiters forced them into prostitution to repay their travel debts. Paula and the other women were discovered during a police raid.



GOVERNMENT ACCOUNTABILITY OFFICE REPORT:  
"STATE HAS MADE IMPROVEMENTS IN ITS ANNUAL REPORT BUT DOES NOT  
EXPLICITLY EXPLAIN CERTAIN TIER RANKINGS OR CHANGES"

On December 5, 2016, the Government Accountability Office released a report evaluating the Department of State's annual *Trafficking in Persons (TIP) Report* and making several recommendations to the Secretary of State to improve the clarity and usefulness of the *TIP Report*. Among these was the recommendation that the *TIP Report* should more clearly explain the factual basis for country tier rankings. To that end, the tier ranking justification for each country in the 2017 *TIP Report* is now contained in the first paragraph of each country narrative and includes new language that more explicitly highlights the factors that support a given tier ranking. These changes are intended to provide clear linkages between statements in each country narrative and the respective tier ranking, especially in the case of tier upgrades and downgrades.



LEFT: Sex trafficking survivors watch a presentation at a shelter in New Delhi, India. Experts estimate millions of people are victims of sex trafficking in India. Some are exploited in brothels on Delhi's notorious Garstin Bastion Road.

TOP: A *talibé* takes a break from begging in a market in Dakar, Senegal. The Quranic students rise before dawn to study, and then spend hours begging for money and food to bring back to their religious teacher, or *marabout*.

RIGHT: In Afghanistan, boys are sold as dancers, and are often subjected to sex trafficking, in a practice known as *bacha baazi*.



## A Guide to the Tiers

### *Tier 1*

The governments of countries that fully meet the TVPA's minimum standards for the elimination of trafficking.

### *Tier 2*

The governments of countries that do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

### *Tier 2 Watch List*

The government of countries that do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and for which:

- a. the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;
- b. there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c. the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take *additional steps over the next year*.

### *Tier 3*

The governments of countries that do not fully meet the TVPA's minimum standards and are not making significant efforts to do so.

The TVPA lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3: first, the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking; second, the extent to which the country's government does not meet the TVPA's minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking; and third, reasonable measures that the government would need to undertake to be in compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

A 2008 amendment to the TVPA provides that any country that has been ranked Tier 2 Watch List for two consecutive years and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 in that third year. This automatic downgrade provision came into effect for the first time in the 2013 Report. The Secretary of State is authorized to waive the automatic



## UKRAINE | RUSSIA

Sofia traveled from her small town in central Ukraine to Moscow with a friend on the promise of a job working in a market. When they arrived, the man who had offered them the job confiscated their passports and drove them to an old factory surrounded by barbed wire outside the city. Guards carrying guns ensured they could not escape. For almost two months Sofia worked 18-hour days, bottling, packing, and loading vodka from the plant's illegal stills. Sofia was finally able to escape when police raided the factory.



downgrade based on credible evidence that a waiver is justified because the government has a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking and is devoting sufficient resources to implement the plan. The Secretary can only issue this waiver for two consecutive years. After the third year, a country must either go up to Tier 1 or 2 or down to Tier 3. Governments subject to the automatic downgrade provision are noted as such in the country narratives.

### *Funding Restrictions for Tier 3 Countries*

Pursuant to the TVPA, governments of countries on Tier 3 may be subject to certain restrictions on assistance, whereby the President may determine not to provide U.S. government nonhumanitarian, nontrade-related foreign assistance. In addition, the President may determine to withhold funding for government official or employee participation in educational and cultural exchange programs for certain Tier 3 countries. Consistent with the TVPA, the President may also determine to instruct the U.S. Executive Director of each multilateral development bank and the International Monetary Fund to vote against and use his or her best efforts to deny any loans or other uses of the institutions' funds to a designated Tier 3 country for most purpose (except for humanitarian, trade-related, and certain development-related assistance). Alternatively, the President may waive application of the foregoing restrictions upon a determination that the provision to a Tier 3 country of such assistance would promote the purposes of the TVPA or is otherwise in the national interest of the United States. The TVPA also authorizes the President to waive funding restrictions if necessary to avoid significant adverse effects on vulnerable populations, including women and children.

Applicable funding restrictions apply for the next Fiscal Year, which begins October 1, 2017.

No tier ranking is permanent. Every country, including the United States, can do more. All countries must maintain and continually increase efforts to combat trafficking.

Nigerian migrants cross the Mediterranean Sea to Sicily from Libya. Migrants smuggled to Italy via Libya are especially susceptible to exploitation on their journey and when they arrive at their destination.

## UNITED STATES


Amy was 12 when her father, an alcoholic and drug addict, began abusing her physically and sexually. When she was 17, Amy began staying with her friend, Lisa, to escape her father's abuse. Lisa told Amy that she knew an agent who could help her become a model—something Amy had always dreamed of. Instead, the man forced Amy into prostitution and kept all the money she made, locking her in a hotel room for weeks, giving her very little food. He threatened to kill her if she ever left. Amy was finally able to escape and now hopes to train to become a certified nursing assistant so she can help others.



*“Why should I slap them when I can just use words to destroy them mentally?”*

– Romanian trafficker in the United Kingdom, speaking on why he doesn't need to use violence against the women he forces into commercial sex.

# ENGAGING SURVIVORS OF HUMAN TRAFFICKING



*I see this council really as a shining light for survivors across the country as a way to really empower survivors, that they can be anything that they want to be and they can overcome just about anything that they're dealing with, that they're struggling with, and that there is hope."*

– Sheila White, sex trafficking survivor, on behalf of the U.S. Advisory Council on Human Trafficking

Survivors play a vital role in combating human trafficking. Survivors should not be seen only as recipients of services; they run organizations, advocate before legislatures, train law enforcement officers, conduct public outreach, and work with government officials. The survivor voice is vital in establishing effective anti-trafficking strategies that address prosecution, protection, and prevention. The appointment of the United States Advisory Council on Human Trafficking in December 2015 established a formal platform for human trafficking survivors to advise and make recommendations to the federal government on anti-trafficking policies and programs. This marked a significant milestone in the anti-trafficking movement, as it demonstrates both to survivors and governments around the world the importance of survivor engagement in all efforts to combat this crime.

Governments, civil society, and businesses should understand how to engage with survivors appropriately and responsibly, whether within the criminal justice system, through the provision of services, in the adoption and implementation of corporate policies, or in efforts to advocate for social change. The following list, although not exhaustive, delineates several guidelines for meaningful engagement with survivors:

## DO:

- **Promote survivor empowerment and self-sufficiency.** Survivors of human trafficking should have access to services that are comprehensive, victim-centered, and culturally appropriate, including long-term care, to promote autonomy. Additionally, survivors should have access to vocational training, skill development courses, financial counseling, and educational scholarships.
- **Use a victim-centered and trauma-informed approach.** All engagement with survivors, as well as all anti-trafficking work, should incorporate a victim-centered and trauma-informed approach to minimize re-traumatization and ensure an understanding of the impact of trauma on the individual.

*The victim-centered approach seeks to minimize re-traumatization associated with involvement in the criminal justice process by providing the support of victim service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.*

*A trauma-informed approach includes an understanding of the physical, social, and emotional impact of trauma on the individual, as well as on the professionals who help them.*

- **Hire and compensate.** Survivors know firsthand how to improve anti-trafficking efforts and should be hired and compensated for their expertise. It is important for agencies and organizations to create opportunities to employ survivors as staff members, consultants, or trainers. Survivors, like any other employee or consultant, deserve financial compensation for their time and expertise.
- **Incorporate input.** Government agencies, victim service providers, law enforcement agencies, non-profit organizations, and businesses should listen carefully to survivor recommendations and incorporate survivor input in both the design and implementation of anti-trafficking policies, programs, trainings, and advocacy efforts.
- **Protect confidentiality.** Agencies and organizations interacting with survivors should protect survivors' identities and privacy appropriately and establish policies and procedures on confidentiality.



## DON'T:

- **Require participation.** Requiring a survivor to participate in a program deprives him or her of autonomy and the right to self-determination. Survivors should be empowered to make their own decisions about the care they would like to receive.
- **Overpromise.** Law enforcement officials, victim service providers, and government agencies should avoid making promises and commitments they cannot keep. In particular, they should not promise services to gain a survivor's cooperation.
- **Re-traumatize.** When engaging with survivors, do not push them to recount their personal story unnecessarily. Similarly, don't share the details of a survivor's story without gaining permission and providing context for how the information will be used.
- **Sensationalize the individual's experience.** The use of graphic language or shocking imagery to depict human trafficking promotes myths and misconceptions about this crime and can re-traumatize survivors.
- **Photograph or publish information without consent.** It is a survivor's decision to participate in any outreach, marketing, social media, or publicity efforts. Publishing a survivor's name or story without their informed consent could compromise the survivor's safety and well-being. If a survivor is willing, always ask how they would like to be described (e.g., survivor, advocate, etc.) and allow the survivor to review any material for accuracy before publication.

*"I didn't know I was a victim of anything except circumstance."*

– Caitlin Kelly Lawrence, sex trafficking survivor



## PHILIPPINES

When Mariel approached Jasmine and promised her a job in an internet café in Manila, Jasmine readily accepted. Mariel recruited Jasmine and more than a dozen other girls from their small village and arranged for the group to travel to Manila together. At the port, however, a security guard became suspicious of the girls traveling with Mariel and asked to see their identification and work documents. Mariel failed to present proper documentation and was arrested. Officials later learned that there had never been any internet café jobs, but rather Mariel had planned to force the girls to work in commercial sex by advertising them online.

## ONLINE SEXUAL EXPLOITATION OF CHILDREN: AN ALARMING TREND

*“That could be anybody’s daughter...That could be your neighbor. That could be your daughter’s or your son’s friend at school.”*

– FBI Agent Bob Parker, on a victim lured into child sex trafficking via Facebook

New technologies are facilitating the online sexual exploitation of children, including the live-streaming of sexual abuse of children using web cameras or cellphones, often for profit. Mobile devices also provide new and evolving means by which offenders sexually abuse children as apps are being used to target, recruit, and coerce children to engage in sexual activity. Experts believe tens of thousands of children globally are sexually exploited online, and the number appears to be growing. The victims may be boys or girls, ranging from very young children to adolescents, and hailing from all ethnic and socio-economic backgrounds.

The process often begins when an offender gains access to a potential child victim and, through psychological manipulation and coercion, grooms the child for sexual exploitation. The offender then connects via the internet with a paying client who often specifically requests a child. The child is further victimized through commercial sexual exploitation and abuse and the live-streaming of commercial sex acts. Perpetrators can pay to direct the sexual abuse of children from anywhere in the world while the abuse takes place in private homes, Internet cafes, or “cyber dens” in or near the child’s community. Disturbingly, closed and highly protected online communities dedicated to the sexual abuse of children have proliferated. Children have been reported to be victims of this crime in Colombia, India, Mexico, the Philippines, Thailand, and the United States. Many countries, including Australia, Britain, Canada, the Netherlands, the Philippines, and the United States, have prosecuted perpetrators—both paying clients and offenders who facilitate the exploitation of the child.

In the Philippines, where many are impoverished and nearly half of the population is connected to the internet, numerous individuals in poor communities reportedly earn income from this type of child exploitation. Online sessions can be conducted at low cost using a cellphone or a computer with a webcam. Connections to prospective clients are made easily; clients remain anonymous and make payments by wire transfer. Children, often naked, have been exploited on camera—including by family members or neighbors—and coerced into exhibiting themselves and performing sex acts for the viewing of individuals watching online. In many cases, family members justify facilitating the online sexual exploitation by asserting that it is not harmful to the child, especially in cases where there is no direct physical contact with the child. This lack of understanding of the detrimental psychological, developmental, and physical impact of this crime on children, the complicity of relatives, and the easy flow of money have contributed to the practice becoming more prevalent.

Another growing threat to children is sextortion, which is a form of online sexual exploitation of children where offenders hack, coerce, deceive or otherwise obtain incriminating photos or information from a child and then threaten exposure if that child does not perform sex acts via web cameras.

The online sexual exploitation of children presents new challenges for law enforcement, prosecutors, judges, and victim service providers. Law enforcement and prosecutors in most countries have little training or experience in detecting this crime, conducting online investigations, obtaining evidence from internet service providers, and presenting relevant evidence in court. Enhanced mechanisms of encryption by the offenders, such as networks of technologies and platforms that obfuscate traditional IP addresses, have also delayed or complicated investigations. In addition, difficulties in obtaining the cooperation of family members and others who facilitate the crime is a widespread challenge in these cases, as is the lack of specialized trauma-informed care and services for the child victims, especially boys.

Despite such challenges, governments, international organizations, and NGOs are working together to address the online sexual exploitation of children. Successful detection and prosecution of perpetrators requires advanced cybercrime investigative skills, criminal laws and procedures that secure cyber evidence and allow for prosecution of crimes committed online, specialized training for prosecutors and judges, cross-border law enforcement cooperation, and specialized care for child victims. The low financial cost of this criminal enterprise (an internet connection and a mobile device or computer-linked webcam), coupled with its low risk nature (as seen by the relatively small number of convictions globally) and high profitability are driving the rapid growth of online sexual exploitation of children. To reverse this trend, governments must rally significant political will and resources to hold perpetrators accountable, provide comprehensive services to child victims, and prevent the crime from occurring.



# MEDIA REPORTING ON HUMAN TRAFFICKING

From traditional news outlets to social media, a growing movement is exposing human trafficking as a concern both from a human rights and a national security perspective.

Just 15 years ago, human trafficking was an under-reported and often misrepresented issue and some reporting sensationalized the problem or even misinformed the public. In the last few years, a significant shift has occurred in the media's reporting of human trafficking, from dramatic exposés to in-depth original research and agenda-setting public-interest reporting. These media reports have helped change the way the public looks at human trafficking—from a crime that happens to “others” to one that has an impact on people's everyday lives, in nearly every community and region of the world.

Some of the highlights and exemplary reporting in the last few years include:

- **2009, *Des Moines Register*.** A *Register* investigation in 2009 led to the release of dozens of men with intellectual disabilities, who were living in squalor, abused, and forced to work for as little as 41 cents per hour processing turkeys in a plant in Atalissa, Iowa. After four years of court battles with the company, the men won a \$240 million jury verdict, which was subsequently reduced to \$50,000 per person.
- **2010, *CNN Freedom Project*.** The network originally committed to a one-year project dedicated to raising awareness about modern slavery around the world. This year, the network celebrates seven years of the “Freedom Project,” which has covered more than 600 investigative stories on human trafficking to date.
- **2011, *Al Jazeera English*.** The network started a ground-breaking series, “Slavery: A 21st Century Evil,” highlighting modern slavery around the world.
- **2012, *National Public Radio*.** A two-part series on *Morning Edition* exposed forced labor in the seafood sector and its link to American dinner tables.
- **2014, *the Guardian*.** A six-month investigative series, “Modern-day Slavery in Focus,” revealed direct links between the men forced to labor on fishing boats and in the production of seafood sold by major retailers throughout the world.
- **2014, *Los Angeles Times*.** The four-part investigative series, “Product of Mexico,” revealed the harsh living conditions and exploitative situations endured by migrant farmworkers in Mexico who supplied significant amounts of agricultural produce to the United States.
- **2015, *New York Times*.** A seven-part series, “The Outlaw Ocean,” which took two years to investigate, provided a comprehensive look at the overall lawlessness at sea and chronicled a diversity of crimes, including forced labor on fishing boats.
- **2015, *Capital News Service*.** Students from the Philip Merrill College of Journalism at the University of Maryland produced a six-part investigative series, “The Brothel Next Door: Human Trafficking in Maryland,” that examined more than three-dozen state and federal human trafficking cases from 2005 to 2015, and submitted 70 public records requests for reports on forced labor and sex trafficking cases.
- **2016 *Associated Press*.** The 18-month investigative story, “Seafood from Slaves,” led to the release of more than 2,000 trafficking victims, traced the seafood they caught to supermarkets and pet food providers across the United States, and led to the jailing of perpetrators, congressional hearings, and the introduction of new laws.

Media play an enormous role in shaping perceptions and guiding the public conversation about human trafficking. Human trafficking schemes are constantly evolving, and the media's vigilance helps keep the public informed and engaged. As media pursues more research and investigative work on the issue, the public will better understand how the crime works, how to identify and help trafficking victims, and ultimately, what can be done to prevent the crime from happening.

# AFGHANISTAN

When Pasha was 10 years old, his family pulled him out of school so he could help out by earning money working in a brick kiln. Pasha's family had borrowed money from the kiln owner to help take care of Pasha's ailing father, and the interest charged on the loan made the debt insurmountable. For three years, Pasha has worked 12-hour days hauling a handcart full of dirt alongside his father and siblings. If Pasha's family cannot pay off the debt, he and his siblings will inherit it and possibly pass it on to their own children.




## GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003 added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to fully meet the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 *TIP Report* collected this data for the first time. The 2007 *TIP Report* showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2009	5,606 (432)	4,166 (335)	49,105	33
2010	6,017 (607)	3,619 (237)	33,113	17
2011	7,909 (456)	3,969 (278)	42,291 (15,205)	15
2012	7,705 (1,153)	4,746 (518)	46,570 (17,368)	21
2013	9,460 (1,199)	5,776 (470)	44,758 (10,603)	58
2014	10,051 (418)	4,443 (216)	44,462 (11,438)	20
2015	19,127 (857)	6,615 (456)	77,823 (14,262)	30
2016	14,897 (1,038)	9,071 (717)	66,520 (17,465)	25


*The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.*





*“Victims will only find freedom if we cultivate a radically new, global and co-ordinated approach to defeat this vile crime. Together we must work tirelessly to preserve the freedoms and values that have defined our United Nations from its inception. Together we must work tirelessly to restore these freedoms and values to the lives of the men, women and children who are exploited for profit and held captive with little or no chance of escape.”*

– Theresa May, Prime Minister of the United Kingdom



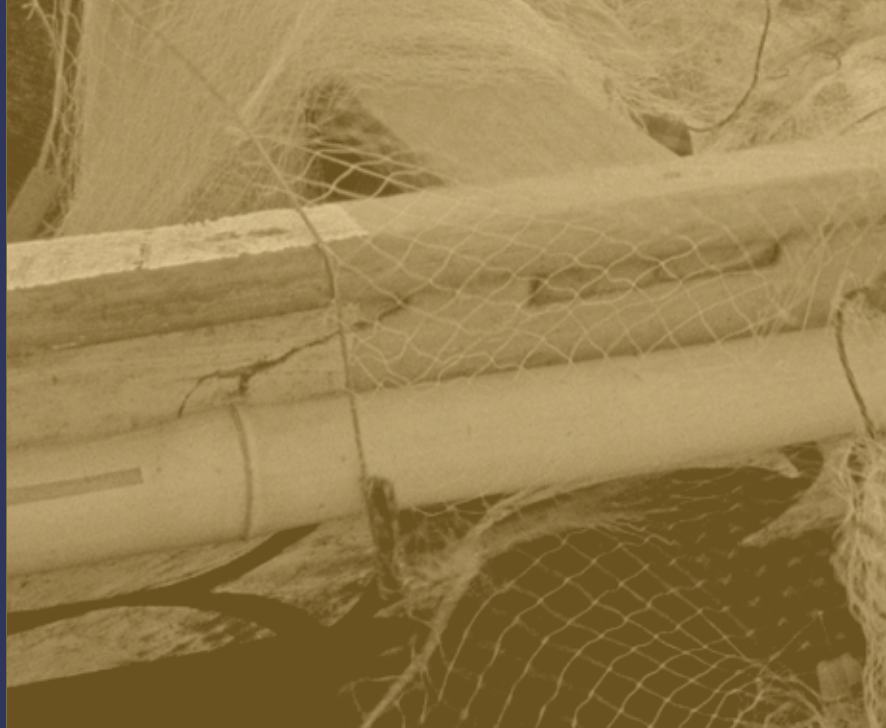
Miners dig in an open pit mine. Forced labor is common in the mining industry. Exposure to toxic chemicals and mine collapses jeopardize the health and safety of those who work in these mines.





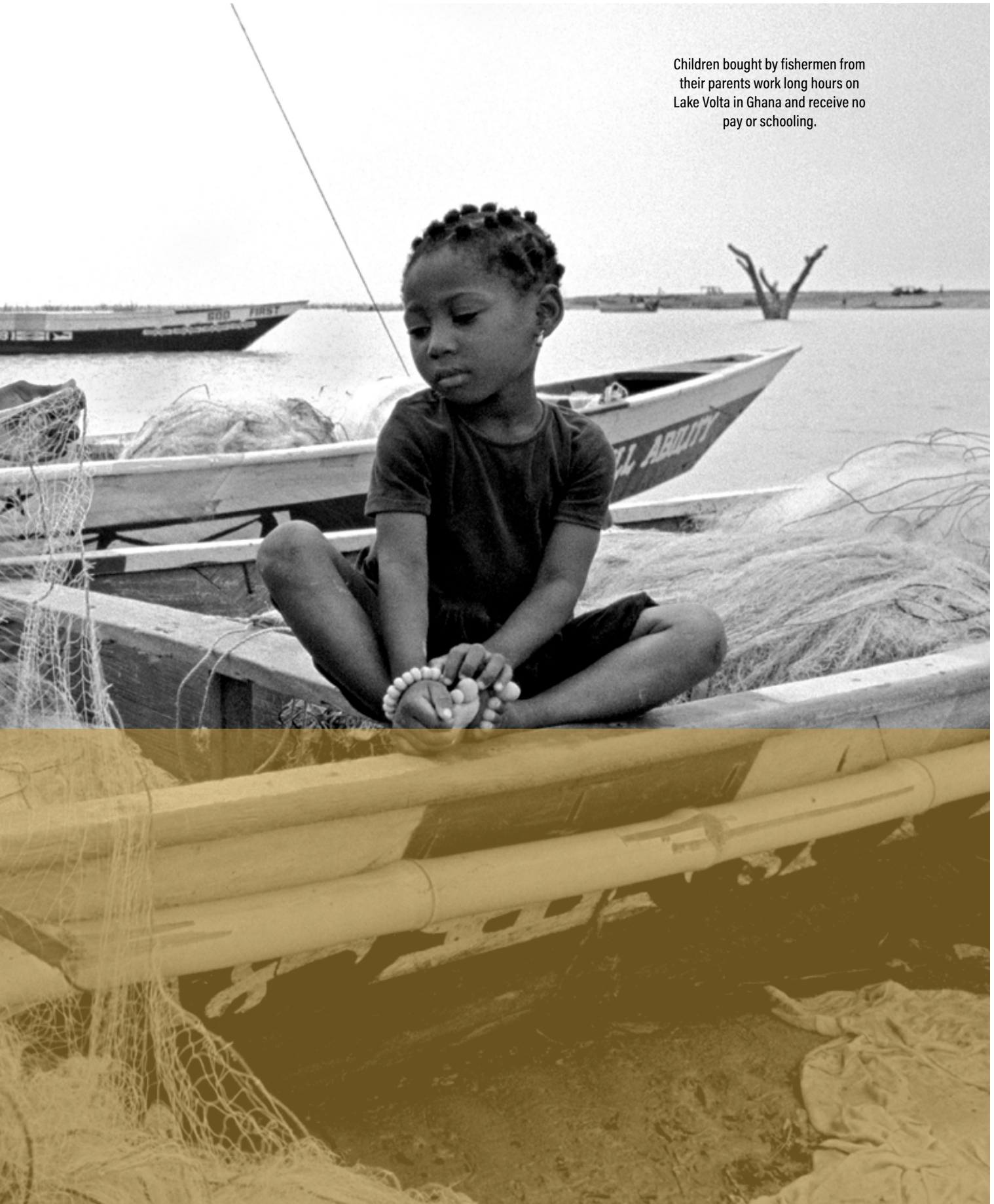
## UGANDA

Mary dreamed of being an electrician in Uganda. When she was 16 years old, her parents could no longer support her or pay her school fees; they sent her to live with an aunt in a village outside of Kampala. After her aunt had an accident, Mary was soon struggling for money. A neighbor helped Mary get a job in a nearby bar, where her boss forced her to have sex with some of the bar's patrons. One day, a social worker came to the bar and told Mary about an organization that could help her escape the bar. With the support of the NGO, Mary was able to leave, return to school, and get her degree in electronics.





Children bought by fishermen from their parents work long hours on Lake Volta in Ghana and receive no pay or schooling.



# TRAFFICKING VICTIMS PROTECTION ACT: MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING IN PERSONS

Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106-386, § 108, as amended.

- (1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- (2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- (3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- (4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

## INDICIA OF "SERIOUS AND SUSTAINED EFFORTS"

- (1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered as an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
- (2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.
- (3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.
- (4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries.
- (5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).



- (6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.
- (7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.
- (8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
- (9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with
  - (A) domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or
  - (B) the United States toward agreed goals and objectives in the collective fight against trafficking.
- (10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
- (11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.
- (12) Whether the government of the country has made serious and sustained efforts to reduce the demand for
  - (A) commercial sex acts; and
  - (B) participation in international sex tourism by nationals of the country.

# 2017 TIP REPORT HEROES

Each year, the Department of State honors individuals around the world who have devoted their lives to the fight against human trafficking. These individuals are NGO workers, lawmakers, police officers, and concerned citizens who are committed to ending modern slavery. They are recognized for their tireless efforts—despite resistance, opposition, and threats to their lives—to protect victims, punish offenders, and raise awareness of ongoing criminal practices in their countries and abroad. For more information about current and past Trafficking in Persons Report Heroes, including how to connect with them, please visit the Trafficking in Persons Report Heroes Global Network at [www.tipheroes.org](http://www.tipheroes.org).

## ALIKA KINAN / ARGENTINA



Alika Kinan is the first survivor of human trafficking in Argentina to win an award for damages in a civil sex trafficking case. In November 2016, she helped secure a criminal conviction of her traffickers and won the civil judgment and award; this was the first time in the country's history that a local government was ordered to pay a civil award to a victim of human trafficking.

Since escaping from her trafficking situation in 2012, Ms. Kinan has advocated tirelessly for the rights of women at both the national and provincial levels. She has partnered with the Argentine government to enhance its response to human trafficking and continues to fight on behalf of trafficking victims for greater access to essential services such as medical treatment, housing, job training, and education. Ms. Kinan frequently works with the Argentine Prosecutor General's Office, the Public Defenders' Office, and the Ministry of Justice to improve the prosecution of human trafficking cases at the national and provincial levels. She also participates in training efforts and advises provincial governments, NGOs, and local universities on programs to prevent trafficking in persons across the country.

Ms. Kinan is working to establish an NGO to help raise awareness and improve assistance to human trafficking victims in Argentina.

## LEONARDO SAKAMOTO / BRAZIL



Leonardo Sakamoto is a Brazilian journalist with an unwavering commitment to the protection of fundamental freedoms in Brazil. In 2001, he established *Repórter Brasil*, an NGO dedicated to monitoring and combating forced labor in Brazil. *Repórter Brasil's* pioneering investigative journalism has helped leaders in the public and private sectors, as well as in civil society, use research and educational programs as tools to combat human trafficking, especially forced labor.

*Repórter Brasil* runs *Escravo, Nem Pensar!*, the first educational program operating at the national level to help raise awareness about and prevent forced labor in Brazil by providing technical and financial support for vulnerable communities. Under Mr. Sakamoto's leadership, the program has already reached more than 140 municipalities in eight Brazilian states, benefiting more than 200,000 people.

With Mr. Sakamoto at the helm, *Repórter Brasil* was also an active participant in the creation of the National Pact for the Eradication of Slave Labor, an agreement that brings together 400 companies committed to combating forced labor. His devotion to the issue is exemplified by his role in the production of the *Lista Suja*, or the dirty list, a public list of individuals and private companies found to be using forced labor in their supply chains, which has mobilized the Brazilian government to increase its efforts to prevent forced labor in supply chains.



## VANAJA JASPHINE / CAMEROON



Vanaja Jasphine is the driving force behind and coordinator of the Kumbo Diocesan Commission for Justice and Peace in the Northwest Region of Cameroon. In this role, she has placed her organization at the forefront of the fight against human trafficking in Cameroon and has contributed to a renewed government commitment to combat human trafficking.

Sister Jasphine has worked tirelessly to inform authorities and civil society leaders, including those in the religious community and media partners, about human trafficking, especially on patterns of movement that create vulnerabilities. She played a key role in recognizing the trend of Cameroonians traveling to the Middle East and being forced into domestic servitude or sex trafficking, and then spurred the government to take action, including drafting migrant worker agreements and enhancing screening measures at airports. Sister Jasphine and her organization have identified more than 200 Cameroonian trafficking victims in the Middle East during the past few years. In 2016 alone, she helped facilitate the return of at least 14 victims from the Middle East, including raising funds to sponsor return air travel for four of them.

Through her organization, Sister Jasphine has helped provide reintegration assistance to survivors, initiate a number of trafficking-related court proceedings, and offer legal assistance to victims.

## VIKTORIA SEBHELYI / HUNGARY



Viktoria Sebhelyi is a Hungarian sociologist and human rights activist whose groundbreaking research has been instrumental in increasing awareness and understanding of human trafficking among policymakers and NGO service providers in Hungary. Known as both an academic expert on the issue and a dedicated advocate, Ms. Sebhelyi has galvanized government and NGO actors to collaborate on enhancing protections for victims.

She worked as a researcher and legal analyst between 2013 and 2015 at the Central European University's Center for Policy Studies, writing a report on the prevalence and characteristics of child sex trafficking in Hungary—the first of its kind.

In addition to her academic work, Ms. Sebhelyi collaborates with Hungarian initiatives to improve the country's referral system. She has successfully brought together government officials and civil society actors to address structural challenges affecting vulnerable populations and increase the effectiveness of identifying and providing services for victims of trafficking and abuse, especially women and children. She regularly dedicates her time volunteering for women's and human rights NGOs (NANE Women's Rights Association, Sex Education Foundation, and Hungarian Women's Lobby) and domestic violence shelters, as well as in state institutions to increase the effectiveness of the anti-trafficking referral system.

## MAHESH BHAGWAT / INDIA



Mahesh Muralidhar Bhagwat, who currently serves as the first Commissioner of Police of Rachakonda, a police commissionerate in India's Telangana state that covers more than four million residents, has demonstrated remarkable commitment to the fight against human trafficking for the last 13 years. He has participated in anti-trafficking operations that have removed hundreds of victims from situations of trafficking and, with the help of other government departments and civil society organizations, has ensured their placement in support programs.

Mr. Bhagwat's dedication to the fight against human trafficking is exemplified by his innovative and highly effective approach to investigating cases and his success in dismantling trafficking operations within his command areas. He has pioneered the use of legal provisions to close sites where human trafficking is known to occur. Under his command, Rachakonda police closed 25 brothels—five hotels and 20 residential apartments—in less than a year and participated in one of the largest crackdowns on labor trafficking in the country, which led to the identification and removal of more than 350 children forced to work in brick kilns.

In addition to being a central figure in trafficking deterrence efforts, Mr. Bhagwat also constantly pushes for human trafficking to be a top priority for the Telangana state of India.

## AMINA OUFROUKHI / MOROCCO



Amina Oufroukhi is a judge within the Moroccan Ministry of Justice's Directorate of Criminal Affairs and Pardons, which is responsible for women's and children's issues, vulnerable populations, and trafficking in persons. She played a critical role in drafting and encouraging the passage of Morocco's anti-trafficking law in 2016 and has been a driving force within the government to develop an implementation plan to ensure the protection of victims and the appropriate punishment of perpetrators.

As the head of the central unit coordinating the care of women and children in the courts, Judge Oufroukhi established special protection units in Moroccan courts for women and children and later drafted new legal procedures to extend these protections to all trafficking victims. She helped establish a group of expert judges to train judicial and law enforcement personnel and prepared detailed legal guidance clarifying the provisions of the law for all Moroccan courts.

In addition, Judge Oufroukhi has managed several international cooperative projects on combating trafficking in persons, assisted in the drafting of studies on human trafficking in Morocco, and worked to raise awareness and organize training for government officials, prosecutors, judges, social workers, and security service officers on protecting trafficking victims.



## ALLISON LEE / TAIWAN



Allison Lee is a co-founder and the Secretary General of the Yilan Migrant Fishermen Union, Taiwan's first labor union composed of and led by foreign workers, and is a leading voice in demanding stronger protections for fishing crew members and accountability for human traffickers. Ms. Lee spearheaded the establishment of the union after working for 16 years for Taiwanese NGOs focused on labor rights issues and handling labor disputes for four years at the municipal level as an employee of Taipei's Labor Affairs Bureau.

Since founding the Yilan Migrant Fishermen Union in 2013, Ms. Lee has advocated for the rights of foreign fishermen working on Taiwan-flagged vessels and documented hundreds of accounts of exploitation, abuse, and underpayment. By serving as a voice for these often unseen and unheard foreign fishing crew members, Ms. Lee has raised international and domestic awareness of exploitative working conditions, including instances of forced labor. In one case, she successfully pushed to reopen an investigation into the death of an Indonesian fisherman on a Taiwan-flagged vessel.

Ms. Lee and her advocacy partners drive change from the grassroots level through sustained pressure on officials and direct engagement with under-represented communities, including victims of human trafficking. She continues to engage local labor bureaus, fisheries associations, and law enforcement to seek justice and compensation for crew members who are exploited at the hands of their employers and labor brokers.

## BOOM MOSBY / THAILAND



Boom Mosby, the founder and director of the HUG Project, is a passionate advocate for child victims of sexual abuse in Thailand and has been instrumental in the advancement of a victim-centered approach in Thai anti-trafficking efforts.

Ms. Mosby's early work with the HUG Project included a partnership with the Royal Thai Police to provide educational and support services for at-risk children in the city of Chiang Mai. As Ms. Mosby's involvement with child trafficking investigations deepened, she developed key relationships with law enforcement, government officials, and NGO partners, establishing a network of resources and support for child victims.

In 2015, she played a fundamental role in opening the Advocacy Center for Children Thailand (ACT House) in Chiang Mai—the first child advocacy center in all of Southeast Asia. Under Ms. Mosby's leadership, the ACT House has supported more than 81 investigations and the arrest of more than 20 perpetrators. In 2016, she joined the Thailand Internet Crimes Against Children Task Force and continues to work tirelessly to develop standard operating procedures for investigating and prosecuting cybercrimes against children using a victim-centered approach. As the use of the internet to facilitate child trafficking grows, Ms. Mosby is battling technology with technology by implementing IT forensics and other systematic strategies.

Ms. Mosby continues to promote prevention, recovery, and reintegration programs for survivors and those vulnerable to trafficking.

*Global supply chains have transformed many lives for the better—but not always without costs. Clothes, food, smartphones, jewelry and other consumer goods may bear, wittingly or unwittingly, the traces of exploitation. Gleaming new skyscrapers may owe some of their shine to the sweat of bonded laborers.”*

– Antonio Guterres,  
United Nations Secretary General

Workers labor on a building in Kazakhstan. Construction is a sector vulnerable to forced labor.





# THE TIER

## TIER 1

Countries whose governments fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards.

## TIER 2

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

## TIER 2 WATCH LIST

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

## TIER 3

Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

# TIER PLACEMENTS

## TIER 1

ARMENIA	DENMARK	KOREA, SOUTH	ST. MAARTEN
AUSTRALIA	FINLAND	LITHUANIA	SLOVAKIA
AUSTRIA	FRANCE	LUXEMBOURG	SLOVENIA
THE BAHAMAS	GEORGIA	NETHERLANDS	SPAIN
BELGIUM	GERMANY	NEW ZEALAND	SWEDEN
CANADA	GUYANA	NORWAY	SWITZERLAND
CHILE	IRELAND	PHILIPPINES	TAIWAN
COLOMBIA	ISRAEL	POLAND	UNITED KINGDOM
CZECHIA	ITALY	PORTUGAL	UNITED STATES OF AMERICA

## TIER 2

AFGHANISTAN	ECUADOR	LESOTHO	ST. VINCENT & THE GRENADINES
ALBANIA	EGYPT	MACEDONIA	SEYCHELLES
ANGOLA	EL SALVADOR	MALAWI	SIERRA LEONE
ARGENTINA	ESTONIA	MALAYSIA	SINGAPORE
ARUBA	ETHIOPIA	MALDIVES	SOLOMON ISLANDS
AZERBAIJAN	FIJI	MALTA	SOUTH AFRICA
BAHRAIN	GREECE	MAURITIUS	SRI LANKA
BARBADOS	HONDURAS	MEXICO	TAJIKISTAN
BHUTAN	ICELAND	MICRONESIA	TANZANIA
BOSNIA & HERZEGOVINA	INDIA	MONGOLIA	TIMOR-LESTE
BOTSWANA	INDONESIA	MOROCCO	TOGO
BRAZIL	JAMAICA	NAMIBIA	TONGA
BRUNEI	JAPAN	NEPAL	TRINIDAD & TOBAGO
CAMBODIA	JORDAN	PALAU	TUNISIA
COSTA RICA	KAZAKHSTAN	PANAMA	TURKEY
COTE D'IVOIRE	KENYA	PARAGUAY	UGANDA
CROATIA	KOSOVO	PERU	UKRAINE
CURAÇAO	KYRGYZ REPUBLIC	QATAR	UNITED ARAB EMIRATES
CYPRUS	LATVIA	ROMANIA	URUGUAY
DOMINICAN REPUBLIC	LEBANON	ST. LUCIA	VIETNAM

## TIER 2 WATCH LIST

ALGERIA	DJIBOUTI	MACAU	RWANDA
ANTIGUA & BARBUDA	GABON	MADAGASCAR	SAUDI ARABIA
BANGLADESH	THE GAMBIA	MARSHALL ISLANDS	SENEGAL
BENIN	GHANA	MOLDOVA	SERBIA
BOLIVIA	GUATEMALA	MONTENEGRO	SURINAME
BULGARIA	HAITI	MOZAMBIQUE	SWAZILAND
BURKINA FASO	HONG KONG	NICARAGUA	THAILAND
BURMA	HUNGARY	NIGER	ZAMBIA
CABO VERDE	IRAQ	NIGERIA	ZIMBABWE
CAMEROON	KUWAIT	OMAN	
CHAD	LAOS	PAKISTAN	
CUBA	LIBERIA	PAPUA NEW GUINEA	

## TIER 3

BELARUS	CONGO, DEMOCRATIC REP. OF	IRAN	SUDAN
BELIZE	CONGO, REPUBLIC OF	KOREA, NORTH	SYRIA
BURUNDI	EQUATORIAL GUINEA	MALI	TURKMENISTAN
CENTRAL AFRICAN REPUBLIC	ERITREA	MAURITANIA	UZBEKISTAN
CHINA (PRC)	GUINEA	RUSSIA	VENEZUELA
COMOROS	GUINEA-BISSAU	SOUTH SUDAN	

## SPECIAL CASE

LIBYA	SOMALIA	YEMEN
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## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3
 ■ SPECIAL CASE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	272 (168)	163 (113)	9,626	5
2011	340 (45)	217 (113)	8,900 (5,098)	2
2012	493 (273)	252 (177)	10,043 (6,544)	4
2013	572 (245)	341 (192)	10,096 (2,250)	7
2014	811 (49)	317 (33)	9,523 (1,308)	4
2015	1,517 (53)	719 (8)	12,125 (3,531)	6
2016	1,251 (54)	1,119 (21)	18,296 (13,205)	4

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.



## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

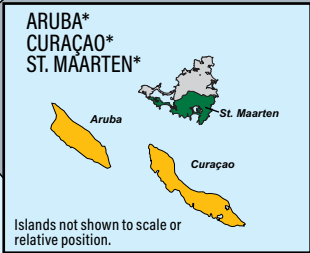
YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	427 (53)	177 (9)	2,597	0
2011	2,127 (55)	978 (55)	8,454 (3,140)	4
2012	1,682 (115)	1,251 (103)	8,521 (1,804)	4
2013	2,460 (188)	1,271 (39)	7,886 (1,077)	3
2014	1,938 (88)	969 (16)	6,349 (1,084)	3
2015	3,414 (193)	1,730 (130)	13,990 (3,533)	10
2016	2,137 (51)	1,953 (31)	9,989 (310)	7

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





Boundary representation is not authoritative.



\* Islands in the Caribbean Sea—although part of the Kingdom of the Netherlands, Aruba, Curaçao and St. Maarten are covered by the State Department's Bureau of Western Hemisphere Affairs.

### TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	2,803 (47)	1,850 (38)	8,548	4
2011	3,188 (298)	1,601 (81)	10,185 (1,796)	2
2012	3,161 (361)	1,818 (112)	11,905 (2,306)	3
2013	3,223 (275)	2,684 (127)	10,374 (1,863)	35
2014	4,199 (197)	1,585 (69)	11,910 (3,531)	5
2015	4,990 (272)	1,692 (245)	11,112 (3,733)	8
2016	2,703 (201)	1,673 (40)	11,416 (3,192)	3

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.



## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3
 ■ SPECIAL CASE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	323 (63)	68 (10)	1,304	1
2011	209 (17)	60 (5)	1,831 (1,132)	2
2012	249 (29)	149 (15)	4,047 (1,063)	1
2013	119 (25)	60 (4)	1,460 (172)	4
2014	320 (5)	144 (25)	3,388 (2,460)	0
2015	480 (31)	343 (31)	6,068 (156)	0
2016	996 (591)	1,187 (582)	3,292 (185)	4

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	1,460 (196)	1,068 (11)	4,357	1
2011	974 (24)	829 (11)	3,907 (1,089)	2
2012	1,043 (6)	874 (4)	4,415 (2,150)	1
2013	1,904 (259)	974 (58)	7,124 (1,290)	5
2014	1,839 (12)	958 (10)	4,878 (1,041)	3
2015	6,930 (225)	1,468 (16)	24,867 (1,191)	0
2016	6,297 (72)	2,193 (19)	14,706 (464)	5

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

# WESTERN HEMISPHERE

Boundary representation is not authoritative.




## TIER PLACEMENTS

■ TIER 1
 ■ TIER 2
 ■ TIER 2 WATCH LIST
 ■ TIER 3

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2010	732 (80)	293 (65)	6,681	6
2011	624 (17)	279 (14)	9,014 (2,490)	3
2012	1,077 (369)	402 (107)	7,639 (3,501)	8
2013	1,182 (207)	446 (50)	7,818 (3,951)	4
2014	944 (67)	470 (63)	8,414 (2,014)	5
2015	1,796 (83)	663 (26)	9,661 (2,118)	6
2016	1,513 (69)	946 (24)	8,821 (109)	2

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.





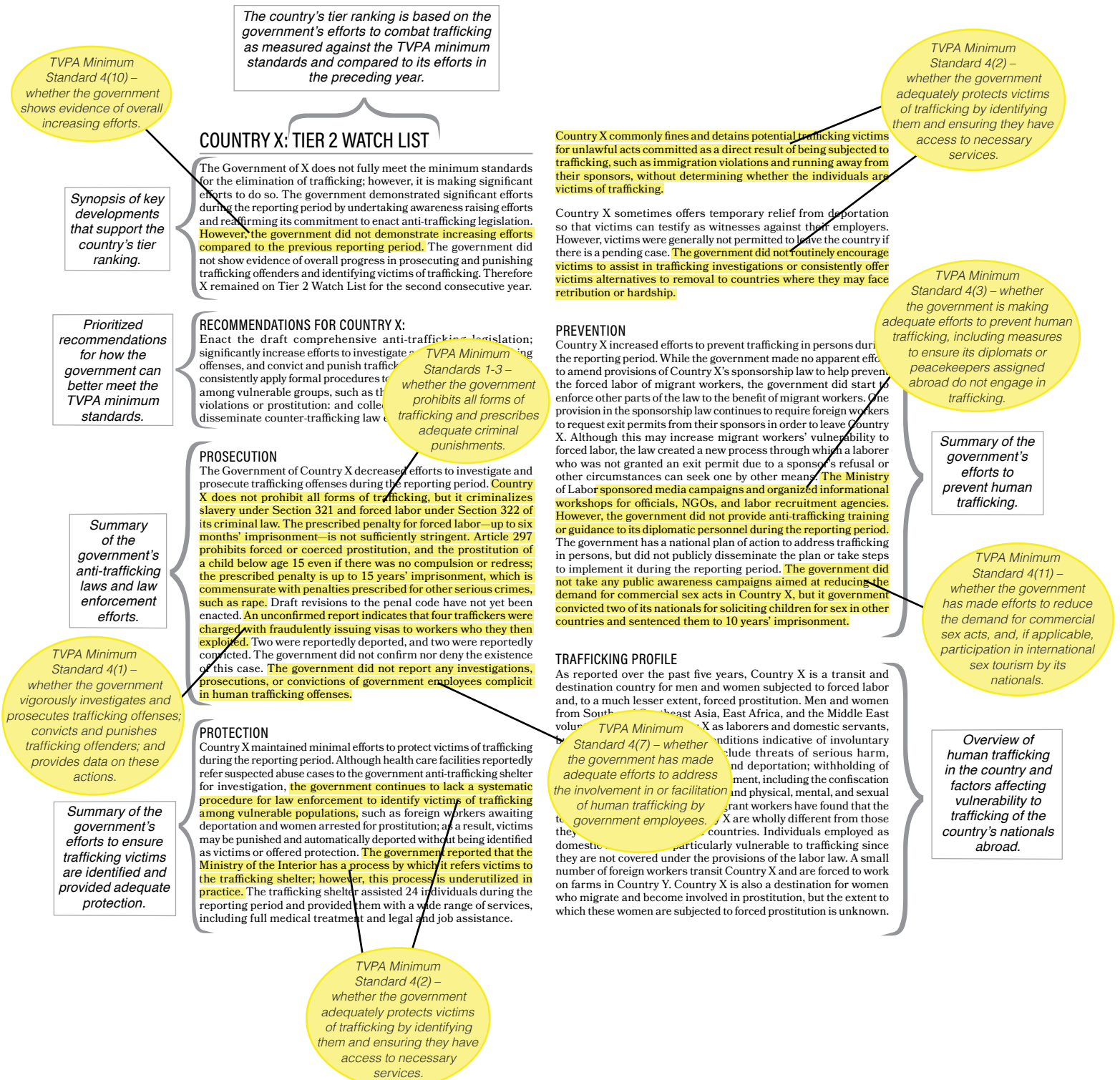
A refugee girl begs for money  
in traffic in Beirut, Lebanon.  
Children, especially refugees  
and migrant children, are  
vulnerable to forced begging.

*I would feel terrified. He would tell  
me I had to stay out until I came up  
with the money. It grossed me out...  
I didn't want them to look at me,  
I didn't want them to touch me."*

- Teenage sex trafficking victim, California

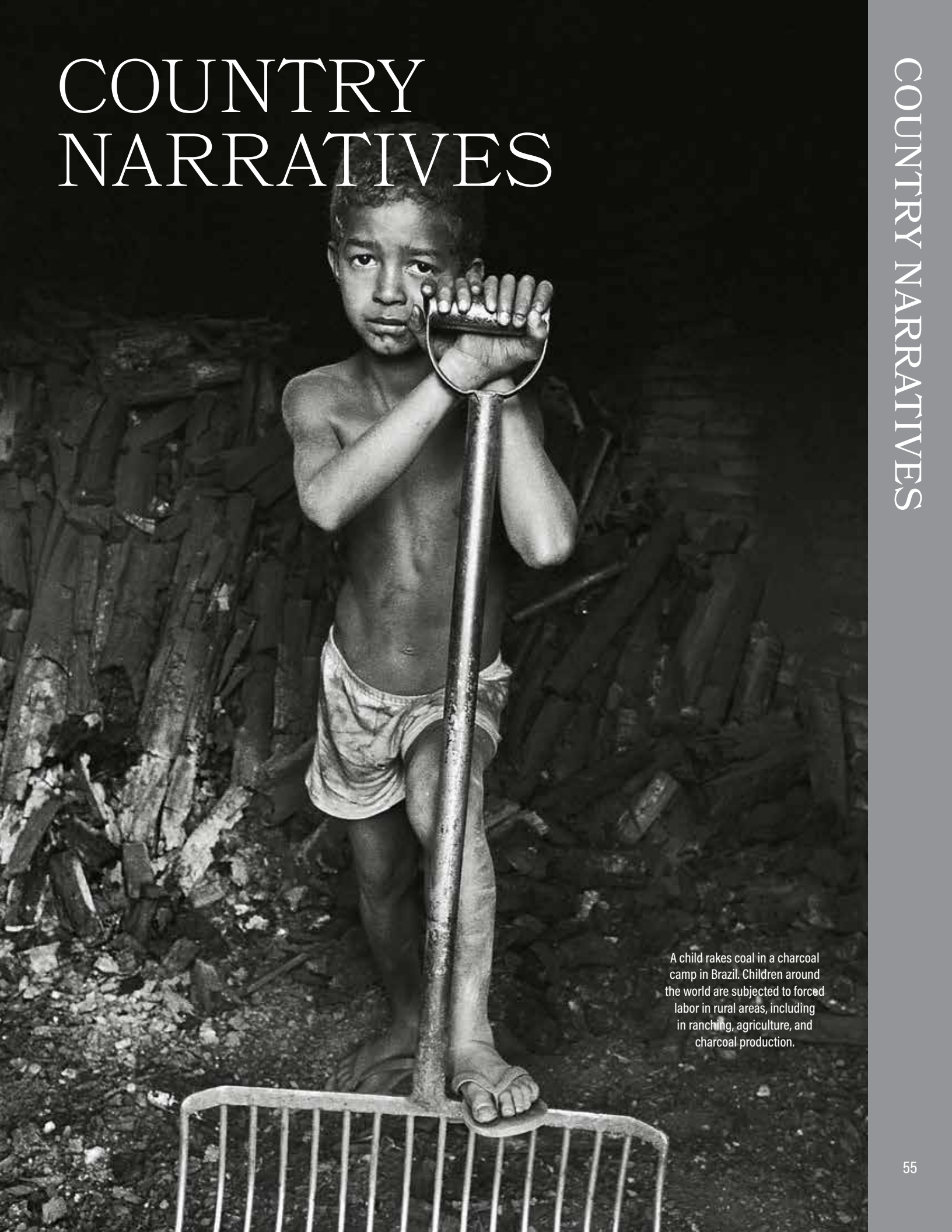
# HOW TO READ A COUNTRY NARRATIVE

This page shows a sample country narrative. The tier ranking justification for each country in this year's Report now appears in the first paragraph of each country narrative and includes new language that more explicitly highlights the factors supporting a given tier ranking. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see page 38), during the reporting period. This truncated narrative gives a few examples.





# COUNTRY NARRATIVES

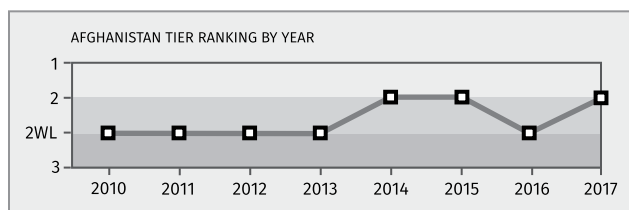


A child rakes coal in a charcoal camp in Brazil. Children around the world are subjected to forced labor in rural areas, including in ranching, agriculture, and charcoal production.



## AFGHANISTAN: TIER 2

The Government of Afghanistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Afghanistan was upgraded to Tier 2. The government demonstrated increasing efforts by enacting a new law on human trafficking in January 2017 that attempts to reduce conflation of smuggling and trafficking, and criminalizes *bacha baazi*, a practice in which men exploit boys for social and sexual entertainment. The government investigated, prosecuted, and convicted traffickers, including through the arrest and punishment of complicit officials for *bacha baazi*. With funding and staff from an international organization, the government reopened a short-term shelter in Kabul for trafficking victims. The government also opened 15 child protection units that prevented the recruitment of more than 300 children into the security forces in 2016. However, the government did not meet the minimum standards in several key areas. Official complicity remained a serious problem, especially in the sexual exploitation and recruitment of children by Afghan security forces. Victim protection efforts remained inadequate; all but one government-run shelter for trafficking victims remained closed during the reporting period. The government did not develop or employ standard operating procedures for victim identification or for referral of victims to rehabilitation services, which at times resulted in the government's arrest and prosecution of trafficking victims as criminals.



### RECOMMENDATIONS FOR AFGHANISTAN

Cease the recruitment and use of children by Afghan security forces, and ensure adequate protection and reintegration support for demobilized children; use the 2017 trafficking law to investigate and prosecute alleged traffickers, including law enforcement and members of the military suspected of being complicit in trafficking, and convict and appropriately sentence the perpetrators, while respecting due process; cease the penalization of victims for offenses committed as a direct result of being subjected to trafficking, including stopping prosecutions for moral crimes and the placement of child trafficking victims in juvenile rehabilitation centers; develop standard operating procedures for victim identification and referral to rehabilitation services and train officials on their use; strengthen the capacity of the Ministry of Interior (MOI)'s anti-trafficking/smuggling units, including increasing the number of staff in each region and ensuring their ability to differentiate between smuggling and trafficking; continue to increase the capacity of the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling (high commission) to coordinate and report on the government's anti-trafficking efforts, and oversee implementation of the anti-trafficking national action plan; as the security situation and access to rural areas allow, continue to educate officials at national, provincial, and local levels on the definition of human trafficking, as well as identification,

protection, and law enforcement strategies; improve efforts to collect, analyze, and accurately report counter-trafficking data; dedicate resources to support long-term victim rehabilitation programs; continue to educate government officials and the public on the criminal nature of *bacha baazi* and debt bondage of children; and proactively inform government officials, especially at the MOI and Ministry of Defense (MOD), of the law prohibiting the recruitment and enlistment of minors, and enforce these provisions with criminal prosecutions.

### PROSECUTION

The government increased its law enforcement efforts. In January 2017, the government enacted the Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants, which prohibits all forms of human trafficking. The law criminalizes the use of threat or force or other types of coercion or deceit for the purpose of exploitation. It includes forms of exploitation that go beyond those in the 2000 UN TIP Protocol, such as medical experiments and forcing a person to commit "other illegal activities," and includes armed fighting and *bacha baazi*, a practice, in which men exploit boys for social and sexual entertainment—effectively criminalizing this practice for the first time. The law prescribes maximum penalties of eight years imprisonment; aggravating factors increase the maximum sentence to between 10 and 15 years and the imposition of the death penalty if exploitation for armed fighting resulted in the victim's death. Such penalties are sufficiently stringent and commensurate with those for other serious crimes. The government used the 2008 Law Countering Abduction and Human Trafficking/Smuggling, article 516 of the penal code, and the 2009 Law on the Elimination of Violence Against Women, which together prohibited many, but not all, forms of human trafficking to prosecute and convict traffickers until the enactment of the 2017 law repealed the 2008 law. These penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The government reported the investigation of 103 alleged traffickers and the prosecution of 63 during the reporting period, compared with the investigation of 108 alleged traffickers and the prosecution of 56 in the previous reporting period. The government reported primary courts convicted 33 traffickers during the reporting period, compared with 39 traffickers convicted in the previous reporting period. Of the 33 convictions, sentences ranged from three months to 10 years imprisonment; 30 required imprisonment of one year or more. Three sentences resulted in inadequate penalties of three months imprisonment. The government's law enforcement response to forced and bonded labor in particular is unknown as case details or types were not provided. Law enforcement and judicial officials continued to have a limited understanding of trafficking. Dari, the language spoken most widely in Afghanistan, historically used the same word for both human trafficking and human smuggling, compounding the confusion. Authorities attempted to address this issue by including separate terms and definitions for trafficking and smuggling in the new law; however, international observers expressed concern the government would not effectively train provincial police and prosecutors on the new terminology. MOI had a central anti-trafficking/smuggling unit staffed with 16 officers, with an additional two officers in each of the 34 provinces; however, officers were not solely dedicated to anti-trafficking, and officials noted two officers per province was insufficient. The Attorney General's Office reported it trained officials from the National Directorate of Security intelligence agency on combating trafficking during the reporting period.

International organizations and NGOs continued to provide most training opportunities to government officials.

Official complicity in trafficking remained a serious and pervasive problem. Some government and security officials reportedly engaged in the practice of *bacha baazi*. In July 2016, the President ordered an investigation into institutionalized sexual abuse of children by police officials and stated perpetrators would be prosecuted. The Afghanistan Independent Human Rights Commission's (AIHRC) 2014 report assessed that most who engage in *bacha baazi* paid bribes to, or had relationships with, law enforcement, prosecutors, or judges that effectively exempted them from prosecution. In October 2016, five Afghan National Army (ANA) soldiers were accused of sexually abusing a boy, possibly in *bacha baazi*. All five were arrested and transferred to an ANA court, where one soldier was convicted of unlawful use of lethal force and sentenced to two years imprisonment; another soldier was convicted of battery and sentenced to one year imprisonment. Three of the soldiers were released due to lack of evidence against them. In February 2017, a district chief of police and six members of the security forces were arrested for allegedly participating in a *bacha baazi* gathering; the district chief of police was fired from his position. However, observers reported the police also arrested the four victims involved in the case. In 2016, the government established the Department of Gender and Human Rights Research on Child Abuse within the MOI to protect women and children from abuses of law enforcement officials and police. The UN verified the continued use of children in combat and non-combat roles by the government in 2016, including five cases of recruitment by the Afghan National Police, two by the Afghan Local Police, and one by the ANA. The UN also verified in 2016 one case of child recruitment and use by the People's Uprising Group of Baghlan, a government-supported armed group. Observers reported some officials accepted bribes to produce identity documents for boys stating their age was above 18 years old.

## PROTECTION

The government maintained inadequate efforts to protect victims. The government did not compile comprehensive victim identification and assistance statistics; however, the Ministry of Labor and Social Affairs, Martyrs, and the Disabled (MOLSAMD) reported identifying 23 victims. Separately, an NGO reported identifying and assisting 93 victims, including 55 boys and 38 girls. The government did not develop or employ systematic procedures for the identification of victims and their subsequent referral to protective services; however, NGOs and international organizations noted the government, including multiple ministries and the police, actively referred victims to protective services. In 2016, government referrals accounted for 96 percent of two NGO-run trafficking shelter's caseloads. MOLSAMD reported it created a referral system for forced labor cases for the border police; it was unknown if the system was disseminated and used during the reporting period. Police lacked formal guidelines and funding to provide basic care (including water and food) to victims during investigations. In some instances, police officers paid out-of-pocket for basic victim care. MOLSAMD, with funding and staff from an international organization, reopened a government-owned short-term shelter in Kabul for trafficking victims that had closed several years ago. MOLSAMD provided registration, referral, and social services for trafficking victims, including receiving victims repatriated to Afghanistan from other countries. NGOs operated 29 women's protection shelters in 21 provinces that provided protection, legal, and social services to female victims of violence, which were available to trafficking victims. The Ministry of Women's

Affairs monitored and regulated all women's protective shelters through site visits to ensure compliance with women's centers regulations and guidelines and hosted national and provincial coordination committees to discuss the findings of visits and to address challenges. Family guidance centers provided non-residential legal and social services for victims of all crimes in 17 provinces, and provided shelter for victims in 14 provinces. The Child Protection Action Network, a conglomerate of NGOs, civil society, and government entities overseen by MOLSAMD, provided shelter to some child victims. NGOs operated two shelters for victims of labor and sex trafficking in Kabul, including one specifically dedicated to serving boys under age 18. At times, the government placed child victims in orphanages, although some children in orphanages were subjected to trafficking. There continued to be no shelters for adult male victims.

Authorities sometimes treated male and female victims as criminals simply for being unchaperoned or for having committed moral crimes; officials continued to arrest, imprison, or otherwise punish victims for prostitution or adultery, without regard to whether they had been subjected to forced prostitution, or for escaping from husbands who forced them into prostitution. Authorities sometimes prosecuted victims for possessing forged identity documents. Article 20 of the 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants provides that a trafficking victim shall not be prosecuted for crimes committed while being subjected to trafficking or for the possession or use of fraudulent travel documents. Officials sometimes placed in prisons male and female victims who could not be accommodated in shelters. NGOs reported placement of child trafficking victims in juvenile detention centers, sometimes for several years. Male child sex trafficking victims, including those subjected to *bacha baazi*, were in some cases referred to juvenile rehabilitation centers on criminal charges. The government did not demobilize child soldiers associated with governmental or nongovernmental armed groups or provide or refer such children for protection services or for reintegration support.

The government did not encourage victims to participate in investigations; it did not provide adequate support, security, or protective services for victims to safely do so without supplemental trauma. NGOs reported child trafficking victims are at times forced to testify in front of their alleged traffickers. Afghan law allows foreign victims to remain temporarily in Afghanistan for at least six months. There was no information the government forcibly deported any foreign trafficking victims in 2016.

## PREVENTION

The government increased its trafficking prevention efforts. The government continued to coordinate its anti-trafficking activities through its high commission, which met three times during the reporting period and separately held nine working level meetings. Provincial anti-trafficking commissions in 33 provinces coordinated activities to implement policy established by the high commission. The high commission did not receive money from the government for its operating or program expenses; the international community fully funded its activities. The government continued to implement its 2015-2017 national action plan to combat human trafficking. The high commission developed an action plan for public awareness of human trafficking and conducted 22 training programs in 10 provinces. The government continued to raise trafficking awareness through radio, television, and print media, and encouraged mullahs

to raise awareness through their weekly sermons. The AIHRC conducted 60 educational training programs on preventing and combating human trafficking for MOD officials, university lecturers, mullahs, and civil society activists; the programs reached 2,091 individuals.

During the reporting period, the government opened 15 child protection units (CPUs) to prevent the recruitment of children into the security forces. According to an international organization, the CPUs prevented the recruitment of 315 boys and three girls from January through November 2016. Separately, MOI reported it prevented the recruitment of 63 children into the police forces in 2016. The government continued to develop plans for its long-delayed electronic national identification card. During the reporting period, the government finalized a policy and drafted an action plan for the reintegration of Afghan returnees and internally displaced persons in partnership with the UN; however, government ability to assist vulnerable persons, including over one million documented and undocumented returnees from Pakistan and Iran in 2016, remained limited, and it continued to rely on the international community for assistance. The government did not take steps to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking. Men, women, and children are exploited in bonded labor in Afghanistan, where an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for multiple generations. Some entire Afghan families are trapped in debt bondage in the brick-making industry in eastern Afghanistan. Most Afghan trafficking victims are children exploited in carpet making and brick factories, domestic servitude, commercial sex, begging, poppy cultivation, transnational drug smuggling, and assistant truck driving within Afghanistan. Some Afghan families knowingly sell their children into sex trafficking, including for *bacha baazi*—where men, including some government officials and security forces, use boys for social and sexual entertainment. There are reports that some law enforcement officials, prosecutors, and judges accept bribes from or use their relationships with perpetrators of *bacha baazi* to allow them to escape punishment. Opium-farming families sometimes sell their children to settle debts with opium traffickers. Children in orphanages overseen by the government, but run by NGOs, were sometimes subjected to trafficking. Members of the Shia Hazara minority group were victims of forced labor. Afghan returnees from Pakistan and Iran and internally displaced Afghans are vulnerable to forced and bonded labor.

Men, women, and children in Afghanistan often pay intermediaries to assist them in finding employment, primarily in Iran, Pakistan, India, Europe, or North America; some of these intermediaries force Afghans into labor or prostitution. Afghan women and girls are subjected to sex trafficking and domestic servitude primarily in Pakistan, Iran, and India. The majority of Afghan victims in Pakistan are women and girls subjected to trafficking for the purpose of commercial sexual exploitation, including through forced marriages. Afghan boys and men are subjected to forced labor and debt bondage in agriculture and construction, primarily in Iran, Pakistan, Greece,

Turkey, and the Gulf states. Boys, especially those traveling unaccompanied, are particularly vulnerable to trafficking. Some Afghan boys are subjected to sex trafficking in Greece after paying high fees to be smuggled into the country. Reportedly, the Iranian government and the Islamic Revolutionary Guards Corps (IRGC) coerce male Afghan migrants and registered refugees, including boys as young as 12, to fight in Syria in IRGC-organized and commanded militias, by threatening them with arrest and deportation to Afghanistan.

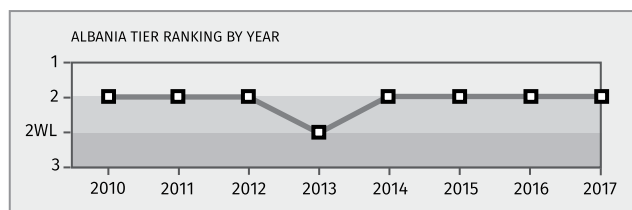
The government and armed non-state groups in Afghanistan recruit and use children in combat and non-combat roles. Armed non-state groups, mostly the Taliban, but also including other non-state groups like the Islamic State in Khorasan Province, account for most child recruitment and use. Insurgent groups forcibly recruit and use children as suicide bombers. The Taliban indoctrinate children using religious and military education and teach children to use small arms and deploy improvised explosive devices. Some families receive cash payments or protection in exchange for sending their children to the Taliban-run schools. Children from impoverished and rural areas, particularly those under Taliban control, are especially vulnerable to recruitment. The Afghan Local and National Police use children in combat and non-combat roles, including as personal servants, support staff, and body guards. The ANA also recruits children, although to a lesser extent. There were reports that some members of the Afghan security forces, including members of the ANA, and other groups of non-state actors sexually abuse and exploit young girls and boys.

There were reports of women and girls from the Philippines, Pakistan, Iran, Tajikistan, Sri Lanka, and China subjected to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, some labor recruiting agencies lure foreign workers to Afghanistan, including from Sri Lanka, Nepal, India, Iran, Pakistan, and Tajikistan; the recruiters subject these migrants to forced labor after arrival.

## ALBANIA: TIER 2

The Government of Albania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Albania remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and using for the first time its “special fund” towards victim protection from assets seized from traffickers. The government increased funding to the Office of the National Anti-Trafficking Coordinator (ONAC) and regularly convened stakeholders of the national referral mechanism and national anti-trafficking committee. However, the government did not meet minimum standards in several key areas. Police continued to illustrate a limited understanding of human trafficking and failed in some cases to identify trafficking victims among individuals involved in forced prostitution or domestic servitude. The government investigated two victims and punished one victim for unlawful acts committed as a result of being subjected to trafficking, although the law exempts victims from punishment for crimes committed as a result of their exploitation.





## RECOMMENDATIONS FOR ALBANIA

Implement the law that exempts victims from penalties for unlawful acts committed as a direct result of being subjected to trafficking, particularly sex trafficking victims exploited in prostitution; train police, labor inspectors, and other front-line officials on proactive identification of victims; continue to vigorously investigate, prosecute, and convict traffickers under article 110(a) and 128 (b); establish sustainable funding mechanisms for mobile units operated by law enforcement and civil society groups to identify victims; increase protection for victims from threats and intimidation during court proceedings by facilitating participation in the witness protection program and expanding training for prosecutors dealing with victim witnesses; increase funding to NGO-run shelters for trafficking victims and provide funding on a regular basis; improve the capacity of border and migration police to screen irregular migrants for trafficking indicators; and increase efforts to screen street children for signs of trafficking.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Articles 110(a) and 128(b) of the criminal code prohibit sex and labor trafficking and prescribe penalties of eight to 15 years imprisonment; these are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The state police investigated 69 cases with 69 suspected traffickers in 2016, compared to 80 cases with 90 suspects in 2015. The government did not disaggregate law enforcement data to demonstrate efforts against sex trafficking and forced labor, but did track whether the victims were adults or children. Twenty-one of these suspects in 2016 were investigated for child trafficking and 48 for adult trafficking. The Serious Crimes Prosecutor's Office prosecuted 18 suspected traffickers, compared to 15 in 2015. Nine of these suspects were prosecuted for child trafficking, compared to two suspects in 2015. Courts convicted 24 traffickers, compared to 11 in 2015. Eleven of these traffickers were convicted for child trafficking, and 13 for adult trafficking. All convicted traffickers received prison sentences, which ranged from two to 25 years. Authorities continued to prosecute some traffickers for the lesser crime of exploitation of prostitution. Authorities reported the confusion between overlapping elements of exploitation of prostitution and trafficking and at times applied the lesser charge because it required less specialization and time or due to the false belief that trafficking crimes required a transnational element. Traffickers charged with exploitation of prostitution could receive lighter penalties than those charged with sex trafficking.

In 2016, the government trained 75 judges and 20 police officers on investigation and prosecution of traffickers and victim protection. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Transnational law enforcement efforts increased. The government cooperated in two joint investigations with Italian and Spanish law enforcement. In 2016, eight Albanians were arrested in the Netherlands, Germany, Greece,

and Italy for suspected involvement in trafficking; three of these suspects were extradited to Albania. Albania extradited eight suspected foreign traffickers to Italy, Macedonia, and Moldova.

## PROTECTION

The government maintained victim protection efforts. The government and NGOs identified 95 trafficking victims and potential trafficking victims, compared to 109 in 2015. Of these, 55 were adults and 44 were children (61 adults and 48 children in 2015), 11 were male and 84 were female (22 male victims and 87 female victims in 2015), and eight were foreigners (four foreign victims in 2015). Sixty-two were identified as potential victims and 33 officially identified as victims, a status provided after a joint interview held by representatives from both law enforcement and state social services. The law guaranteed equal services for both potential victims and officially recognized victims.

Three specialized NGO-run shelters and one state-run shelter provided assistance to trafficking victims, including food, counseling, legal assistance, medical care, educational services, employment services, assistance to victims' children, financial support, long-term accommodation, social activities, vocational training, and post-reintegration follow-up. NGO-run shelters supported 75 trafficking victims and potential victims and the state-run shelter supported 30, of which 10 were from 2015. The government provided 21.7 million leks (\$169,231) to the state-run shelter, a decrease from 23,970,000 leks (\$186,900) in 2015. The government provided 15.3 million leks (\$119,093) to NGO-run shelters to support 24 staff salaries, an increase from 10 million leks (\$77,972) to support 12 staff salaries in 2015. For the first time, the government added 4.7 million leks (\$36,647) to the budget from seized criminal assets to fund reintegration and support services. Food support for NGO-run shelters decreased to 1.8 million leks (\$14,035) from 3 million leks (\$23,392) in 2015. NGO-run shelters continued to operate under financial constraints and relied on outside sources for operating costs. Financial mechanisms used to fund these shelters annually remained complicated and open to manipulation by local governments. Government funding for the three NGO-run shelters was delayed by two months and one shelter never received funding for food. NGO-run shelters allowed adult victims to leave the shelter voluntarily, but the state-run shelter required victims to seek approval from the director of the shelter. The government provided free vocational training, textbooks for child victims, and health cards that provided free access to health care. Only one NGO-run shelter provided specialized services for child victims under the age of 16. Male victims were provided with rented apartments, where they received assistance from NGOs. Foreign victims had access to the same services as domestic victims, including legal assistance.

First responders followed a standard operating procedure for identifying and referring victims to services; however, the government deactivated mobile identification units because international donors no longer provided support and the government lacked the funds to continue the units. NGOs reported law enforcement jailed victims for unlawful acts committed as a direct result of being subjected to human trafficking. For example, a female trafficking victim was convicted of prostitution and sentenced to 16 months imprisonment, of which she served nine months. Another victim was sentenced to 18 months probation but won her case on appeal. NGOs reported police often associated trafficking with movement and were unlikely to identify victims recruited and exploited

in the same region of the country. Observers reported cases of border guards and immigration officials not carrying out standard screening procedures. The government, in cooperation with an international organization, trained 388 officials in 12 regions on victim identification, referral, and assistance. The law provided foreign victims a three-month reflection period with temporary residency status and authorization to work for up to two years, although the government had yet to grant this status to a victim. Victims could obtain restitution from the government or file civil suits against traffickers; three victims filed for compensation but their cases were still pending during the reporting period. Observers reported threats were made to victims and their families during court proceedings. Courts allowed testimony via video conferences and victims who testified against traffickers had access to the witness protection program, but no trafficking victims participated in the program.

## PREVENTION

The government increased efforts to prevent trafficking. The government increased funding for the ONAC to 5.7 million leks (\$44,444) from 5.2 million leks (\$40,546) in 2015. The government adopted a revised national action plan after an assessment by ONAC in cooperation with an international organization. ONAC continued to publish regular activity reports on its website and convened stakeholders involved in the national referral mechanism. Twelve regional anti-trafficking committees (RATC) comprised of local officials and NGOs worked on prevention and victim assistance. The prime minister issued an order to strengthen the RATC by formalizing reporting, establishing deadlines, and increasing local awareness-raising efforts. ONAC and national anti-trafficking coordinators from Montenegro and Kosovo signed a joint declaration ensuring the application of a unified standard operating procedure for victim protection and assisted voluntary repatriation. The government sponsored awareness campaigns on exploitative labor practices; an international organization reported only 28 of 47 private employment agencies were operating legally. ONAC trained over 1,000 government workers, judges, prosecutors, and civil society partners on trafficking issues. The government did not make efforts to reduce the demand for commercial sex. The government provided anti-trafficking guidance for its diplomatic personnel, and the national coordinator briefed Albanian diplomats stationed in nine cities on human trafficking regulations.

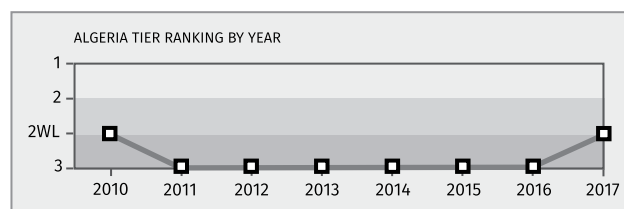
## TRAFFICKING PROFILE

As reported over the past five years, Albania is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Albanian women and children are subjected to sex trafficking and forced labor within the country, especially during tourist season. Traffickers use false promises such as marriage or employment offers to force victims into sex trafficking. Traffickers increasingly use social media to recruit victims. Children are commonly forced to beg or perform other types of compelled labor such as selling small items. Albanian children, mainly from the Romani community, are exploited in Turkey for seasonal work. There were also instances of children forced to work in cannabis fields in Albania and some traffickers are likely involved in drug trafficking. Albanian victims are subjected to sex trafficking in countries across Europe, particularly Kosovo, Greece, Italy, and the United Kingdom. NGOs report an increase in the number of Albanian children subjected to forced labor in Kosovo and the United Kingdom. Foreign victims from European countries,

Philippines, and Nigeria were subjected to sex trafficking and forced labor in Albania. Irregular migrants from Asia are increasingly employed as domestic workers by wealthy families where they are vulnerable to domestic servitude. Middle Eastern, Central Asian, and African migrants transit Albania to reach Western Europe and are vulnerable to trafficking.

## ALGERIA: TIER 2 WATCH LIST

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Algeria was upgraded to Tier 2 Watch List. These achievements include the investigation and prosecution of 16 alleged traffickers and the identification of 65 potential forced labor victims, both significant increases from the previous reporting period. Despite the identified victims' illegal immigration status, the government provided them temporary housing, medical aid, and other basic services at a migrant transit center. The government's newly demonstrated political will to address trafficking included the issuance of a September 2016 presidential decree formally institutionalizing the inter-ministerial anti-trafficking committee and assigning it a dedicated budget to implement its mandate. Despite these achievements, the government did not systematically identify trafficking victims among vulnerable populations, nor did it provide adequate protection services for all trafficking victims. It did not have a standardized mechanism to refer potential victims to government- or NGO-run protection services. Furthermore, due to a lack of identification efforts, authorities continued to punish potential trafficking victims for acts committed as a direct result of being subjected to trafficking, such as immigration violations and prostitution.



## RECOMMENDATIONS FOR ALGERIA

Vigorously investigate, prosecute, and convict sex and labor trafficking offenders and punish them with sufficiently stringent penalties; establish formal procedures for victim identification and referral to care, and train law enforcement, judicial, and healthcare officials and social workers on these procedures; develop formal mechanisms to provide appropriate protection services, either directly or through support and partnership with NGOs and international organizations, including adequate shelter, medical and psycho-social care, legal aid, and repatriation assistance, to all trafficking victims; ensure victims do not face arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; ensure the safe and voluntary repatriation of foreign victims, including through collaboration with relevant organizations and source-country embassies, raise public awareness of the indicators and risks of trafficking, including on the difference between human trafficking and smuggling; and implement the national anti-trafficking action plan.

## PROSECUTION

The government increased efforts to investigate and prosecute trafficking offenders. Algeria prohibits all forms of trafficking under section 5 of its penal code. Prescribed penalties under this statute range from three to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law No.14-01, which criminalizes the buying and selling of children younger than the age of 18, provides for prison terms of three to 20 years imprisonment for individuals and groups convicted of committing or attempting to commit this crime; however, this law could be interpreted to include non-trafficking crimes such as human smuggling or illegal adoption.

The government remained without an effective system to collect and report nationwide anti-trafficking law enforcement data. However, the government reported it investigated six individuals in September 2016—including three Nigeriens, two Algerians, and one Malian—allegedly involved in a trafficking network, who forced undocumented adult and child migrants from Niger to beg in cities in northern Algeria. The government arrested and charged these alleged offenders with human trafficking offenses, among other crimes. The case was transferred from a court in Tamanrasset to a specialized court in Ouargla and remained pending at the end of the reporting period. Police continued to search for four members of this alleged trafficking network who remained at large at the end of the reporting period. The government also investigated two other human trafficking cases involving a total of 10 alleged perpetrators and 33 victims. These 16 prosecutions represent an increase from zero prosecutions in the previous reporting period. However, for another consecutive year, the government did not report convicting any trafficking offenders. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. The General Directorate for National Security maintained six police brigades to monitor illegal immigration and human trafficking and provided staff specialized training. It also maintained 50 brigades specializing in combating crimes against children, including trafficking crimes. The government partnered with an international organization to hold two anti-trafficking training workshops for law enforcement officers, members of the national anti-trafficking committee, and Algerian journalists in May and September 2016. In March 2017, the government provided in-kind support for an anti-trafficking workshop led by an international organization, which trained more than 25 judges and prosecutors from several regions of the country. The government also sent two representatives from its national anti-trafficking committee to an international workshop on human trafficking in Oman in December 2016. As of the end of the reporting period, the Ministry of Interior was in the process of planning training sessions on human trafficking for provincial and local government officials.

## PROTECTION

The government increased efforts to identify and provide protection services to trafficking victims. In September 2016 as part of its investigation of an alleged forced begging ring in Tamanrasset, the government identified 32 potential trafficking victims, including 17 children. The government also identified 33 additional potential victims in two other investigations of alleged trafficking. This compares to zero victims identified in 2015. The government did not have a formal mechanism to refer potential victims to protection services, but officials referred potential victims to basic services on an ad hoc basis. After authorities broke up the trafficking ring, police, local

officials, and a governmental aid organization in Tamanrasset partnered to provide the victims with temporary housing, food, clothing, and medical services at a migrant transit center. Authorities recognized that the victims—although undocumented migrants—were entitled to protection services and freedom of movement rather than criminal punishment, which represented a significant step towards providing victim-centered protection.

Despite the various protection services provided to trafficking victims, the government did not systematically identify victims and provide necessary services, such as appropriate shelter, rehabilitation, psycho-social care and legal assistance, or repatriation support for victims who chose to return to their home countries. The government did not have formal standardized identification procedures for officials to screen for and identify victims among vulnerable groups. Government officials admitted difficulty distinguishing trafficking victims from irregular migrants and identifying trafficking victims among ethnically cohesive migrant communities. Officials continued to rely on victims to report abuses to authorities; however, trafficking victims among the migrant populations typically did not report potential trafficking crimes to the police for fear of arrest and deportation. Police officers reportedly used a worksheet to identify potential victims among those detained at police stations, while *gendarmerie* brigades were under instructions to refer potential trafficking cases to a representative in the national anti-trafficking commission for review. However, it was unknown whether officials used these procedures regularly or throughout the country during the reporting period. Thus, potential trafficking victims among migrant populations continued to face punishment, such as arrest and deportation, for crimes committed as a direct result of being subjected to human trafficking, such as illegal migration. For example, authorities in the migrant transit center in Tamanrasset, where 5,000 migrants transited in 2016 before being repatriated, made no effort to identify potential trafficking victims proactively among those in the center, nor did officials distinguish or separate potential trafficking victims from alleged traffickers. Additionally, during a government operation to repatriate to Niger an estimated 1,000 undocumented sub-Saharan migrants from Mali, Guinea, and other West African countries in December 2016, authorities did not proactively screen for or identify trafficking victims among deportees.

The anti-trafficking law encourages victims to participate in investigations or prosecutions of offenders through the provision of financial assistance, housing, and medical care, but there were no reports that victims participated in investigations in 2016. Additionally, trafficking victims were legally entitled to file civil suits against their offenders, but the government did not report cases in which victims did so during the reporting period. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government made some efforts to prevent human trafficking, which it increasingly acknowledged as a problem in Algeria, and developed institutional frameworks to respond to the crime. In September 2016, a presidential decree formally institutionalized the inter-ministerial anti-trafficking committee—placing it under the auspices of the prime minister's office—and provided it a dedicated budget. The committee was composed of 20 members from various government ministries and institutions to coordinate the government's anti-trafficking activities,



including implementation of the government's 2015 national anti-trafficking action plan. This committee met nine times during the reporting period. Although the presidential decree instructed the national committee to organize awareness activities, the government did not do so during the reporting period. The government took actions to reduce the demand for commercial sex acts. The government took limited measures to reduce the demand for forced labor. The government provided anti-trafficking training as a part of its broader human rights training for its diplomatic personnel.

## TRAFFICKING PROFILE

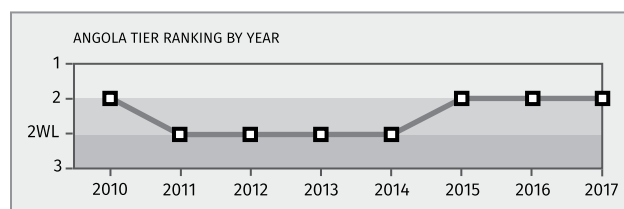
As reported over the past five years, Algeria is a transit and destination country and, in very isolated cases, a source country for children subjected to sex trafficking and men subjected to forced labor. Undocumented sub-Saharan migrants, primarily from Mali, Niger, Burkina Faso, Cameroon, Guinea, Liberia, and Nigeria, are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and language barriers. Unaccompanied women and women traveling with children are also particularly vulnerable to exploitation. Sub-Saharan African men and women, often en route to neighboring countries or Europe, enter Algeria voluntarily but illegally, frequently with the assistance of smugglers or criminal networks. Many migrants, impeded in their initial attempts to reach Europe, remain in Algeria until they can continue their journey. While facing limited opportunities in Algeria, many migrants illegally work in construction or engage in prostitution to earn money to pay for their onward journey to Europe, which puts them at high risk of exploitation. Some migrants become indebted to smugglers, who subsequently exploit them in forced labor and sex trafficking upon arrival in Algeria. For example, female migrants in the southern city of Tamanrasset—the main entry point into Algeria for migrants and for the majority of foreign trafficking victims—are subjected to debt bondage as they work to repay smuggling debts through domestic servitude, forced begging, and forced prostitution. Some migrants also fall into debt to fellow nationals who control segregated ethnic neighborhoods in Tamanrasset; these individuals pay migrants' debts to smugglers and then force the migrants into bonded labor or prostitution. Tuareg and Maure smugglers and traffickers in northern Mali and southern Algeria force or coerce men to work as masons or mechanics; women to wash dishes, clothes, and cars; and children to draw water from wells in southern Algeria. Victims also report experiencing physical and sexual abuse at the hands of smugglers and traffickers. Many sub-Saharan migrant women in southern Algeria willingly enter into relationships with migrant men to provide basic shelter, food, income, and safety, in return for sex, cooking, and cleaning. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances of women prevented from leaving the home and raped by their "partner." Foreign women and children, primarily sub-Saharan African migrants, are exploited in sex trafficking in bars and informal brothels, typically by members of their own communities, in Tamanrasset and Algiers.

Nigerien female migrants begging in Algeria, who often carry children—sometimes rented from their mothers in Niger—may be forced labor victims. Nigerien children, ranging from 4 to 8 years old, are brought to Algeria by trafficking networks with the consent of their parents and forced to beg for several months in Algeria before being returned to their families in Niger. Media and civil society organizations reported in 2015

that some sub-Saharan African migrant women working in domestic service for Algerian families experience physical abuse, confiscation of passports, and withheld pay. In 2014, the media and an international NGO reported Vietnamese migrants were forced to work on construction sites for Chinese contractors in Algeria. In 2015, civil society organizations reported isolated instances of foreign and Algerian children in sex trafficking and in forced labor on construction sites.

## ANGOLA: TIER 2

The Government of Angola does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Angola remained on Tier 2. The government demonstrated increasing efforts by issuing its first convictions with stringent sentences for three sex traffickers. It identified an increased number of trafficking victims for the third consecutive year, and referred the majority of victims to protective services. The government cooperated with three foreign governments on investigations of Angolans exploited abroad and with international organizations to provide protective services and facilitate repatriation for foreign victims. The inter-ministerial commission met periodically throughout the year, undertook robust prevention efforts, and worked to identify best practices to improve its efforts to combat trafficking. However, the government did not meet the minimum standards in several key areas. The government did not adequately fund protection mechanisms, including shelters, legal, medical, and psychological services. It did not conduct any investigations of allegations of official complicity despite credible reports of some law enforcement officers' involvement in trafficking. Border security guards forcibly detained and deported illegal migrants without adequate screening procedures to identify potential trafficking victims.



## RECOMMENDATIONS FOR ANGOLA

Increase investigations and prosecution of forced labor and sex trafficking offenses, including those involving allegedly complicit officials; train law enforcement officials on the 2014 money laundering law's anti-trafficking provisions; implement procedures for identifying trafficking victims, and train officials on such procedures; investigate labor trafficking in the Angolan construction sector; develop uniform and systematic referral procedures for all provinces; increase efforts to provide shelter, counseling, and medical care for adult victims, including men, either directly or in partnership with NGOs; collect and analyze anti-trafficking law enforcement data; and tailor nationwide anti-trafficking public awareness campaigns to vulnerable populations.

## PROSECUTION

The government increased law enforcement efforts. The 2014 money laundering law criminalizes all forms of trafficking in persons and prescribes penalties of one to 15 years imprisonment, depending on the specific offense; which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Trafficking is criminalized in chapter III, articles 18, through 23. Article 18 criminalizes slavery and servitude as well as the buying and selling of a child under 14 years of age for adoption or for slavery. Article 19 criminalizes the trafficking of adults and children for the purpose of sexual exploitation, forced labor or trafficking in organs by means of force, fraud or coercion, with a penalty of three to 12 years imprisonment. Article 19 makes it a crime to receive services or organs that are provided by those means, subject to a lesser penalty. Article 20 makes it a crime to entice or force a person to practice prostitution in a foreign country. Article 21 also appears to make sex trafficking a crime; entitled “pimping,” it makes it a crime to use violence, threats or fraud to promote the exercise of prostitution, subject to a prison sentence of one to 6 years. Article 22 makes it a crime to pimp children under the age of 18, without regard to means of force, fraud or coercion—which is the definition of sex trafficking of children in international law—with a penalty of two to 10 years imprisonment; for the use of force, fraud or coercion with a child less than 14 years old, the term of imprisonment is 5 to 12 years. Article 22 makes it a crime to entice children to engage in prostitution in a foreign country, with sentences of three to 12 years imprisonment; with force, fraud or coercion, the sentence is three to 15 years imprisonment. These sentences are generally commensurate with the penalties for other serious crimes, such as rape.

The government investigated two potential child sex trafficking cases, compared with 12 potential trafficking cases in the previous reporting period. The government initiated one prosecution of a suspected trafficker and continued the prosecution of three suspects initiated during the previous reporting period, which led to the government’s first conviction and sentencing of traffickers. The Luanda Provincial Court sentenced three Vietnamese citizens, two women and one man, to eight, nine, and 10 years imprisonment, respectively, for the sex trafficking of five Vietnamese women and for the indentured servitude of three Vietnamese and one Chinese man—the first trafficking convictions in Angola under the 2014 money laundering law. The government initiated prosecution of one Congolese woman for trafficking of four Congolese children, ages 11 to 14, in Zaire province. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses despite credible reports of some law enforcement officers owning brothels in Luanda suspected of involvement in trafficking. Some law enforcement officials were also accused of trying to undermine anti-trafficking efforts by harassing anti-trafficking activists. There were allegations that corruption may have hindered law enforcement anti-trafficking efforts.

The government, at times in partnership with international organizations, trained 119 magistrates and local level officials from the justice, interior, and labor ministries on identifying and processing trafficking cases. The government trained labor inspectors on child labor laws. National police academy training continued to include human trafficking provisions. The government cooperated with French, Portuguese, and Brazilian authorities in the investigation of potential trafficking crimes involving Angolan citizens abroad; these investigations remained ongoing at the close of the reporting period. The government cooperated with the Vietnamese authorities in the

investigation that led to the conviction of three Vietnamese citizens on trafficking charges in Angola, involving Vietnamese and Chinese victims. The government maintained a labor agreement with the Government of China, which requires Chinese companies to follow Angolan labor laws; and Angolan authorities investigated construction companies and employers, including Chinese-run operations, for alleged forced labor abuses during the reporting period.

## PROTECTION

The government increased its efforts to identify and protect victims. The government identified 91 trafficking victims, including 77 children, five women, and 15 men; this represents an increase for the third consecutive year compared to 55 in 2015 and 17 in 2014. The government referred all 77 children to either government shelters or private shelters recognized by the government for care. The government did not provide information regarding the care of nine adult sex trafficking victims, whose case resulted in Angola’s first trafficking convictions. In two recent cases involving victims from the Democratic Republic of Congo (DRC) and Kenya, the government partnered with an international NGO to provide protective services and facilitate repatriation. The government did not adequately fund protection mechanisms, including shelters and legal, medical, and psychological services; however, the government drastically reduced its spending across all sectors, particularly the health and social services sector, due to an economic downturn.

The National Institute of Children (INAC) received referrals of child victims and managed child support centers in all 18 provinces, which provided food, shelter, basic education, and family reunification for crime victims younger than age 18; however, it was unclear how many children such centers assisted during the year. The Ministry of Social Assistance and Reinsertion (MINARS) and the Ministry of Family and Women’s Affairs (MINFAMU), which managed a national network of safe houses for women, received referrals of female victims. Both networks of shelters provided legal and psychological assistance to victims. MINARS, MINFAMU, and the Organization of Angolan Women operated 30 counseling centers, seven multipurpose shelters, and 52 children’s shelters, which trafficking victims could access. The inter-ministerial commission developed guidelines for referring potential trafficking victims to the provincial attorney general’s office and representative for the Directorate for Human Rights, and for liaising with INAC and MINFAMU.

Law enforcement and social services officials lacked a mechanism for screening vulnerable populations, including foreign workers and persons in prostitution. The government may have arrested and deported individuals for unlawful acts committed as a result of having been subjected to trafficking, including immigration and employment violations. To stem the flow of illegal migrants crossing into Angola, particularly from the DRC, border security forces detained and deported individuals without screening to identify any potential trafficking victims. Furthermore, a UN official expressed concern over allegations that Angolan security forces harassed, detained, and denied legal services to irregular migrants. Authorities who found workers without work permits during labor inspections fined the employers and arrested and deported the workers. On previous occasions when authorities identified trafficking victims among foreign laborers, the Angolan government routinely repatriated them to the source countries without providing care or ensuring proper treatment upon their arrival. Angolan law does not provide foreign trafficking victims with legal alternatives to

their removal to a country where they may face hardship or retribution. The national police, with the assistance of social workers and psychologists as appropriate, used victim testimony for investigation and prosecution of traffickers.

## PREVENTION

The government maintained its efforts to prevent human trafficking. The inter-ministerial commission—established in 2014 under the direction of the Ministry of Justice and Human Rights and the Ministry of Social Assistance and Reintegration—was instrumental in encouraging increased collaboration between national police and provincial government officials. The commission was comprised of provincial commissions to combat trafficking in Benguela, Huila, Namibe, Uige, and Zaire, which informed national level efforts by sharing information with the national commission in order to identify trafficking cases. Resistance from the national police to share information in their national crime database has slowed the inter-ministerial commission's analysis of trafficking in Angola. During the reporting period, it produced and distributed 1,000 copies of a manual entitled "Trafficking in Persons: Prevention, Protection, and Assistance to Victims" and continued to meet periodically. In August 2016, the government issued Presidential Decree No. 155/16, the New Legal Framework on Domestic Work and Domestic Services Employees' Social Protection, which entitles domestic workers to paid leave, eight-hour work days, the right to retirement, holidays and maternity leave. Decree 155/16 complements article 3 of the General Labor Law, Law No. 7/15, which prohibits minors to serve as domestic workers; however, government did not widely enforce the decree. The Office of the Attorney General organized a meeting with the Association of African Attorneys to discuss best practices to combat trafficking. The government-funded two public information radio campaigns to raise awareness of trafficking. The government sought technical assistance from two international organizations to review Angola's anti-trafficking legislation, identify state and non-state actors that work on counter trafficking, and to provide recommendations to help develop a new national anti-trafficking policy. In November, the inter-ministerial commission started a bilateral working group with Mozambique's national coordinating body to discuss regional trafficking concerns and share best practices. The commission continued to draft a formal national action plan; however, it did not finalize or adopt it for the second consecutive year. The government did not report any efforts to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Angola is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Angolans, including minors, endure forced labor in the brick-making, domestic service, construction, agricultural, and artisanal diamond mining sectors within the country. Angolan girls as young as 13 years old are victims of sex trafficking. Angolan adults use children younger than age 12 for forced criminal activity, because children cannot be criminally prosecuted. The provinces of Luanda, Benguela, and the border provinces of Cunene, Namibe, Zaire, and Uige are the most high threat areas for trafficking activities. Some Angolan boys are taken to Namibia for forced labor in cattle herding, while others are forced to serve as couriers to transport illicit goods, as part of a scheme to skirt import fees in cross-border trade with Namibia. Angolan women and

children are subjected to domestic servitude and sex trafficking in South Africa, Namibia, and European countries, including the Netherlands and Portugal.

Women from Namibia, the DRC, Vietnam, and Brazil engaged in prostitution in Angola may be victims of sex trafficking. Some Chinese women are recruited by Chinese gangs and construction companies with promises of work, but later are deprived of their passports, kept in walled compounds with armed guards, and forced into prostitution to pay back the costs of their travel. Chinese, Southeast Asian, Brazilian, Namibian, Kenyan, and possibly Congolese migrants are subjected to forced labor in Angola's construction industry; they may be subject to withholding of passports, threats of violence, denial of food, and confinement. At times, workers are coerced to continue work in unsafe conditions, which at times reportedly resulted in death. Chinese workers are brought to Angola by Chinese companies that have large construction or mining contracts; some companies do not disclose the terms and conditions of the work at the time of recruitment. Undocumented Congolese migrants, including children, enter Angola for work in diamond-mining districts, where some endure forced labor or sex trafficking in mining camps. Trafficking networks recruit and transport Congolese girls as young as 12 years old from Kasai Occidental in the DRC to Angola for labor and sex trafficking.

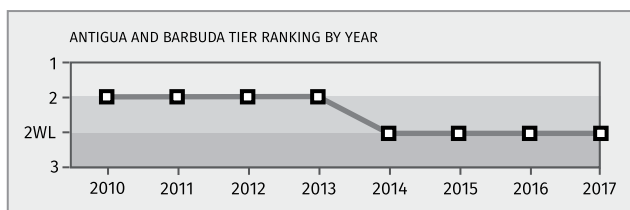
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## ANTIGUA AND BARBUDA: TIER 2 WATCH LIST

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The Government of Antigua and Barbuda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by initiating the prosecution of a trafficking case, revising its national action plan, training relevant government personnel, increasing funding for anti-trafficking efforts, and providing some assistance to victims. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not report significant law enforcement efforts, reported fewer victims identified and fewer investigations of suspected cases, and continued to issue administrative penalties for suspected complicit police officers rather than charging them with crimes. The government has never reported any trafficking convictions. The government did not allocate sufficient funding, services, and human resources for victim needs, law enforcement and prosecutions, and public awareness campaigns. The government also suffered from a lack of coordination and cohesion in its efforts to combat trafficking due to personnel rotations at the working and ministerial levels and the lack of a dedicated office or personnel for anti-trafficking efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Antigua and Barbuda was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Antigua and Barbuda remained on Tier 2 Watch List for the fourth consecutive year.





## RECOMMENDATIONS FOR ANTIGUA AND BARBUDA

Provide increased prioritization, coordination, robust funding, and human resources across all agencies to adequately combat human trafficking; vigorously prosecute trafficking offenses and convict and punish traffickers, including complicit officials; improve the capacity of investigators and prosecutors to expeditiously process trafficking cases; train law enforcement and prosecutors in the relevant legislation and proactively identifying, obtaining, preserving, and corroborating evidence using victim-centered approaches with a special emphasis on identifying trafficking victims in establishments selling sex; consider creating a dedicated trafficking unit with seconded personnel from relevant agencies; develop joint and agency specific standard operating procedures (SOPs) for all government agencies and relevant NGOs; increase training for relevant immigration, labor, medical personnel, and NGOs; improve data collection on prosecutions, convictions, and victim identification and care; and increase public awareness campaigns.

## PROSECUTION

The government increased prosecution efforts. The Trafficking in Persons (Prevention) Act, 2010, which was amended in 2015 to vest jurisdiction for trafficking cases to the High Court of Justice, prohibits all forms of trafficking and prescribes punishments of 20 to 30 years imprisonment and fines of 400,000 to 600,000 Eastern Caribbean dollars (\$148,148 to \$222,222). These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

Authorities reportedly investigated three cases of trafficking; however, conflicting government accounts made it difficult to determine the number of cases, nature of the crimes, and the nationalities of the victims. The government reported investigating 10 cases of trafficking in 2015 and two cases in 2014. The 2016 cases remained open at the close of the reporting period. The government initiated its first prosecution since 2011 for a case of sex trafficking that occurred in December 2015. The government has never reported any trafficking convictions. Experts noted the prosecutor's office had limited staff and resources and were concerned the police were not undertaking proactive raids to uncover sex trafficking cases. Experts noted investigations of suspected trafficking cases were slow due to overburdened investigators. The police worked closely with Interpol and police from victims' countries, which included Jamaica and Guyana. The police incorporated anti-trafficking training into the standard curriculum for all new officers. The immigration department also conducted training for officials in coordination with an international organization.

The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities continued to review the case of three police officers suspected of involvement in trafficking crimes; the police standards committee is reviewing the case for disciplinary action, but did not prosecute the officers. Over the past two years, the police force has administered administrative sanctions for officers suspected or implicated

in trafficking, rather than charge them with a crime under the country's trafficking laws.

## PROTECTION

The government maintained protection efforts, although there was not sufficient funding to adequately provide for victim needs. There was no standardized database available to track trafficking cases across all departments, although the government continued to develop a shared database. The government completed drafting SOPs for referral procedures in trafficking cases, including for law enforcement, healthcare, and gender offices. With the assistance of an international organization, the government held a four-day, multi-agency training session in October 2016.

Conflicting government accounts made it difficult to determine the number of victims identified and circumstances of their victimization. The government reported identifying four foreign female trafficking victims: two of the victims were reportedly subjected to labor trafficking and two other cases were under investigation; one of the victims was a minor. In 2015, the government reported identifying 10 victims. The gender affairs department was responsible for providing care to victims, such as counseling, health care, shelter, food and clothing, assistance to communicate with families, travel arrangements, and assistance with employment, work permits, and immigration relief, through a referral process. The gender affairs department obtained in-kind contributions for victim care donated from businesses, including hotel stays and groceries. For the reporting period, one victim received shelter, food, and personal items. The other three victims requested repatriation assistance but declined other victim services.

Experts noted problems in how the government identified and provided suitable shelter for victims and payment for medical services involving foreign nationals. Medical providers were trained during the reporting period on trafficking indicators to understand the type of psychological care and sensitivity required for victims. Experts were concerned that the government was unable to keep information on victims confidential due to the paperwork circulated among several public offices. The government did not issue residency benefits or provide long-term shelter during the reporting period. The government assisted with repatriation of three victims. The gender affairs department and police encouraged victim participation in investigations and prosecutions; all victims cooperated with police. The 2010 anti-trafficking act protects identified victims from punishment for unlawful acts committed as a direct result of having been subjected to trafficking. There were no reports of trafficking victims being detained or fined for illegal acts committed as a result of trafficking. Per the anti-trafficking act, a victim can file a civil suit for restitution from a government official complicit in trafficking; however, the government reported no civil suits during the reporting period.

## PREVENTION

The government maintained modest prevention efforts, which were hampered by a lack of leadership, funding, and coordination. According to the Ministry of National Security, the 2016 budget for anti-trafficking efforts was 109,405 Eastern Caribbean dollars (\$40,520), an increase from 66,000 Eastern Caribbean dollars in 2015 (\$24,444). It was unclear how this funding was allocated. All government agencies reported a lack of funding for anti-trafficking efforts and victim care. Experts noted a shortage of funding and human resources for

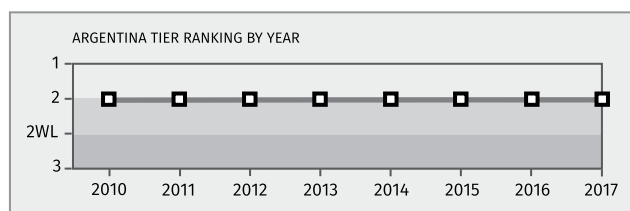
public awareness campaigns. The government conducted an eight-day awareness-raising campaign, including radio and television interviews, two school presentations, and a street fair and awareness march. The anti-trafficking committee met 10 times during the reporting period and continued to oversee implementation of the three-year national action plan, which expires in 2018. There was no full-time working-level staff member within the Ministry of National Security to lead anti-trafficking efforts, and frequent personnel rotations among the working and leadership levels, contributed to problems in leadership, coordination, knowledge, and training among government agencies. The government released a 2015 annual report on the efforts of the anti-trafficking committee during the reporting period. The government revised its 2016-2018 action plan to include more specificity of tasks and assessment plans for government agencies and NGOs. The government included diplomatic staff in its anti-trafficking training sessions. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

### TRAFFICKING PROFILE

As reported over the past five years, Antigua and Barbuda is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. Documented and undocumented immigrants from the Caribbean region, notably from Jamaica, Guyana, Haiti, and the Dominican Republic, as well as from Southeast Asia, are most vulnerable to trafficking. Sex trafficking has been reported in bars, taverns, and brothels. Recruitment of victims has often involved the promise of opportunities, such as a job offer to work as a dancer in a club. There are anecdotal reports of children subjected to sex trafficking, including by parents and caregivers. Forced labor occurs in domestic service and the retail sector. There have been concerns about trafficking-related complicity by police officers.

## ARGENTINA: TIER 2

The Government of Argentina does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Argentina remained on Tier 2. The government demonstrated increasing efforts by identifying and assisting more victims, opening two regional anti-trafficking offices, increasing the number of investigations, and providing more training and outreach to improve protection and awareness-raising efforts. However, the government did not meet the minimum standards in several key areas. Despite the increase in investigations and convictions, the number of prosecutions declined. In addition, the government did not confirm how many convicted traffickers served time in prison or how many victims it identified or assisted. Official complicity continued to be a significant concern, inhibiting law enforcement efforts.



## RECOMMENDATIONS FOR ARGENTINA

Strengthen efforts to investigate, prosecute, convict, and punish traffickers with dissuasive sentences, including complicit officials; continue funding specialized shelters, provide services for male victims, and increase legal, medical, and employment services for victims; provide victim identification training to law enforcement officials and labor inspectors focused on specific vulnerable populations, such as domestic workers; draft and implement the anti-trafficking plan with an adequate budget; strengthen coordination among the federal and provincial governments and NGOs; improve efforts to collect data on victim protection efforts and assistance; and increase awareness campaigns targeting vulnerable populations.

### PROSECUTION

The government maintained law enforcement efforts. Law 26842 of 2012 prohibits all forms of human trafficking and prescribes punishments of four to 10 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international standards law 26842 establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime. The law also includes as the crime of trafficking, facilitating or profiting from the prostitution of others and the illegal sale of organs without regard to the use of force, fraud, or coercion. Some provincial authorities investigated and prosecuted trafficking cases under different statutes related to exploitation and pimping, making it difficult to collect comprehensive data. Authorities did not report the total number of trafficking cases investigated by police in 2016. The government decreased prosecutions, but investigated and convicted more traffickers than in 2015, although it was unclear how many of the reported cases were for trafficking as defined by international law. The anti-trafficking prosecutor's office (PROTEX) opened 1,089 preliminary investigations in 2016, compared with 358 in 2015 and 200 in 2014. The government prosecuted 54 suspected traffickers (32 for sex trafficking and 22 for labor trafficking), compared with 98 (47 for sex trafficking and 51 for labor trafficking) in 2015, and 92 for sex and labor trafficking in 2014. Despite the three-fold increase of investigations, prosecutions dropped nearly half. The government obtained convictions of 46 traffickers in 2016, compared with 35 in 2015 and 67 in 2014. Fifty-four percent of sentences ranged from two to five years imprisonment; however, under Argentine law, defendants sentenced to less than three years for any crime automatically have their sentences suspended; it was unclear how many sentences were suspended. Corruption and official complicity in trafficking crimes remained significant concerns, although the government continued to investigate and prosecute cases involving public officials. During the reporting period, PROTEX successfully appealed a case leading to the reopening of an investigation after allegations surfaced that one of three judges assigned to the case was involved in covering up trafficking crimes. In another case, investigations revealed members of the security forces and the judiciary were believed to be involved with three human trafficking networks; authorities indicted 26 individuals accused of sexual exploitation, and the case was pending at the end of the reporting period. In addition, the government indicted a provincial mayor and superintendent for allegedly protecting a sex trafficking organization. Despite several ongoing investigations and formal indictments, including cases from the previous year, there were no convictions of complicit officials. The government provided numerous anti-trafficking trainings to law enforcement, prosecutors, and judicial officials, among others, including virtual training courses.

## PROTECTION

The government increased protection efforts. The Program for Rescue is the government office responsible for coordinating emergency victim services nationwide; in 2016, it reported identifying 666 potential trafficking victims, compared with 424 in 2015. This includes all individuals discovered during anti-trafficking law enforcement raids, some of whom were likely in exploitative labor situations that may not rise to the level of forced labor. Federal officials had formal procedures for victim identification and assistance; however, in practice, the procedures to identify victims among vulnerable populations varied by province. Some front-line responders had limited understanding of trafficking; the government did not make efforts to identify victims of domestic servitude. Regional governments in the provinces of Chaco, Santa Fe, La Pampa, Mendoza, and La Rioja operated anti-trafficking centers, which provided psychological, social, medical, and judicial assistance to trafficking victims. In 2016, the government opened two more centers, in the provinces of Chubut and Rio Negro. A government-funded NGO operated two shelters that assisted trafficking victims, one in Buenos Aires, and one in Tucuman. The Secretariat for Children, Adolescents, and Families also operated two shelters, one for children and one for women. There were no specialized shelters for male victims; therefore, the government often placed male victims in other government-funded shelters or in hotels for temporary housing, while others returned to their country or province of origin. The Program for Rescue reported all identified victims could receive emergency assistance during the early stages of the investigation and during the initial testimony for the courts; the Ministry of Social Development provided mid-term and long-term care assistance. NGOs reported a need for long-term housing, skills training and employment, childcare and legal assistance. Foreign victims had the same access to care as Argentine nationals; however, victims were sometimes unaware of services available. Authorities did not report how many received assistance during the reporting period. The government did not report the number of victims who received repatriation assistance. There were no reports of identified victims jailed or penalized for unlawful acts committed as a direct result of their being subjected to trafficking. Authorities organized 50 training courses on victim identification and assistance, reaching 2,257 individuals, including officials, members of civil society, students, teachers, and health professionals.

The government encouraged the participation of victims in trials of their traffickers by assisting victims throughout the initial testimony and during any subsequent appearances. The Program for Rescue provided tribunals with reports on the psychological state of victims and what requirements they might have to assist in the prosecution of their traffickers. Other support for victim testimony included the possibility of video testimony and the use of recorded testimony. It was unclear how many victims received such assistance during the reporting period. In 2016, a victim of sex trafficking filed and won a civil suit against her traffickers and the municipality where the abuse occurred, marking the first time that a trafficking victim was awarded restitution from her traffickers and the state.

## PREVENTION

The government maintained prevention efforts. In June 2016, the federal council on human trafficking, which included federal government entities, provincial officials, and a smaller executive council that implemented the initiatives of the federal council, met for the first time. During the reporting period, the government held sessions to draft a national action plan and

identify NGOs to include on the federal council. Despite these efforts, NGOs advocated for improved interagency coordination. Some provincial governments undertook prevention efforts, such as awareness campaigns focused on students and teachers. NGOs and municipal authorities continued to express concern about child sex tourism, though there were no reported investigations or prosecutions related to this crime. The government continued proactive efforts to register informal workers and employers in rural areas and investigate non-compliance with labor laws. The government launched a new campaign to increase public awareness of trafficking indicators and to encourage the public to report cases of potential trafficking. The government made efforts to reduce the demand for commercial sex. The government did not make efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic personnel. Argentine troops received anti-trafficking training prior to their deployment abroad on international peacekeeping operations.

## TRAFFICKING PROFILE

As reported over the past five years, Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Argentine women and children are subjected to sex trafficking within the country, as are women and children from other Latin American countries. To a more limited extent, Argentine men, women, and children are subjected to sex and labor trafficking in other countries, mostly in Europe. Men, women, and children from Argentina, Bolivia, Paraguay, Peru, and other countries are subjected to forced labor in a variety of sectors, including sweatshops, agriculture, street vending, charcoal and brick production, domestic work, and small businesses. Chinese citizens working in supermarkets are vulnerable to debt bondage. Argentine officials report isolated cases of foreign victims recruited in Argentina and subjected to trafficking in third countries.

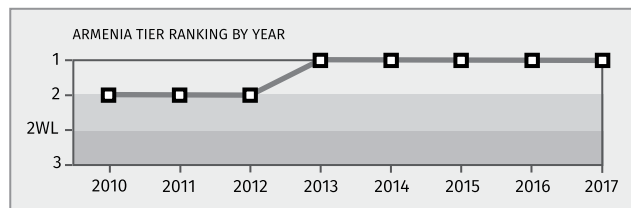
Vulnerable women and girls who live in extreme poverty, a violent family environment, or suffer from addiction are among those most vulnerable to trafficking; a significant number of them, originally from Bolivia and Paraguay, and to a lesser extent from the Dominican Republic, Uruguay, and Brazil, are subjected to sex trafficking in Argentina, as are Argentine women and girls from rural areas and the northern provinces. Traffickers from across Argentina bypass regulations that ban brothels by establishing “mobile brothels” in vans and trucks where sexual exploitation occurs, making raids more difficult; this practice is particularly prevalent in the northern area of the country. Street vendors may subject migrants from neighboring or African countries to forced labor. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Official complicity, mainly at the sub-national levels, continues to hinder the government’s efforts to combat trafficking. In 2016, the Municipality of Ushuaia was ordered to pay restitution to a victim after being found complicit of facilitating trafficking by failing to adequately regulate brothels.

## ARMENIA: TIER 1

The Government of Armenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Armenia remained on Tier 1. The government demonstrated serious and sustained efforts by identifying more



victims, adopting a national action plan, and establishing and allocating funds for a compensation fund for trafficking victims. Although the government meets the minimum standards, it did not have established procedures to repatriate victims to Armenia, decreased funding to NGO-run shelters, and continued to lack a formal victim-witness protection program. The government continued to suspend the majority of Labor Inspectorate functions, hindering regular inspections that had the potential to identify indications of forced labor.



## RECOMMENDATIONS FOR ARMENIA

Vigorously investigate, prosecute, and convict traffickers under articles 132 and 132-2; proactively investigate all potential trafficking offenses, even those complaints filed by victims that do not specifically mention trafficking; improve efforts to identify victims of forced labor, including by strengthening victim identification training for officials; allow labor inspectors to conduct regular inspections and identify victims through unannounced visits; establish formal procedures for repatriating trafficking victims from abroad, including measures to cover logistical costs; maintain adequate funding for NGO-run shelters; train rural police officers on protection and assistance available to victims and local investigators on proper interviewing techniques, especially for children; work with Russian authorities to identify Armenian forced labor victims and prosecute labor traffickers; work with NGOs to find ways to identify and assist Armenian victims in Turkey and reintegrate victims; provide sensitivity training to judges and lawyers to improve treatment of victims; license, regulate, and educate local employment agencies and agents so they can help prevent the forced labor of Armenians abroad; approve legislation to establish victim-witness protection measures; and conduct awareness-raising campaigns to rural and border communities and to children leaving child care institutions.

## PROSECUTION

The government maintained law enforcement efforts. Articles 132 and 132-2 of the criminal code prohibit both sex and labor trafficking and prescribe penalties of five to 15 years imprisonment; these are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 16 trafficking cases, compared to 14 in 2015; of these, five cases were sex trafficking, 10 cases were labor trafficking, and one case was both sex and labor trafficking, compared to four labor trafficking cases and 10 sex trafficking cases investigated in 2015. Authorities prosecuted one defendant, compared to two in 2015. Courts convicted three sex traffickers, the same as in 2015. Two traffickers received sentences of eight years imprisonment and one received five years imprisonment. Prosecution of labor trafficking remained a challenge as many cases occurred in Russia, where Armenian investigators continued to face difficulties collaborating with law enforcement. Similarly, the absence of diplomatic relations with Turkey continued to hinder law enforcement and victim protection efforts for cases involving that country.

Observers reported law enforcement investigated only formal

criminal complaints filed by victims that specifically alleged trafficking and did not proactively investigate criminal activity that potentially involved trafficking. The government trained 334 investigators from the Investigative Committee and 83 police officers on trafficking issues. The Border Control Training Center trained staff working at border checkpoints on issues of labor trafficking, child trafficking, and victim identification. The government, in cooperation with INTERPOL, coordinated investigations with four foreign governments. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

## PROTECTION

The government maintained protection efforts. The government identified 22 victims, compared to nine in 2015. Nineteen were subjected to forced labor and three to sex trafficking. Authorities notified all victims of their right to services and 19 victims accepted NGO-run shelter assistance, compared to five in 2015. The government allocated 18.8 million drams (\$39,260) for victim protection efforts, including operational costs for an NGO-run shelter, compared to 18.3 million drams (\$38,100) in 2015. The government established and allocated 1.8 million drams (\$3,650) to a compensation fund through which a one-time monetary compensation of 250,000 drams (\$520) is provided to trafficking victims. The Law on Identification and Assistance to Victims of Human Trafficking and Exploitation establishes a national referral mechanism and outlines actions for the Victim Identification Commission consisting of national and local government bodies, NGOs, international organizations, and civil society to identify and support trafficking victims. The law also ensures victim assistance is not linked to their cooperation with law enforcement and affords foreign trafficking victims the same rights and services as Armenian citizens.

The government and local NGOs jointly provided victims legal, medical, and psychological assistance; housing; and access to social, educational, and employment projects. The government offered free health care; one victim received this service in the reporting period. The government maintained cooperation agreements with two specialized NGO-run shelters to provide services to victims; however, one NGO-run shelter closed at the end of February 2017 due to the completion of their donor-funded project. NGO-run shelters required adult victims to notify staff when they left shelters unescorted, but victims were free to leave if they no longer wanted assistance. Services were available to female and male victims. Shelters did not provide specialized services for child victims, who could be housed in an adult trafficking shelter or referred to a child care institution. NGOs reported law enforcement officers in remote areas lacked information and training to inform victims of their rights to protection or assistance. As a result of a legal change suspending most Labor Inspectorate functions in July 2015, inspectors were unable to conduct regular inspections and identify indications of forced labor.

The law designates the Ministry of Foreign Affairs to coordinate repatriation of Armenian trafficking victims from abroad; however, observers reported difficulties in such repatriations due to a lack of established procedures and funds to cover logistical costs. The government, in cooperation with NGOs, repatriated 11 labor trafficking victims from Russia through ad hoc procedures and funds from different sources including government, NGOs, and churches. During the last several years, victims reported greater trust in law enforcement when assisting investigations and prosecutions; however, observers reported that for various

reasons, including fear of retaliation from their traffickers, victims were reluctant to assist in prosecutions. Observers reported local investigators lacked the skills to interview victims properly, especially children. The government continued to lack a formal victim-witness protection program. In 2014, a draft law establishing victim-witness protection was submitted to parliament; the law remained pending at the close of the reporting period. There were no reports in 2016 that authorities inappropriately detained identified trafficking victims; the law exempts victims from criminal prosecution for crimes they were forced to commit as a result of being subjected to trafficking. The law entitles victims to obtain restitution during criminal proceedings or through a separate civil suit. Victims did not file any civil suits; however, in previous years, judges had not issued damages in civil suits, asserting that victims did not substantiate the financial damages they had suffered. The law allows investigators to place defendants' property in custody to ensure civil claims can be paid.

## PREVENTION

The government increased trafficking prevention efforts. The government developed and adopted the 2016-2018 national action plan (NAP), in cooperation with all major government agencies, NGOs, and international organizations. The NAP prioritizes the implementation of measures that prevent trafficking of children and labor trafficking. The Inter-Agency Working Group against Trafficking in Persons met regularly and published semi-annual and annual reports of its activities. Government agencies conducted a variety of prevention projects and activities, although the government reported some observers believe it did not reference trafficking in public awareness campaigns frequently enough. Police transmitted videos and participated in television programs devoted to trafficking issues. Police held awareness-raising discussion at schools, and the Ministry of Diaspora distributed informative materials on the risks of trafficking to individuals crossing the border, as well as Armenians residing in the Middle East and European countries. The Ministry of Education together with the Ministry of Health conducted awareness raising campaigns for students and teachers. The Ministry of Sports and Youth Affairs financed several awareness campaigns targeting vulnerable populations. Government agencies posted trafficking information on their websites, including information on hotlines operated by police and NGOs; hotline calls led to preventive measures and investigations. There was no mechanism for oversight and regulation of labor recruitment agencies. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training and guidance for its diplomatic personnel.

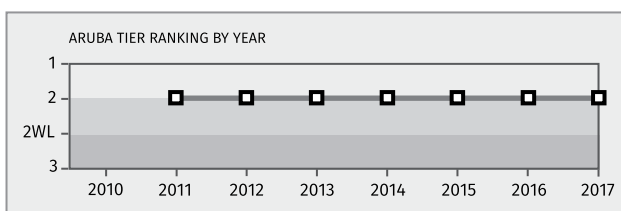
## TRAFFICKING PROFILE

As reported over the past five years, Armenia is a source and, to a lesser extent, destination country for men, women, and children subjected to sex and labor trafficking. Armenians are subjected increasingly to labor trafficking in Russia, the United Arab Emirates (UAE), and Turkey; Armenian women and children are subjected to sex trafficking in the UAE and Turkey. Armenian women and children are subjected to sex and labor trafficking and forced begging within the country. Chinese women have been subjected to sex trafficking in Armenia. Some children work in agriculture, construction, and service provision within the country, where they are vulnerable

to labor trafficking. Men in rural areas with little education and children staying in child care institutions remain highly vulnerable to trafficking. Conflict-displaced persons, including Syrian Armenians, living in Armenia are at risk of exploitation and have been subjected to bonded labor.

## ARUBA: TIER 2<sup>†</sup>

The Government of Aruba does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Aruba remained on Tier 2. The government demonstrated increasing efforts by initiating investigations, upholding the 2013 conviction of one trafficker, identifying potential victims, conducting awareness campaigns, and establishing the Counter Trafficking Coordination Center (CTCC)—responsible for coordinating awareness trainings and for gathering and analyzing indicators of human trafficking. However, the government did not meet minimum standards in several key areas. For the third consecutive year, it did not initiate any new prosecutions or secure any new convictions, and only very limited efforts were made to refer and protect victims.



## RECOMMENDATIONS FOR ARUBA

Vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers; proactively identify trafficking victims among all vulnerable groups, including domestic workers, migrants in construction, supermarkets, and the retail sector, and women in the regulated prostitution industry and who hold adult entertainment visas; amend the anti-trafficking law to ensure penalties are sufficiently stringent and restrict the ability of judges to impose fines in lieu of prison time when sentencing convicted traffickers; continue to provide information to all migrant workers arriving in Aruba on their rights and resources for assistance; finalize and implement the victim assessment and referral process; formalize agreements with local NGOs and private sector accommodations to shelter adult and child victims; allocate sufficient resources to enable the national anti-trafficking taskforce and national coordinator to improve anti-trafficking efforts; and implement the 2015-2019 national anti-trafficking action plan.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Articles 203a and 286a of the criminal code prohibit all forms of trafficking in persons. In 2014, the government amended the penal code to criminalize the receipt of services from a trafficking victim if the individual knows the victim is being forced or coerced to provide the services and to

<sup>†</sup> Aruba is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, Aruba is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Aruba would be assessed if it were a separate, independent country.

increase penalties to eight to 18 years imprisonment or a fine of 25,000 to 100,000 Aruba West Indies Guilder (AWG) (\$14,045-56,180). These penalties are generally sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape; however, instances in which fines are applied in lieu of imprisonment are inadequate to deter trafficking crimes.

The national coordinator received referrals for four alleged forced labor and seven suspected sex trafficking cases, compared to five in 2015. Of these, the government conducted subsequent investigations in six of these cases, compared to one in 2015. The government did not initiate any prosecutions for trafficking offenses or newly convict any traffickers for the third consecutive year. In January 2016, the government upheld the 2013 conviction of a trafficker to five years imprisonment for fraudulently recruiting workers, threatening and physically injuring victims, and exploiting women in sex trafficking. The government also upheld the 2013 conviction and sentencing in absentia of his wife, including 22 months imprisonment; she remains outside of Aruba and has not served her sentence. The public prosecutor and police screened all human smuggling cases for indicators of human trafficking. In 2016, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. However, it arrested and suspended an immigration officer who allegedly allowed illegal border crossings and falsification of documents; at the close of the reporting period, this case remained under investigation.

The Counter Trafficking Taskforce trained 450 government officials on the signs of human trafficking and their responsibilities to combat it. The government created a multidisciplinary investigative team, the team comprises officials from the police and the Directorates of Alien Affairs and Labor, designated to investigate cases of human trafficking and smuggling; and established the Counter Trafficking Coordination Center (CTCC), which coordinated trainings and analyzed indicators of human trafficking. At the Interpol Conference on Human Trafficking in the Caribbean, the CTCC provided training on victim identification and assistance procedures and gave a presentation on the multidisciplinary approach towards human trafficking used in Aruba and the possibilities for regional cooperation to combat trafficking to approximately 100 law enforcement officials from Aruba and various Latin America and Caribbean countries.

## PROTECTION

The government identified an increased number of victims and maintained assistance efforts. The government identified nine potential victims of forced labor and sex trafficking, an increase from one in 2015. It reported initiating use of a trafficking victim referral process, drafted in the previous reporting period, to guide officials using a three-tier system of high, medium, and low urgency. The Bureau for Victim Assistance, the government agency providing shelter, legal assistance, and medical care to all victims of criminal acts and the national coordinator utilized this process to refer one victim to NGOs for shelter and assistance during the reporting period; however, the victim did not utilize these services and found private accommodations after government issuance of a special permit for victims of trafficking. Multi-disciplinary teams of police, labor and immigration officials conducted inspections aimed at identifying potential labor exploitation. In addition to identifying employers who illegally employ workers, the teams also focused on ensuring all workers received

appropriate wages and compensation for their services.

The government encouraged victims to cooperate in investigations and prosecutions by arranging for shelter and providing necessary care and assistance; and in June 2016, the Legislation Committee of the Aruba Taskforce started to ensure trafficking victims accessibility to legal aid, medical assistance, and immigration support. The taskforce and the Bureau for Victim Assistance could provide potential victims with emergency shelter, food, medical care, legal assistance, temporary immigration relief, and financial and repatriation assistance; the bureau also operated a hotline for trafficking victims. The taskforce maintained informal, verbal agreements with local NGOs and private sector accommodations to shelter adult and child victims; however, the government did not support the work of these organizations. Unaccompanied children received shelter in foster care centers or in foster homes, and in certain cases, local churches could also provide shelter. Nonetheless, to improve availability of shelter, in December 2016, the taskforce signed an MOU with a local NGO to establish a multifunctional shelter in Aruba for victims in the Dutch Caribbean; however it did not begin implementation of the agreement. The national anti-trafficking taskforce lacked a dedicated budget for shelter and other forms of victim assistance. Foreign victims are entitled to the same rights and protection as Arubans. Officials conducted risk assessments before deciding whether victims could leave shelters unchaperoned, and restricted their movement if their lives were threatened. The anti-trafficking taskforce continued to provide law enforcement and social services officials with a checklist of the most common signs of human trafficking.

The law authorizes the extension of temporary immigration relief for foreign victims for three to six months on a case-by-case basis, and allows foreign victims whose employers are suspected of human trafficking to change employers. The criminal code enabled victims to file civil suits against traffickers and if the trial resulted from a criminal investigation, the victim could also seek restitution not to exceed 50,000 AWG (\$28,090) for financial and emotional damages. Victims were not punished for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government maintained efforts to prevent trafficking. The 2015-2019 national anti-trafficking action plan, completed by the taskforce in the previous reporting period, remained pending approval by the government. While the taskforce and other relevant stakeholders lacked the capacity to be exclusively dedicated to combating trafficking, in the interim, they reported limited efforts to begin implementation of the plan. The CTCC gave a presentation on multidisciplinary and regional cooperation, provided training during the Interpol Conference on Human Trafficking in the Caribbean, and worked with NGOs to explore possibilities of a multifunction shelter for victims needing temporary shelter. The government continued its trafficking awareness campaigns, via social media and posters and flyers in four languages targeting both victims and the general public; the campaign was linked to a hotline staffed by the national coordinator trained to assist trafficking victims. The government conducted an awareness campaign highlighting the risks of becoming victims of human trafficking, which targeted students leaving Aruba to study abroad. In connection with the National Day Against Human Trafficking, the taskforce cooperated with an NGO to host its first Walk for Freedom in Oranjestad; 50 people participated.



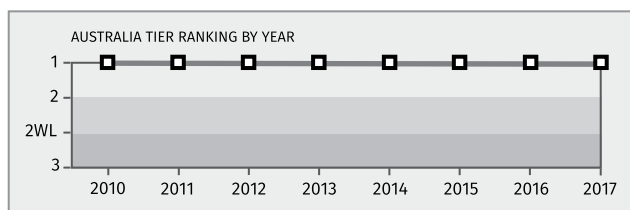
The government continued procedures to screen and inform adult entertainers and meet with a Dutch consular officer to ensure the applicant knows his/her rights and are fully informed of the work agreement before picking up their in-flight letter at the Dutch embassy in Colombia. Upon arrival, such visa recipients undergo medical check-ups and receive information about their rights, risks, and resources. In an effort to reduce the entry or transit of potential victims of human trafficking and smuggling into Aruba, the government established a minimum amount of cash needed to stay in Aruba and created a register of all persons who acted as guarantors for foreigners entering the country. The government provided anti-trafficking training for its diplomatic personnel.

### TRAFFICKING PROFILE

As reported over the past five years, Aruba is a source and destination country for women, men, and children subjected to sex trafficking and forced labor. Venezuelan women are subjected to trafficking in Aruba's commercial sex trade and foreign men and women are vulnerable to forced labor in the service and construction industries. Chinese men and women working in supermarkets, Indian men in the retail sector and domestic service, and Caribbean and South American women in domestic service are also at risk of forced labor. A 2013 international organization report identified women in Aruba's regulated and unregulated prostitution sectors, domestic workers, and employees of small retail shops as populations most vulnerable to trafficking. Children may be vulnerable to sex trafficking and to forced labor in Chinese-owned supermarkets and restaurants.

## AUSTRALIA: TIER 1

The Government of Australia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Australia remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations of suspected trafficking cases, identifying and referring more victims to the government-funded support program, and implementing changes to its visa policies intended to better address the needs of foreign trafficking victims. Although the government meets the minimum standards, screening procedures for indicators of labor trafficking among vulnerable groups remained insufficient. Authorities did not obtain any convictions under the trafficking provisions of the criminal code for the third consecutive year; courts convicted only one trafficker for dealing in proceeds of a crime under Division 400 of the criminal code, but fully suspended his sentence.



### RECOMMENDATIONS FOR AUSTRALIA

Further strengthen efforts to investigate and prosecute trafficking offenses, with increased focus on labor trafficking, and convict

and stringently sentence sex and labor traffickers; increase efforts to train police and other front-line officers to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking; increase training for prosecutors and judges on Australian trafficking laws; continue to strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants or workers filing civil grievances; ensure initial screening interviews with potential victims are conducted in a safe and neutral location, and in the presence of a social service professional; increase funding to NGOs for robust victim protection services; consider establishing a national compensation scheme for trafficking victims; continue to implement or fund awareness campaigns, particularly among rural communities and migrant populations; strengthen efforts to prosecute and convict Australian child sex tourists; increase efforts to investigate and hold accountable foreign diplomats posted in Australia suspected of complicity in trafficking; and develop a targeted campaign to raise awareness among clients of the legal commercial sex industry about the links between prostitution and trafficking.

### PROSECUTION

The government increased investigations, but convicted only one trafficker. Divisions 270 and 271 of the Commonwealth Criminal Code prohibit sex and labor trafficking and trafficking-related offenses and prescribe maximum penalties of 12 to 25 years imprisonment and fines of up to 197,000 Australian dollars (\$142,238). These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The criminal code also prohibits forced labor and prescribes penalties of nine years imprisonment, and the Migration Act of 2007 prohibits exploitation of migrant workers through forced labor, sexual servitude, or slavery, and prescribes penalties of up to five years imprisonment and various fines. Under the law, prosecutors cannot recommend prison sentences—a factor that may contribute to insufficient penalties for traffickers prosecuted under lesser criminal charges.

The Australian Federal Police (AFP) investigated 105 cases of alleged trafficking and related offenses, an increase from 61 cases investigated in 2015; roughly a third were suspected forced marriage cases, and the government did not report how many involved sex or labor trafficking. The government initiated prosecutions of four defendants for suspected labor trafficking offenses and one defendant for suspected sex trafficking offenses, compared to four prosecutions in 2015 and nine in 2014. Authorities continued prosecutions from previous reporting periods against three individuals suspected of forced labor offenses. One individual allegedly subjected 23 foreign nationals to forced labor and was charged with “causing a person to remain in servitude.” In a separate case, authorities initiated the prosecution of two individuals for the alleged long-term exploitation of a foreign national brought to Melbourne in 2007 to perform domestic labor. The government opened one investigation into alleged labor trafficking in the household of a foreign diplomat, but reported being unable to pursue prosecution due to diplomatic immunity provisions.

For the third consecutive year, the government did not convict any sex or labor traffickers under the trafficking provisions in the criminal code. In 2016, authorities convicted one sex trafficker on the lesser offense of dealing in proceeds of a crime under division 400 of the criminal code and fully suspended the prescribed prison sentence; this was a decrease from six convictions in 2015, also under lesser charges, culminating in prison sentences for five offenders. The courts also convicted

three defendants for traveling overseas to engage in child sex tourism, compared to one in 2015. Authorities often opted to pursue labor or employment violations in lieu of trafficking charges due to a perception that it could increase the success rate of prosecutions; however, offenders often faced only civil penalties. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government-funded and facilitated training on trafficking investigations, legal provisions, and victim support for 26 police and immigration officers.

## PROTECTION

The government slightly increased efforts to protect trafficking victims. Authorities identified 36 potential victims, including 22 for sex trafficking and forced labor, and 14 for which the form of exploitation was unclear, compared with 35 in 2015. Authorities provided accommodation, living expenses, legal advice, health services, vocational training, and counseling to 83 victims—including some identified in previous years—through the support program, for which the government continued to allocate approximately one million Australian dollars (\$722,021). Only AFP had the legal authority to refer victims to the support program; NGOs provided services for additional victims who were either not formally recognized by AFP or who chose not to communicate with law enforcement. The government also repatriated six potential Australian trafficking victims from abroad, three of whom were returned to Australia to receive protective services through this program, compared to one in 2015. There were no government-run shelters for trafficking victims; one known trafficking-specific shelter run by an NGO received funding from an NGO operating partially on government funding to accommodate participants in the Support Program. In 2016, the government reported providing temporary stay visas to 33 foreign trafficking victims, compared to 29 the previous year, although it did not report how many of these constituted cases of forced marriage. The government began implementing visa policy reforms enacted in 2015 intended to address the needs of foreign trafficking victims, such as by extending access to its adult migrant English programs, which in prior years were only available to permanent visa holders. These services were provided to 11 trafficking victims in Australia on temporary stay visas during the reporting period. It also granted to six victims and their immediate family members referred stay (permanent) visas, compared to four in 2015, which required victims to assist with an investigation or prosecution of a trafficking offense. Victims identified by authorities were not detained, fined, or penalized for unlawful acts committed as a direct result of being subjected to trafficking; however, given underdeveloped screening efforts among vulnerable populations, some unidentified victims may have been arrested, prosecuted, or deported.

The government made limited efforts to identify and refer victims of forced labor to services; authorities did not routinely screen for indicators of labor trafficking among vulnerable groups, but established new mechanisms for doing so. Authorities identified most victims through the efforts of joint agencies, taskforces, and cooperative action with foreign governments. Some victims may have been reluctant to communicate with law enforcement officers due to fear of detainment and deportation. The government did not ensure social service professionals were present during initial screening interviews, although procedures were in place for law enforcement officials to bring them in at their discretion. Although the government expanded certain benefit schemes for trafficking victims, it did not have a centralized victim compensation system.

## PREVENTION

The government increased efforts to prevent trafficking. It continued implementation of its five-year national action plan to combat trafficking, launched in 2014, and created new interagency and regional taskforces, working groups, and other mechanisms for the purpose of expanding the scope of its research on, and strengthening its ability to respond to, trafficking offenses. In furtherance of the national action plan, the Australian Interdepartmental Committee on Human Trafficking and Slavery delivered its annual report on government anti-trafficking efforts to Parliament in December 2016. The government continued to fund anti-trafficking initiatives and deliver trainings in the Asia-Pacific and Middle East regions. In May 2016, the Fair Work Ombudsman (FWO) established the Migrant Worker Strategy and Engagement Branch to coordinate and develop strategies for engagement, education, and compliance activities focusing on workplace rights and entitlements in migrant worker communities. In April 2016, the FWO introduced an online platform to facilitate the anonymous reporting of labor law violations. It continued to conduct awareness-raising campaigns on migrant workers' rights and pursued and concluded long-term inquiries into potential labor abuses committed against migrant workers in the retail and hospitality industries, although none of these appeared to culminate in trafficking victim referrals or investigations. The government also facilitated training on trafficking in persons for 535 immigration officials during the reporting period. The government continued to publish materials for passport applicants outlining the application of Australian child sexual exploitation and child sex tourism laws to Australians overseas. In 2016, authorities convicted three defendants for traveling to other countries to engage in child sex tourism, compared to one in 2015, with sentences ranging from six months imprisonment to five years and three months imprisonment. The government did not make efforts to reduce the demand for commercial sex acts, but it created a ministerial labor exploitation working group and migrant workers taskforce aimed at reducing the demand for forced labor. The Department of Foreign Affairs and Trade conditioned the departure of diplomatic personnel to overseas posts on compliance with Australia's anti-trafficking legislation, and the government provided anti-trafficking training to military and law enforcement personnel prior to their deployment on international peacekeeping missions.

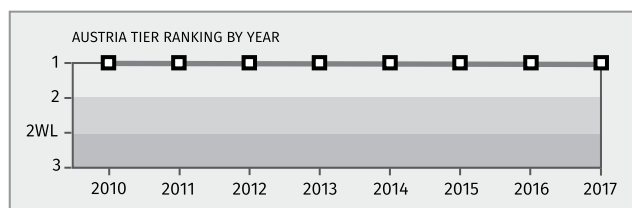
## TRAFFICKING PROFILE

As reported over the last five years, Australia is primarily a destination country for women and girls subjected to sex trafficking and for women and men subjected to forced labor. A small number of children, primarily teenage Australian and foreign girls, are subjected to sex trafficking within the country. Some women from Asia and—to a lesser extent—Eastern Europe and Africa migrate to Australia to work legally or illegally in a number of sectors, including commercial sex. After their arrival, some of these women are coerced to enter or remain in prostitution. Some foreign women—and sometimes girls—are held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, obliged to pay off unexpected or inflated debts to traffickers, or otherwise deceived about working arrangements. Some victims of sex trafficking and some women who migrate to Australia for arranged marriages are subjected to domestic servitude. Unscrupulous employers and labor agencies subject some men and women from Asia and several Pacific Islands recruited to work temporarily in Australia to forced labor in agriculture,

construction, hospitality, and domestic service. Some identified victims are foreign citizens on student visas who pay significant placement and academic fees. Unscrupulous employers coerce students to work in excess of the terms of their visas, making them vulnerable to trafficking due to fears of deportation for immigration violations. Some foreign diplomats allegedly subject domestic workers to forced labor in Austria.

## AUSTRIA: TIER 1

The Government of Austria fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Austria remained on Tier 1. The government demonstrated serious and sustained efforts through an increased number of prosecutions and convictions, by bolstering rights for victims, and increased funding for victim services. Law enforcement collaborated with neighboring countries on cases and worked closely with NGOs on victim care. The government improved its efforts to identify trafficking victims among refugees, irregular migrants, unaccompanied minors, and asylum-seekers by providing new training in victim identification to border officials and NGOs providing care to migrants and asylum-seekers. Although the government meets the minimum standards, in some cases courts partially or fully suspended sentences for convicted traffickers or accepted fines instead of imprisonment.



## RECOMMENDATIONS FOR AUSTRIA

Sentence convicted traffickers to penalties proportionate to the seriousness of the crime to ensure convicted traffickers serve time in prison; strengthen or revise existing criminal code articles, particularly article 217, to better differentiate between trafficking and smuggling; establish a comprehensive national referral mechanism for adult victims; increase efforts to identify victims among women engaged in prostitution, the physically and mentally disabled, children exploited in prostitution and forced begging, and men working in sectors vulnerable to labor exploitation and prosecute their traffickers; continue efforts to identify trafficking victims among irregular migrants, asylum-seekers, and individuals in prostitution; continue cooperation with foreign governments to uncover and prosecute trafficking rings; and consistently apply laws for granting legal residence to trafficking victims including those who choose not to participate in legal proceedings.

## PROSECUTION

The Austrian government sustained vigorous law enforcement efforts. Article 104a of the criminal code criminalizes all forms of sex and labor trafficking consistent with the international law definition, with penalties ranging up to 10 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 104 also criminalizes slavery, with penalties ranging from 10 to 20

years imprisonment. In addition, article 116 criminalizes the exploitation of foreigners illegally in the country, with a penalty of one to 10 years. Article 217 also makes it a crime to bring a person into Austria for prostitution, regardless of the means used, but provides enhanced penalties when a foreign person is induced to engage in prostitution by deception, coercion, or force. Article 217 penalties range from six months to 10 years imprisonment.

The government investigated 139 trafficking suspects in 2016 (one under article 104, 77 under article 104a, and 61 under article 217), compared with a total of 118 investigations in 2015. The government prosecuted 39 trafficking defendants in 2016 (19 under article 104a and 20 under article 217), an increase from 35 prosecutions in 2015. Courts convicted 26 traffickers in 2016 (10 under article 104a and 16 under article 217), an increase from 15 convictions in 2015. The 10 convictions under article 104a were for labor exploitation; the 16 cases under article 217 were for sexual exploitation. Prison sentences ranged from six months to five years in 2015, the most recent year for which sentencing data was available, but courts partially or fully suspended some sentences and accepted fines instead of time served. The government provided specialized training to prosecutors and judicial personnel. Training was included as part of the standard curriculum for law enforcement. National and local governments cooperated with authorities from other countries to investigate and prosecute trafficking cases. Cooperation with central European governments was especially effective in uncovering and prosecuting trafficking rings.

## PROTECTION

The government increased already strong protection efforts. NGOs reported good cooperation with government agencies and reported police identification was generally effective. The government increased efforts to identify victims among migrants and asylum-seekers and in shelters for unaccompanied minors, providing training to border officials, NGOs, and directly to migrants. Police conducted raids and screenings in brothels, red light districts, and massage parlors to find victims proactively. Police and other government institutions, in cooperation with NGOs, identified and assisted 288 female and 60 male foreign victims in 2016, an increase from 271 female victims and 30 male victims in 2015. According to the government's national implementation plan, between July 2015 and December 2016, officials and NGOs identified 15 trafficking victims among migrants transiting through or remaining in Austria.

The government disbursed approximately €892,220 (\$940,169) to specialized anti-trafficking NGOs to assist and house victims, an increase from €831,760 (\$876,459) disbursed in 2015. The government also disbursed €400,000 (\$421,496) to two NGO-run counseling centers for male trafficking victims and undocumented migrants, on par with funding in 2015. Government funding comprised the bulk of these organizations' budgets. The center for male victims assisted 60 victims, of which 20 were provided accommodation, and all 60 were provided counseling; this is twice the number of cases compared to 2015. A government-run center for unaccompanied minors was available for child trafficking victims and offered legal, medical, psychological, social, and language assistance. There were cases of suspected trafficking among minors assisted by the center. Government-funded NGOs provided adult trafficking victims with emergency shelter, medical care, psychological care, language assistance, and legal assistance; some NGOs offered specialized services for victims with physical or mental



disabilities. Foreign victims were entitled to the same care available to domestic victims. NGO staff helped victims prepare for court proceedings and assisted foreign victims with repatriation.

The government amended its criminal procedural code in 2016 to establish minimum standards on the rights, support, and protection of victims of crime (including those exploited in trafficking), expanding and strengthening victims' rights, specifically in criminal and court proceedings. The new law provides that victims in particular need of protection may, in order to minimize re-traumatization, be accompanied by a trusted person or be afforded special interview methods during the investigation phase. The national trafficking taskforce finalized a comprehensive national referral mechanism and guidelines for the identification of child victims. Government officials from multiple agencies and NGOs used guidelines and checklists to identify trafficking victims proactively. The government trained law enforcement, the labor inspectorate, military, diplomatic services, detention centers, asylum centers, revenue authority, and social services to proactively identify victims.

Under the asylum law, the government-provided right of temporary residence status for trafficking victims and benefits was not linked to victims' participation or testimony in criminal trials. According to one observer, however, the government failed to grant legal residence to victims if they do not assist police and testify in legal proceedings. The government granted 16 foreign victims temporary residence permits in 2016, compared to 14 in 2015; these permits allowed them unconditional access to the labor market. Identified victims were granted a 30-day reflection period to receive assistance and decide whether to cooperate in investigations. Austria led an international working group that discussed strategies for improving the non-punishment of victims in Balkan countries. The justice ministry developed guidelines for prosecutors on non-punishment of victims. Victims can testify via video conference, provide anonymous depositions, and enroll in witness protection programs. The justice ministry reported 120 victims assisted with prosecutions during 2016. Victims, including those without legal residence, are able to file civil suits for damages and compensation against traffickers, even in the absence of a criminal prosecution. According to the justice ministry, victims obtained restitution in nine criminal cases and six victims of trafficking received government compensation as crime victims. Victims were entitled to legal aid in the form of financial assistance and legal representation if they cannot afford their legal costs. The government did not report any cases of trafficking victims being detained, fined, or jailed for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government continued robust efforts to prevent trafficking. A national anti-trafficking coordinator headed a taskforce that coordinated the government's anti-trafficking efforts and included NGOs. The government published a detailed annual report on its website on the implementation of its action plan for 2015-2017. The government hosted several international conferences on trafficking, including labor exploitation and trafficking in the context of the migration crisis. The government subsidized several publications and television programs on trafficking and child sex tourism and funded campaigns to inform women in prostitution of their legal rights. The government also continued school exhibitions, with accompanying teacher handbooks, to sensitize Austrian youth

to trafficking. The interior ministry continued to run a 24-hour trafficking hotline and email service. The taskforce distributed leaflets on child trafficking to government authorities and the military, and the men's shelter had an online brochure that provided information on its services. An NGO collaborated with the Austrian trade union organization to organize information campaigns on trafficking for harvest workers, and workshops during immigration integration and language classes. The government reissued the "Global Code of Ethics for Tourism" to tour operators, hotels, and restaurants to combat child sex tourism. Austrian embassies and consulates in source countries informed visa applicants of the potential dangers of trafficking. The government provided anti-trafficking training to its diplomatic personnel. The foreign ministry hosted events for employees of diplomatic households, increasing workers' awareness of their rights and sensitizing them to trafficking. The government required foreign domestic workers in diplomatic households to appear in person to receive their identification cards. Austrian troops received government-funded anti-trafficking training conducted by NGOs prior to their deployment abroad as part of peacekeeping missions. As part of its efforts to reduce the demand for commercial sex acts, the government subsidized and distributed a brochure, published in seven languages, which raised public awareness about trafficking within commercial sex. The government worked with business and labor organizations in awareness training on labor exploitation. The government changed its public procurement guidelines to avoid goods and services provided by exploited workers.

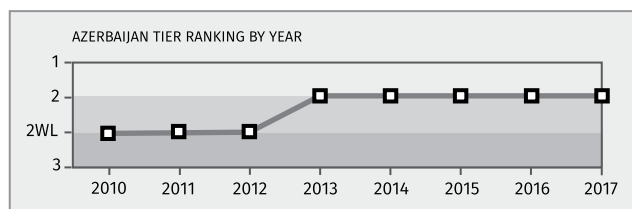
## TRAFFICKING PROFILE

As reported over the past five years, Austria is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. Victims primarily originate from Romania, Bulgaria, Hungary, Slovakia, Bosnia, and Serbia, with some victims coming from Nigeria, Southeast Asia, China, and South America. Vienna has the majority of trafficking cases. Most identified victims are foreign women subjected to sex trafficking. Traffickers sometimes lured women by offering fictitious positions, including au pairs, cleaners, waitresses, and dancers. Domestic workers in diplomatic households and workers in restaurants, construction, cleaning companies, and agriculture were subjected to labor exploitation. Children and physically disabled persons are the primary victims of forced begging. A growing number of victims from Nigeria and China are abused for sexual exploitation, some in massage parlors and brothels. Traffickers are primarily male and largely are Austrian or are the same nationality as their victims.

## AZERBAIJAN: TIER 2

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Azerbaijan remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and identifying more victims. The government increased funds for victim protection and the state-run shelter. However, the government did not meet the minimum standards in a few key areas. The victim identification and referral mechanism lacked formal implementation, and the government did not provide consistent funding to NGO-

run shelters while relying heavily on their victim support and reintegration services.



## RECOMMENDATIONS FOR AZERBAIJAN

Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, in particular, proactively investigate potential trafficking cases such as situations of internal trafficking and forced labor; create standard operating procedures to implement the national referral mechanism and allocate adequate funding to NGO-run shelters providing victim support services; formalize the role of NGOs and other stakeholders in the referral process; respond to NGO referrals of potential trafficking victims by investigating alleged crimes and providing appropriate victim services; continue training first responders, including law enforcement, immigration, and social services personnel, on proactive victim identification and inform relevant actors on formal identification procedures; strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor; improve coordination and communication among government agencies, including about victim referrals and potential cases; and target public awareness campaigns to foreign migrant workers, describing indicators of human trafficking and avenues to seek help.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and article 144 of the criminal code prohibit sex and labor trafficking and prescribe penalties of five to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 26 cases of suspected trafficking, compared with 29 suspected cases in 2015. Twenty-two cases were for sexual exploitation and four were for labor exploitation. The government prosecuted 36 defendants, compared with 32 defendants in 2015. Thirty defendants were prosecuted for sex trafficking and six defendants for forced labor. The government convicted 28 sex traffickers, compared to 18 sex traffickers and five labor traffickers in 2015. Two traffickers received sentences between one to five years imprisonment and the other 26 traffickers received sentences between five to 10 years imprisonment.

The Anti-Trafficking Department (ATD) held eight trainings for law enforcement and supported an international organization to train law enforcement and officials from the State Migration Service (SMS) in the Autonomous Republic of Nakhchivan. SMS held four separate specialized training programs on human trafficking in all 32 regional offices. The Justice Academy developed an e-learning platform and a specialized curriculum for trafficking. Corruption remained a systemic issue and the government did not report any prosecutions or convictions of complicit officials. The prosecutor general did put out an INTERPOL notice for an Azerbaijani airport official connected to an organized criminal group involved in human trafficking. The government continued law enforcement cooperation with

foreign governments. Azerbaijani law enforcement officials shared information with the government of Uzbekistan after discovering a transnational organized criminal group involved in trafficking citizens from Uzbekistan and Azerbaijan. The government cooperated with Georgia to extradite an Azerbaijani citizen from Georgia.

## PROTECTION

The government slightly increased victim protection efforts. The government identified 70 trafficking victims, compared with 63 victims in 2015. Sixty-nine victims were female and one was male, compared to 56 female victims, six male victims, and a child victim in 2015. All females were victims of sex trafficking and the male was a victim of forced labor. The government did not identify any child victims. ATD spent approximately 154,000 manat (\$83,696) for victim protection, compared to approximately 109,000 manat (\$59,239) from 2015. This amount included the ATD's one-time allowance of 400 manat (\$217) to all victims. The ATD spent approximately 900 manat (\$489) a month per individual staying at the government-run shelter. The Ministry of Internal Affairs (MIA) allocated 15,000 manat (\$8,152) to civil society representatives providing victim support services. The government allocated 48,000 manat (\$26,086) to the Victim Assistance Center (VAC), an increase from 44,000 manat (\$23,913) in 2015.

The government had a formal procedure for victim identification but first responders, including law enforcement, immigration, and social services personnel, were either unaware of the procedure or did not consistently follow and understand it. First responders are required to refer potential victims within 48 hours to ATD, who are then officially recognized as victims based on an investigation. NGOs and the government provided support services to some potential victims; however, individuals without official recognition did not receive the one-time government-provided allowance and did not have the ability to bring a civil claim against the alleged traffickers. NGOs referred 466 potential trafficking victims to ATD but none were determined to be victims. Observers reported minimal efforts to proactively identify Azerbaijani victims of internal trafficking; as a result, all officially identified victims were foreign victims exploited in Azerbaijan or Azerbaijani victims repatriated from foreign countries, likely reflecting an overemphasis on transnational movement.

The MIA-run shelter accommodated 63 officially recognized victims and an additional seven potential victims, and provided clothing, specific dietary needs, medical and psychological assistance. The shelter has separate areas for women, men, and children. The MIA-run shelter limited freedom of movement for victims and required victims to submit an application to leave the shelter. The SMS-run reception center did not accommodate trafficking victims in 2016. The VAC provided legal, psychological, medical, and employment assistance to all 63 victims at the MIA-run shelter and assisted an additional 30 potential trafficking victims referred from NGOs and the hotline. The government allocated land to create three new VACs in Ganja, Guba, and Lankaran. ATD provided 42 beds and collected 2,000 manat (\$1,087) in donations for NGO-run shelters; however, the government did not provide consistent funding to NGO-run shelters despite relying heavily on their victim support and reintegration services to 40 victims during the reporting period. NGOs remained severely underfunded and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from foreign donors. Most shelter staff who provided support services during the reporting

period worked on a voluntary basis. The government amended an article in the criminal code; the amendment established a 30-day reflection period to victims before deciding whether to cooperate with authorities. The government did not penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. A presidential decree prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive victim identification efforts. Two trafficking victims received restitution of 5,000 manat (\$2,717) and two additional victims received sheep as restitution.

## PREVENTION

The government maintained prevention efforts. The ATD led the implementation of the national action plan (2014-2018) during the reporting period; however, competition between agencies hindered interagency coordination. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts, which were made available online. The Council of State Support to NGOs awarded 71,000 manat (\$38,587) to fund seven proposals from NGOs for awareness campaigns and victim rehabilitation efforts. VAC conducted awareness campaigns targeting youth, students, and other vulnerable populations. The State Committee for Family, Women, and Children Affairs organized awareness campaigns for law enforcement, labor inspectors, executive committees, teachers, and health care workers. SMS helped 117 stateless persons obtain identification documents and Azerbaijani citizenship and legalized residency for 2,372 irregular migrants. The government did not report any new measures to reduce the demand for commercial sex or forced labor. The Ministry of Foreign Affairs, in cooperation with an international organization, began developing a manual for diplomats on identifying and preventing human trafficking.

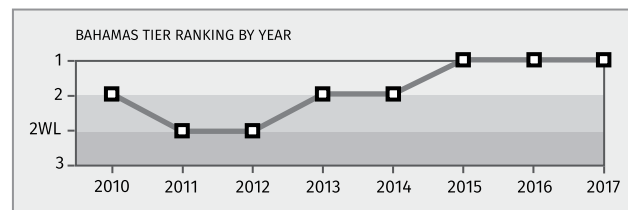
## TRAFFICKING PROFILE

As reported over the past five years, Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Azerbaijani men and boys are subjected to forced labor in Turkey, Russia, the United Arab Emirates (UAE), and Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country and in Malaysia, Turkey, Russia, and the UAE. Traffickers increasingly used the internet for recruitment. Azerbaijan is a destination country for sex and labor trafficking victims from, Ukraine, and in previous years China, Russia, Turkey, Turkmenistan, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to the UAE, Turkey, and Iran. Within the country, some children, particularly those of Romani descent, are subjected to forced begging and forced labor as roadside vendors and at tea houses and wedding facilities. Filipino women have been subjected to domestic servitude in Azerbaijan.

## THE BAHAMAS: TIER 1

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, The Bahamas remained on Tier 1. The government demonstrated serious and sustained efforts

through strong collaboration across multiple government agencies, facilitating the prosecution of traffickers and protection of victims. The government initiated 11 new labor and sex trafficking investigations, screened 37 potential trafficking victims, identified five victims, and initiated one new prosecution. It also increased funding for victim assistance and expanded procedures to include identification and interviewing guidelines to cover labor trafficking victims. Although the government meets the minimum standards, it did not obtain any convictions during the reporting period.



## RECOMMENDATIONS FOR THE BAHAMAS

Increase efforts to prosecute, convict, and appropriately punish traffickers; continue to implement the victim identification and referral protocol to identify victims of sex and labor trafficking, especially among vulnerable groups; continue to provide all identified victims with adequate protection and assistance; increase grassroots outreach to potential trafficking victims among vulnerable groups, in partnerships with NGOs; strengthen engagement with officials involved in anti-trafficking activities in other countries in the region; and continue to implement a nationwide public awareness campaign to educate the public and officials about human trafficking and its manifestations in The Bahamas, including the distinction between trafficking and smuggling.

## PROSECUTION

The government's anti-trafficking law enforcement efforts continued at previous levels, but resulted in only 11 new labor and sex trafficking investigations involving 37 potential victims, compared with 12 new investigations involving 53 potential victims in 2015. The Trafficking in Persons (Prevention and Suppression) Act 2008 prohibits all forms of human trafficking and prescribes penalties ranging from three years to life imprisonment and fines; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

Authorities initiated one new trafficking prosecution compared to three new prosecutions in the previous reporting period, but continued four prosecutions from previous reporting periods. For the second consecutive year, the government did not convict any traffickers. The Magistrate's Court acquitted three alleged traffickers prosecuted in the previous reporting period, but the government's appeal of those cases remained pending at the end of the reporting period. The government enacted amendments effective March 31, 2017 to the criminal procedure code and the 2008 law to allow prosecutors the option to prosecute trafficking cases directly before the Supreme Court without the necessity of going first to a lower Magistrate's Court; and created a new offense that criminalizes the organizing, engagement in, or directing another to engage in, trafficking in persons. The amendment to the criminal procedure code will address the January 2016 Privy Council's finding that trafficking cases, under then-existing legislation,



could not be brought, in the first instance, in the Supreme Court, where potential penalties are greater. This prior decision had invalidated, on procedural grounds, the 2014 Supreme Court conviction of a defendant for trafficking and withholding of a victim's documents. Government officials funded and delivered training to 270 police, investigators, prosecutors, judges, health professionals, and other officials on the Bahamian anti-trafficking law, trafficking indicators, victim referral and assistance, and trafficking investigations and prosecutions, and shared best practices on multi-disciplinary response to trafficking with regional colleagues.

## PROTECTION

The government increased efforts to protect victims. Authorities continued to implement a formal victim-centered protocol to guide front-line responders in identifying trafficking victims and referring them to services. The government worked with an outside consultant to develop guidelines for identifying and interviewing labor trafficking victims and for providing medical and mental services. The national trafficking commission funded and trained member agencies and ministries in their roles in identifying and protecting victims and making referrals. During the reporting period, the government screened 37 potential trafficking victims and identified five victims—three sex trafficking victims, one labor and sex trafficking victim, and one labor trafficking victim. The government screened 35 foreign nationals from seven foreign countries for trafficking indicators, resulting in the identification of three foreign national victims. Five of the victims received some form of assistance, including housing, medical, psychological, educational, legal, immigration, translation, and reintegration assistance.

The government reported spending approximately 59,450 Bahamian dollars (\$59,450) on trafficking victims' care, compared to 42,000 Bahamian dollars (\$42,000) in the previous period. The government also provided subsidies of 180,000 Bahamian dollars (\$180,000) to NGOs that provide services to trafficking victims, among other vulnerable groups. The government granted one foreign victim relief from deportation. The government developed, but has not finalized, a refugee/asylee certificate for those in need of protection and legal residency in the country. Authorities encouraged trafficking victims to assist in prosecutions by providing lodging, food, a stipend, clothing and other basic necessities, medical assistance and psychological counseling, immigration relief, legal assistance, support during court proceedings, and witness protection, which may include police protection as needed. Bahamian law permits victim testimony via live television links and for the reading of written statements into evidence. Despite these protections, the government noted foreign victims were reluctant to testify largely out of fear of reprisal against them or their family in their home countries. In addition, the criminal procedure code allowed trafficking victims to submit statements to the court to inform judges of the harm inflicted by their traffickers prior to sentencing of convicted traffickers. The 2008 anti-trafficking act provides victims with immunity from prosecution for unlawful acts committed as a direct result of being subjected to trafficking, which the government effectively implemented for the confirmed trafficking victims during the reporting period. The anti-trafficking act also authorizes the court to order convicted defendants to pay restitution to victims; however, such restitution was not ordered in 2016.

## PREVENTION

The government increased prevention efforts, taking steps

to inform the public and potential victims about trafficking. The government's inter-ministerial committee to coordinate anti-trafficking policy met regularly, as did the government's anti-trafficking taskforce, which was charged with ensuring operational coordination on trafficking cases. The government continued to conduct a nationwide public awareness campaign to educate students, vulnerable populations, faith communities, the public, and government officials about human trafficking through the use of pamphlets in English and Creole to inform potential victims of their rights and available resources, public service announcements on television and radio throughout the country, and a museum exhibit. The government partnered with NGOs to implement its 2014-2018 national anti-trafficking strategy and detailed action plan that outlined efforts related to government infrastructure, prevention, victim and witness protection, investigation and prosecution, and partnerships. The government dedicated resources to implement the plan, but noted that the officials responsible for trafficking matters also have other areas of responsibilities and are, therefore, not solely dedicated to trafficking cases. NGOs reported the government partnered to engage vulnerable communities in more than ten community outreach sessions to discuss trafficking. The Bahamas actively participated in the Caribbean Trafficking in Persons working group with Jamaica, Trinidad and Tobago, Barbados, St. Lucia, and Antigua and Barbuda by developing a shared social media campaign to raise awareness about trafficking in the region.

The government formalized its policy in the Department of Labor's 2017-2019 Strategic Plan to raise awareness and advise foreign nationals of their labor rights, limits on recruitment fees, and prohibition against document retention, in addition to the current practice of sending letters to foreign nationals with work permits, which explain the definition of trafficking and advise employers of the prohibition against document retention. The Department of Labor raised awareness in the business community, distributed pamphlets about labor trafficking and workers' rights, advised potential job seekers about potential fraud in the cruise ship industry, screened for indicators of trafficking when inspecting work sites, and identified a foreign national as a labor trafficking victim during the reporting period. The government provided anti-trafficking training for immigration and labor officials, and its diplomatic personnel, including a rotation in the legal affairs office of the Ministry of Foreign Affairs and Immigration where officials participate in inter-ministerial anti-trafficking committee meetings. The government distributed trafficking awareness-raising materials in consular reception areas. The government conducted awareness efforts targeted at potential clients of the sex trade, closed some sex trade establishments, and conducted random inspections of businesses, including strip clubs and bars, to identify and hold accountable owners of such establishments. Authorities did not consider child sex tourism to be a problem in The Bahamas and reported no child sex tourism investigations, although it developed a special pamphlet on child trafficking, trained tourism officials, and placed anti-trafficking pamphlets in tourism information booths. The government has developed general standard operating procedures for victim identification, protection and referral, and specific procedures for data collection and victim care, including referrals for medical or mental health care, and terms of reference for research, and case management.

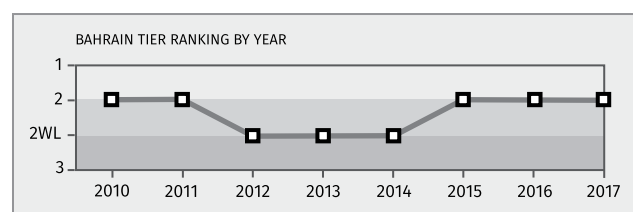
## TRAFFICKING PROFILE

As reported over the past five years, The Bahamas is a source, destination, and transit country for men, women, and children

from other Caribbean countries, South and Central America, and Asia subjected to sex trafficking and forced labor, including in domestic servitude and in sectors with low-skilled laborers. Vulnerable populations include migrant workers—especially from Haiti, Jamaica, the Dominican Republic, Costa Rica, Cuba, Colombia, Venezuela, and the Philippines—who arrive voluntarily to work as domestic employees and laborers, but may be recruited or deceived by traffickers who lure victims with fraudulent recruitment practices, such as false promises of employment through advertisements in foreign newspapers. Children born in The Bahamas to foreign-born parents who do not automatically receive Bahamian citizenship, and individuals involved in prostitution and exotic dancing may also be vulnerable. Traffickers previously confiscated victims' passports, but currently often allow victims to retain their documents in case they are questioned by law enforcement.

## BAHRAIN: TIER 2

The Government of Bahrain does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Bahrain remained on Tier 2. The government demonstrated increasing efforts by developing a national referral mechanism and disseminating the strategy to relevant government and civil society stakeholders. It investigated potential trafficking cases and continued its anti-trafficking training for various officials during the year. It took some concrete steps to amend elements of the sponsorship system that increase workers' vulnerability to forced labor and debt bondage. However, the government did not meet the minimum standards in several key areas. It convicted fewer traffickers and made minimal efforts to proactively identify potential forced labor victims. Reports of official complicity persisted, and enforcement of curbing the "free visa" scheme—laborers who work for a non-sponsor employer and subsequently have illegal working status—remained weak throughout the reporting period.



## RECOMMENDATIONS FOR BAHRAIN

Increase efforts to investigate, prosecute, and convict traffickers, particularly cases involving forced labor or allegedly complicit officials; abolish or significantly amend provisions of the sponsorship system, and strengthen efforts to eliminate the "free visa" scheme; vigorously investigate potential trafficking cases involving passport retention and non-payment of wages; systematically implement formal procedures to identify trafficking victims among vulnerable groups, such as domestic workers and women in prostitution; fully implement the national referral mechanism for law enforcement and other officials to refer identified victims to protection services; expand the flexible work permit pilot program to a broader range of eligible beneficiaries beyond workers with terminated or expired work permits; extend to and actively enforce labor

law protections for domestic workers; make efforts to ensure identified trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as illegal migration or prostitution; broaden training for officials on the anti-trafficking law and victim identification; conduct a national anti-trafficking awareness campaign on trafficking issues, strategically targeting migrant and domestic workers.

## PROSECUTION

The government demonstrated uneven law enforcement efforts. Bahrain's anti-trafficking law, Law No.1 of 2008, prohibits all forms of trafficking and prescribes penalties ranging from three to 15 years imprisonment, plus a fine of between 2,000 and 10,000 Bahraini dinar (\$5,310-\$26,530) and the cost of repatriating the victim(s), which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Article 325 prescribes imprisonment of two to seven years for forced prostitution and three to ten years if the victim is a child. Passport retention is a crime punishable under article (395) of the Bahraini penal code. Additionally, it is a crime to limit or otherwise control any persons' freedom of movement in accordance with article (19) (b) of the constitution of Bahrain. In order to enforce this prohibition, laborers may file a grievance for passport withholding with the police or Labor Market Regulatory Authority (LMRA); a worker may also register a complaint to the court directly if the employer refuses to return the passport.

The Ministry of Interior (MOI) reported investigating 29 potential trafficking cases during the reporting period, of which five were for forced labor, 19 for sexual exploitation, and five involved domestic workers, compared to 18 investigations the previous reporting period. Of the 29 investigations, Justice officials received 25 for consideration, one of which involved a domestic worker. The government referred four domestic worker cases to criminal courts as labor disputes rather than trafficking cases due to insufficient evidence. It convicted and sentenced three traffickers to five years imprisonment; in 2015, the government convicted 17 sex traffickers and imposed 10-year prison terms plus fines and deportation. At the close of the reporting period, five trafficking cases, and four from the previous year, remained ongoing. Officials reported three government employees were allegedly complicit in potential trafficking crimes. Two of these cases remained under investigation and one was in the trial phase at the conclusion of the reporting period. The media reported the arrest of two police officers—one former and one current—for their role in the sex trafficking of foreign women; however, it was unclear if the government and media were reporting the same two cases.

Cases of unpaid or withheld wages, passport retention, and analogous abuses that are indicators of forced labor were typically treated administratively as labor law violations and resolved through arbitration; however, if arbitration was unsuccessful a worker could file a grievance against the employer in a labor court. These cases were not often investigated for trafficking crimes despite exhibiting indicators of the crime. In 2016, the government reported closure of 39 recruitment offices and revocation of their licenses, and canceled an additional 25 licenses for non-compliance with Bahraini labor law. The public prosecutor received referrals from the LMRA of 13 recruitment offices allegedly involved in forced labor, compared to four such cases in 2015. The LMRA's Enforcement and Inspection Department employed 70 inspectors in enforcement

of employment contraventions under its purview such as worksite inspections. The MOI continued to fund periodic training for all 59 members of the MOI Anti-Trafficking Division in various programs at the Royal Police Academy, and in other training programs by an international organization. Six prosecutorial personnel received anti-trafficking training via the Judicial and Legal Studies Institute.

## PROTECTION

The government made modest efforts to protect victims, but did not report how many victims it identified; in 2015, it identified 90 trafficking victims. The government used standard procedures to identify potential trafficking victims. The government reported 1,523 individuals of various nationalities and professions—predominantly women—received assistance from the LMRA's Expatriate Protection Unit (EPU), which provided shelter to 392 for an average of 39 days; among this population, 25 were trafficking victims. Other protective provisions included food, clothing, medical care, religious and psycho-social support, transportation, legal counsel, familial reunification, translation assistance, and information on labor rights. The EPU maintained onsite offices for medical and mental health professionals and a representative from the police anti-trafficking unit, and provided a training room for training shelter residents and a conference space for the national anti-trafficking committee. Several embassies of labor-sending countries reported they temporarily housed some victims who refused to go to the EPU or were unable to reach it. The EPU received referrals from diverse sources, including the police, government offices, NGOs, health services, and embassies. During the reporting period, the government, in cooperation with two international organizations, developed a national referral mechanism to streamline the proactive identification of potential trafficking victims, ensure proper documentation of cases, accurately refer cases to the MOI anti-trafficking division and public prosecutor's office for an official determination as a trafficking case, and provide sufficient protections to victims until case resolution or voluntary return to their respective countries of origin. The government disseminated the 30-page, dual English-Arabic mechanism to relevant civil society and government stakeholders.

Labor Law No. 36 of 2012 provides some protections for domestic workers, requiring employers to provide a labor contract specifying working hours, annual leave, and bonuses, and to pay workers at least monthly; the government did not report any efforts to implement the law. The LMRA was responsible for coordinating with other relevant ministries, referring trafficking cases for prosecution, and conducting interviews to officially identify victims in collaboration with respective embassies. Upon receiving claims of abuse from domestic workers who fled employers, some police stations reportedly investigated immediately, while others sometimes delayed launching an investigation. Inspection agencies cited difficulties conducting unannounced inspections of domestic worker accommodations and investigating allegations of abuse in the absence of an official complaint, which may have left some victims at risk of exploitation and without protective provisions. According to a local NGO, police referred some victims to its shelter; however, police implementation of standardized procedures to identify victims remained inconsistent across different stations. Many law enforcement officials in Bahrain did not systematically or proactively identify victims among vulnerable groups, such as domestic workers who fled abusive employers or women arrested for prostitution. There were no reports victims were punished for crimes committed as a direct

result of their being subjected to trafficking; nonetheless, victims likely remained unidentified in the law enforcement system.

NGOs reported workers who entered the country illegally or under pretenses often did not benefit from Bahraini legal protections. Some migrant workers who fled abusive situations chose not to contact police to report the abuse due to being a "free visa" holder. Cases could be complex or expensive to resolve, and workers who could not do so were sometimes deported. Bahraini officials provided full assistance to trafficking victims regardless of their willingness to participate in investigations and court proceedings of their traffickers. The government reported it informed all victims of full evaluation of the case and their legal right to restitution in the event of a conviction. Victims were permitted to testify in person, via written correspondence, video recording, a closed-circuit live video, or in private. The labor law allows foreign workers to change sponsors during investigations and court proceedings; however, among individuals residing temporarily at the shelter only five domestic workers transferred employment during the year. Workers rarely filed complaints against employers due to distrust of the legal system, protracted court processes, inability to afford legal representation, lack of interpretation and translation services, concern over potential loss of residence permits during proceedings, and fear of additional maltreatment due to employer reprisal. The government funded the repatriation of an unknown number of third country nationals to their countries of origin during the reporting period.

## PREVENTION

The government maintained efforts to prevent trafficking. Despite historical pledges, the government did not take concrete steps to abolish the sponsorship system, which increased workers' vulnerability to forced labor and debt bondage. During the reporting period, the national committee maintained its focus on expanding victim assistance, broadening training for government personnel, and raising awareness among Bahraini society and labor-sending communities. The national committee reported its budget was roughly 528,300 Bahraini dinar (\$1.4 million) for daily operations and 265,000 Bahraini dinar (\$702,920) for awareness and outreach programs. The LMRA continued to provide booklets outlining labor rights in 13 languages common among expatriate and migrant worker populations and provided mobile phones with SIM cards and the hotline number to each foreign worker upon arrival at Bahrain International Airport. The hotline was active and served as a resource to educate workers about their rights and available services in Hindi, Telugu, Sinhalese, Tamil, Urdu, Malay, Arabic, and English. During the reporting year, the hotline received an average of 677 calls per month, of which an average of 39 per month were directly related to the EPU's services; it was unclear how many calls constituted instances or indicators of trafficking. The EPU provided information and services for potential and identified trafficking victims. During the year, officials ratified the "Arab Convention against Transnational Organized Crime" and signed an agreement with India on bilateral cooperation related to combating trafficking. The government had MOUs with several labor exporting countries, including Nepal, Sri Lanka, and India, which focused on oversight of recruitment agencies and protection of migrant workers in Bahrain. A 2014 royal decree prohibiting and penalizing the falsification of immigration documents enables authorities to prosecute Bahraini companies that illegally obtain work permits; however, the government did not report efforts to implement the decree during the reporting period. The government did not make



discernable efforts to reduce the demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel.

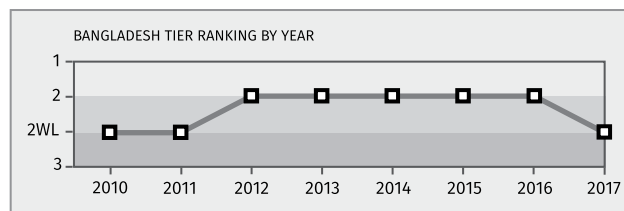
### TRAFFICKING PROFILE

As reported over the past five years, Bahrain is a destination country for men and women subjected to forced labor and sex trafficking. Men and women, primarily from Bangladesh, India, Pakistan, Philippines, Nepal, Egypt, Jordan, Yemen, Thailand, Syria, and Kenya, migrate voluntarily to Bahrain to work as domestic workers or as laborers in the construction and service industries. The greatest influx of workers during the current reporting year came from Bangladesh. A significant percentage of foreign workers borrowed money or sold property in their home countries to secure their jobs, increasing their vulnerability to debt bondage. Some foreign workers are subjected to forced labor in Bahrain; indicators of forced labor include passport retention, strict confinement, contract substitution, non-payment of wages, threats or intimidation, and physical or sexual abuse, which preclude employees from reporting instances of abuse and exploitation. Nationals of countries without diplomatic presence in Bahrain are particularly vulnerable to trafficking, as are domestic workers, who are only partially protected under Bahraini labor law and cultural norms and existing legal infrastructure avert private home inspection. Government and NGO officials report physical abuse and sexual assault of female domestic workers are significant problems in Bahrain. Bangladeshi unskilled workers are reportedly considered by employers to be exploitable as they typically refrain from contesting hazardous work environs or low pay. Some unscrupulous employers continue to lure migrant workers into the labor market under the “free visa” scheme—laborers who work for a non-sponsor employer after leaving the employment of the employer who sponsored their entry into the country—thereby rendering them vulnerable to exploitation. Some migrant workers do not possess their employment contracts and are generally unaware of the terms of employment. Women from Asia, the Middle East, and Eastern European countries are subjected to forced prostitution in Bahrain.

## BANGLADESH: TIER 2 WATCH LIST

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by finalizing and adopting the implementing rules for the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) in January 2017 and drafting an implementation roadmap for the 2015-2017 national action plan. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government’s investigations, prosecutions, and convictions of trafficking crimes decreased. Official complicity in trafficking crimes remained a serious problem, yet the government did not make efforts to investigate, prosecute, and convict allegedly complicit law enforcement, border, and manpower officials. The number of victims identified by the government decreased. The government remained without a formal mechanism to refer trafficking victims to protective services and, protection services, when acquired, did not provide rehabilitation services designed for trafficking victims’ specific needs nor were they provided for adult male victims. NGOs reported victims were frequently

re-trafficked due to insufficient care. While the government maintained labor export agreements with several countries that aim to tackle recruitment fees, the government’s continued allowance of high recruitment fees combined with insufficient efforts to address illegally operating recruitment sub-agents left workers vulnerable to trafficking. Therefore, Bangladesh was downgraded to Tier 2 Watch List.



### RECOMMENDATIONS FOR BANGLADESH

Take steps to eliminate all recruitment fees charged to workers by licensed labor recruiters and instead ensure they are paid by employers; increase prosecutions and convictions, particularly of labor traffickers and fraudulent labor recruiters, while strictly respecting due process; establish guidelines for provision of adequate victim care and standard operating procedures for the referral of victims to such services; thoroughly investigate credible allegations of government complicity in trafficking and prosecute officials who are suspected of being complicit; enhance the training provided to officials, including law enforcement, labor inspectors, and immigration officers, on methods to identify trafficking cases and refer victims to protection services; expand the support services available to victims, including adult male victims, within Bangladesh and at Bangladesh’s embassies abroad; expand the Ministry of Expatriate Welfare and Overseas Employment’s (MEWOE) mandate to include the regulation of sub-agents; improve quality of pre-departure trainings, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and Bangladesh; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government decreased investigations, prosecutions, and convictions but finalized implementing rules for its anti-trafficking law. The 2012 PSHTA generally prohibits and punishes all forms of human trafficking. Prescribed penalties for labor trafficking offenses are five to 12 years imprisonment and a fine of not less than 50,000 Bangladeshi Taka (BDT) (\$633); and prescribed penalties for sex trafficking offenses range from five years imprisonment to the death sentence. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government finalized and in January 2017 officially released the implementing rules for the PSHTA; the government disseminated these rules but planned training sessions for relevant officials had not yet started.

The government investigated 122 sex and 168 labor trafficking cases in 2016 a decrease from 181 sex and 265 labor trafficking cases in 2015. Of the forced labor cases, 31 cases were specifically investigated for bonded labor. Authorities prosecuted 302 alleged traffickers in 2016, compared with 481 in 2015, under the PSHTA. The government convicted three traffickers in 2016, compared with four in 2015 and 15 in 2014. The courts sentenced the convicted traffickers to 14 years imprisonment and a fine of 25,000 BDT (\$316). Observers stated convictions

remained rare because the government had not dedicated adequate resources to pre-trial investigations and short timelines for the completion of cases led to inadequately prepared and subsequently unsuccessful prosecutions. The government's tribunal on human trafficking, proposed in the previous reporting period to specialize in trying trafficking cases, was not yet functional. An established tribunal, the Woman and Children Violence Protection Tribunal, heard trafficking cases in the interim; however observers commented the prosecutors were overburdened and lacked expertise in trafficking cases. In 2016, the government trained 29,889 police officers 186 training programs on anti-trafficking, funded through the government, NGOs, and international organizations. Some NGOs reported information about the PSHTA had not been circulated widely among district and local officials.

Complicity of officials in trafficking offenses remained a serious problem. Observers reported police took bribes and sexual favors to ignore potential trafficking crimes at brothels. Observers accused officials from district employment and manpower government offices of facilitating trafficking and border guards of ignoring potential trafficking crimes at maritime embarkation points. Observers stated some traffickers in rural areas were politically-connected and therefore operated with impunity. In September 2016, a federal court in New York entered a default judgment against a former Bangladeshi consular officer and his wife and ordered them to pay approximately \$920,000 to a Bangladeshi citizen in a suit in which the plaintiff alleged violations of the TVPA as well as federal and state labor laws. The consular officer appealed the case, judgment has not been paid and the consular official, who left the United States, remains in the Bangladeshi foreign service. During the reporting period, the government investigated, prosecuted, and convicted a Bangladeshi official on a peacekeeping mission of sexually exploiting a child; he was dismissed from service and sentenced to one year imprisonment. The government did not report any additional investigations, prosecutions, or convictions of government officials allegedly complicit in human trafficking offenses in 2016.

## PROTECTION

The government identified a decreased number of victims and its victim services were not comprehensive or specific to trafficking. The Ministry of Home Affairs (MHA), the government's lead agency for combating trafficking, had standard operating procedures for the proactive identification of trafficking victims; however, it is unclear how widely they were disseminated or used. The government reported the identification of 355 victims in 2016; of those identified, 212 were men, 138 women, and five children. This was a significant decrease from the 1,815 and 2,899 victims identified in 2015 and 2014, respectively; experts commented the decrease may be due in part to the application of a more accurate definition of trafficking. Police directly recovered from exploitation 204 of the 355 victims identified in 2016. The government did not provide services specifically designed for trafficking victims, but children and adult female victims could access support services for vulnerable people through nine multipurpose shelters, drop-in centers, and safe homes administered by the Ministry of Social Welfare (MSW). The government placed an unknown number of female and child victims in these shelters in 2016; however, NGOs stated government services at these centers did not meet minimum standards of care and insufficient rehabilitation resources contributed to victims being re-trafficked. The government did not provide shelter or rehabilitation services to adult male victims; NGOs provided male victims with some services,

although shelter was not available. The government continued to lack a formal mechanism for authorities to refer victims to care. Police referred victims to NGO-provided shelter and services specifically for trafficking victims on an ad hoc basis.

The government continued to operate safe houses for female Bangladeshi workers fleeing abusive employers in Jordan, Saudi Arabia, and United Arab Emirates. The government maintained 29 labor offices in embassies and consulates overseas to provide welfare services to Bangladeshi migrant workers, including legal and interpretation services; however, observers reported one Bangladeshi labor attaché in the Middle East told migrant workers to return to work without addressing their complaints, suggesting that not all complaints were addressed. NGOs reported not all victims were aware of available opportunities for restitution. The arbitration process provided victims with restitution, but there was no parallel criminal process to address illegal activities, including alleged fraud by licensed recruitment agencies.

The Governments of Bangladesh and India reportedly continued to implement their 2015 MOU on human trafficking, which included coordination on the rescue and repatriation of Bangladeshi victims. The PSHTA provides for victim protection during judicial proceedings, including police security and the ability to testify via video, but it is unclear how frequently officials employed such protections. NGOs noted insufficient protection resulted in traffickers threatening victims not to pursue cases against them. NGOs reported some Bangladeshi trafficking victims being moved on land and sea routes, instead of being detected as victims, were instead detained and fined for failure to carry a passport. Unregistered Rohingya refugees, including potential trafficking victims, may have been at risk of indefinite detention because of their lack of documentation. The government did not provide legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution.

## PREVENTION

The government maintained some efforts to prevent trafficking, but did not adequately address the issue of high recruitment fees. The government continued to allow the Bangladesh Association of International Recruiting Agencies (BAIRA) to set recruitment fees sufficiently high to render many migrant workers indebted and vulnerable to trafficking. The 2013 Overseas Employment and Migrants Act prohibits fraudulent recruitment and unlawful recruitment fees, and outlines procedures through which Bangladeshi migrant workers, originally hired through the Bureau for Manpower, Education, and Training, could lodge complaints with MEWOE upon their return to Bangladesh and seek government arbitration for labor and recruitment violations, including allegations of forced labor. MEWOE reported 165 complaints were settled during 2016; it is unknown if any of these complaints involved forced labor. MEWOE suspended 13 recruitment agencies' licenses in 2016 for false advertising and charging fees above the legal maximum and referred three cases to the police for prosecution. The government initiated 229 cases against illegally operating *dalals*, unregulated sub-agents who operate in rural locations and connect prospective migrant workers to licensed employment agencies.

The government continued to use a number of bilateral labor agreements, in part intended to try to protect Bangladeshi workers abroad. For example, the government continued to use a bilateral labor agreement with Saudi Arabia for female migrant workers that mandated employers cover travel costs

and domestic workers be employed by a third party rather than the private households in which they work, but the agreement did not stipulate the maximum cost or eliminate the processing fee charged to the migrant by recruitment agencies. During the reporting period, Saudi Arabia lifted its seven-year ban on male Bangladeshi migrant workers and Bangladeshi females performing any job other than domestic work; MEWOE set the maximum recruitment cost for migrant workers to Saudi Arabia at 165,000 BDT (\$2,090), although media reported *dalals* charged intending migrant workers three to four times that amount. In February 2017, the governments of Bangladesh and Malaysia began to implement an inter-governmental agreement signed in the previous reporting period to facilitate the migration of Bangladeshi workers to Malaysia. The agreement aimed to mitigate the impact of private recruitment agencies' high fees and sometimes unscrupulous practices for an initial 5,300 Bangladeshi workers by removing agents from the migration process. The government continued to require pre-departure training, including safe migration and anti-trafficking components, for some migrant workers, including a 30-day pre-departure training course for female domestic workers which focused on learning practical skills and included modules on trafficking awareness and self-protection.

In June 2016, the MHA, along with other agencies and NGOs, created an implementation roadmap for the 2015-2017 national action plan, launched in the previous reporting period. MHA published its annual report on human trafficking. Some district- and sub-district level counter-trafficking committees allocated funding for coordination and victim support while others were not functioning. The government continued to conduct awareness campaigns, at times in partnership with NGOs. In October 2016, the government passed the Foreign Donations (Voluntary Activities) Regulation Act, placing stricter control over the foreign funding of NGOs and enacting punitive provisions for those NGOs that make "derogatory" comments regarding the constitution of the country, its founding history, or constitutional bodies (i.e., government institutions and leaders). International NGOs that assist Rohingya refugees and work with organized labor reported difficulties in meeting stringent government administrative requirements in order to carry out programs protecting vulnerable populations from various forms of exploitation. In May 2016, the government initiated a census of undocumented Rohingya and stated its intent to distribute information cards to participants that would provide protection and improve access to basic services and work opportunities; at the end of the reporting period, the government had not yet released the results of the census and had since re-initiated the census to include the Rohingya who fled Burma towards the end of 2016. The government trained military personnel to recognize and prevent trafficking in persons prior to their deployment abroad on international peacekeeping missions and provided anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Bangladesh is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Bangladesh is primarily a source and, to a lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. Some Bangladeshi men and women who migrate willingly to work in the Middle East, Southern and East Africa, South and Southeast Asia, Europe, and the United States face conditions indicative of forced labor. Before their departure, many migrant workers assume debt to pay high recruitment

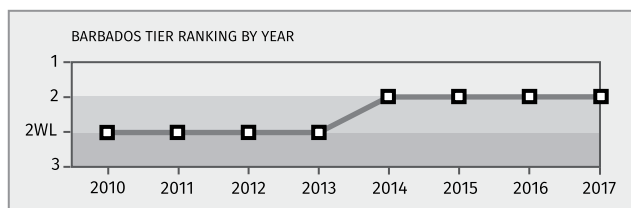
fees, imposed legally by recruitment agencies belonging to BAIRA and illegally by unlicensed sub-agents; this places migrant workers at risk of debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. Bangladesh is host to an estimated 32,000 registered Rohingya refugees and up to 500,000 undocumented Rohingya, whose stateless status and inability to receive aid and work legally increases their vulnerability to human trafficking. Though numbers of such migrants were significantly fewer than in previous years, some Rohingya and Bangladeshi migrants who travel by boat to Southeast Asian countries are subject to exploitation when they are unable to pay ransoms and are instead sold into forced labor. Women and girls who migrate for domestic work are particularly vulnerable to abuse. Some women who migrate through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work are subsequently sold and transported to Syria and subjected to forced labor and sex trafficking. Some women and children are subjected to sex trafficking and forced labor in India and Pakistan.

Within the country, children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the employment terms. Street children are sometimes coerced into criminality or forced to beg; begging ringmasters sometimes maim children to increase their earnings. In some instances, children are sold into a form of bondage by their parents, while others are induced into labor through fraud and physical coercion, including in the domestic fish drying industry, or exploited in sex trafficking. Bangladeshi children are vulnerable to forced labor in tanneries. According to an international expert on debt bondage, Bangladeshi families and Indian migrant workers are subjected to bonded labor in some of Bangladesh's brick kilns; some kiln owners sell bonded females into prostitution purportedly to recoup the families' debts and some Bangladeshi families are subjected to debt bondage in shrimp farming. Some ethnic Indian families are forced to work in the tea industry in the northeastern part of the country. NGOs allege some officials allow human traffickers to operate at brothels, at India-Bangladesh border crossings, and at maritime embarkation points.

## BARBADOS: TIER 2

The Government of Barbados does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Barbados remained on Tier 2. The government demonstrated increasing efforts by creating a new anti-trafficking law, which includes stringent penalties commensurate with other serious crimes and allows for victim restitution. The government also increased training for officers in the Ministry of Foreign Affairs and Foreign Trade and employees in the hotel and tourism industries. However, the government did not meet the minimum standards in several key areas. The government did not initiate new prosecutions, had difficulty obtaining victim cooperation to prosecute traffickers, did not provide adequate resources to government agencies or relevant NGOs for training or furthering anti-trafficking efforts, and did not provide sufficient resources for victim care.





## RECOMMENDATIONS FOR BARBADOS

Provide adequate funding to train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; while respecting due process, investigate, prosecute, and convict traffickers, including complicit officials, and apply stringent sentences that deter future trafficking crimes; provide resources for training relevant government agencies to proactively identify labor and sex trafficking victims among vulnerable populations; provide adequate funding to organizations that assist trafficking victims; enact a national action plan to combat trafficking; complete the government-wide anti-trafficking manual; codify provisions for victims' legal alternatives to their removal to countries in which they would face retribution or hardship; and make efforts to reduce the demand for commercial sex acts or forced labor.

## PROSECUTION

The government maintained efforts to prosecute traffickers in 2016. During the reporting period, the government repealed the Transactional Organized Crime (TOC) Act of 2011, which did not prohibit all forms of human trafficking and did not prescribe penalties for trafficking that were sufficiently stringent. In June, the Trafficking In Persons Prevention Act (TIPPA) was enacted. The TIPPA criminalizes all forms of human trafficking and is generally in line with the definition of international law, defining "exploitation" broadly to include slavery, practices similar to slavery, forced labor, domestic and sexual servitude, and the exploitation of the prostitution of another or other forms of commercial sexual exploitation. It also requires "means" of force, fraud or coercion, except with regard to the exploitation of children. The TIPPA covers transnational as well as domestic trafficking crimes, makes evidence of past sexual behavior inadmissible, disallows the defense of consent, and makes withholding or destroying travel documents a crime. The punishment for labor or sex trafficking of adults is the same: 25 years in prison, a fine of one million Barbados dollars (BDS) (\$495,050), or both penalties. Labor or sex trafficking of children is punished by a fine of two million BDS (\$990,099), life imprisonment, or both penalties. The maximum sentences prescribe punishment that is sufficiently stringent to deter, and the penalties for sex trafficking are commensurate with those for rape. However, by allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape.

Authorities conducted two raids on nightclubs in 2016. Police identified eight victims in the two raids; all were immigrant women, seven Jamaicans and one Guyanese. As in 2015 and 2014, all of the victims refused to cooperate with law enforcement and requested to be returned to their home countries. Outside of the two raids, the police investigated one additional sex trafficking case involving a woman who came to Barbados under the guise of a modeling job. After further investigation, the director of public prosecutions chose not to bring charges under the TIPPA, and instead charged the

perpetrator with unlawful confinement, rape, assault, and theft; the prosecution was pending at the close of the reporting period. The 2016 investigation record compared with six trafficking investigations in 2015, eight in 2014, and three in 2013. There were no new prosecutions initiated under the TIPPA during the reporting period, as there were none in 2015 and 2014. A prosecution that was ongoing in 2014 against two suspected traffickers is scheduled for a hearing in April 2017. A 2013 case involving an immigration official charged with complicity and misconduct in public office was cleared of charges; the individual was moved to another unit. To date, the government has not convicted any traffickers under the TIPPA.

The government did not report any new investigations or prosecutions of government employees complicit in human trafficking offenses and has never reported any convictions of government employees complicit in such offenses. The government supported training sessions for law enforcement and judicial personnel. A police officer and an attorney from the director of public prosecutor's office attended a seminar in El Salvador on the prosecution of human traffickers. An additional 12 officers attended training on victim identification and prosecution of cases in Jamaica, Trinidad and Tobago, Barbados, and Turks and Caicos. The government provided per diem allowances for attendees; an international organization covered the cost of travel. The government continued to train and re-train law enforcement officers in 2016 at levels consistent with last year's reporting period.

## PROTECTION

The government maintained efforts to protect victims. Officials identified eight foreign adult female potential sex trafficking victims, compared with 12 in the previous reporting period. Authorities did not refer any of the eight victims to care facilities, reportedly because they chose to leave the country. The gender affairs bureau was designated to coordinate assistance with local NGOs. The government provided some funding to an NGO crisis center that provided shelter and psychological, medical, and reintegration services to female and child victims of violence, including potential trafficking victims; the government had a separate agreement with an NGO to shelter male victims. This organization and the government's gender affairs bureau cooperated with other NGOs to offer additional services, although some experts noted that the referral process could be improved to make sure that relevant NGOs are contacted and involved for specialized services. Experts reported that some victims self-identify to NGOs, but those who are foreign nationals were afraid to go to law enforcement or receive government-funded services for fear of being deported. The government maintained an informal policy allowing foreign victims to receive temporary legal status as an alternative to their removal to countries where they would face hardship or retribution; the minister of national security can authorize victims to remain and work in the country for the duration of the criminal prosecution against traffickers.

The government stated that it has encouraged victim participation in the prosecution of traffickers by speaking with victims and by providing safeguards for their identities and those of their families, providing authorizations for work permits, as well as transportation and security during legal proceedings. Over the past three years, however, all foreign victims have refused to cooperate with law enforcement. According to government policy, victims are allowed to leave the country and return for hearings. The government cooperated with the countries of origin of the eight foreign victims identified in order to facilitate

repatriation. The government acknowledged having insufficient funding to support multiple victims for long periods of time. Although the new TIPPA law provides victims with the right to pursue restitution from a trafficker after a conviction, there were no restitution cases in 2016. The government did not detain, jail, incarcerate, fine or deport, or otherwise penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government provided sensitization training to 40 members of the national hotel and tourism association. Experts, however, noted a need for more resources to support training across relevant government agencies and NGOs.

## PREVENTION

The government maintained efforts to prevent trafficking. The attorney general led the government's anti-trafficking taskforce, which met monthly and included permanent secretaries from several ministries. The government developed its national anti-trafficking action plan, covering 2016 through 2020, in collaboration with various government agencies and NGOs; the plan was pending formal adoption by the Cabinet at the close of the reporting period. Relevant government agencies and NGOs were already implementing activities within the action plan. No formal monitoring or data collection efforts were conducted during 2016. A sensitization campaign on human trafficking was conducted for 15 employees of the Ministry of Foreign Affairs and Foreign Trade. The government did not make efforts to reduce the demand for forced labor or commercial sex acts.

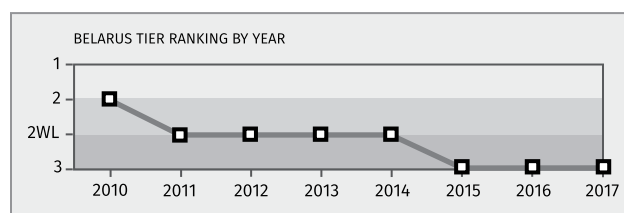
## TRAFFICKING PROFILE

As reported over the past five years, Barbados is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Authorities and NGOs report foreign women have been forced into prostitution in Barbados. Foreigners have been subjected to forced labor in Barbados, most notably in domestic service, agriculture, and construction. Legal and undocumented immigrants from Jamaica and Guyana are especially vulnerable to trafficking. Child sex trafficking occurs in Barbados. There are anecdotal reports by authorities and NGOs that children are subjected to sex trafficking, including by parents and caregivers. Previously, traffickers operated as part of an organization; more recently they appear to operate individually. Authorities have noted an increased use of social media as a means of trolling for victims.

## BELARUS: TIER 3

The Government of Belarus does not fully meet the minimum standard for the elimination of trafficking and is not making significant efforts to do so; therefore, Belarus remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including actively engaging in multilateral efforts to combat trafficking, making efforts to protect Belarussian victims exploited abroad, and repealing a decree in June 2016 that prevented state workers in wood processing from leaving their jobs. However, the government maintained policies that actively compelled the forced labor of its citizens, including civil servants, students, part-time workers and the unemployed, citizens suffering from drug or alcohol dependency, and, at times, critics of the government, among others. For the fourth consecutive year, authorities did not

convict any traffickers under the trafficking statute.



## RECOMMENDATIONS FOR BELARUS

Reform state policies to end all forms of state-sponsored forced labor, including repealing presidential decrees and other laws that result in the unemployed, civil servants, students, and citizens suffering from drug or alcohol dependency, among others being subjected to forced labor; amend the criminal code to remove the possibility of forced labor as a penalty for political dissent; significantly increase efforts to investigate and prosecute cases of forced labor and sex trafficking; amend article 181 to include exploiting children under 18 to engage in commercial sex as a trafficking crime, regardless of evidence of coercion, as prescribed by international law; increase resources devoted to trafficking victim assistance and protection within Belarus, including for state-owned territorial centers for social services and for NGOs; provide child sex trafficking victims with services specialized to their needs and refer all identified victims to care facilities; train all relevant officials on the national identification and referral mechanism; proactively screen all individuals in prostitution for indicators of trafficking; and increase labor inspections to identify internal forced labor.

## PROSECUTION

The government maintained weak law enforcement efforts. Article 181 of the criminal code prohibits both sex and labor trafficking and prescribes penalties ranging from five to 15 years imprisonment in addition to the forfeiture of offenders' assets, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Contrary to the definition of trafficking under international law, article 181 does not consider exploiting children under 18 to engage in commercial sex a trafficking crime unless there is evidence of coercion. The government reported one sex trafficking investigation in 2016 under article 181, compared with one in 2015, one in 2014, and six in 2013. Authorities did not initiate any investigations under article 181-1, which criminalizes the use of forced labor, a decrease from one investigation in the prior year. The government did not convict any traffickers under article 181 in 2013, 2014, 2015, or 2016. Authorities prosecuted at least four individuals for potential child sex trafficking offenses under other articles in the criminal code in 2016, compared with six individuals in 2015, and three individuals in 2014. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarussian law enforcement and NGO officials.

## PROTECTION

The government maintained its victim protection efforts. The government identified one confirmed and 183 potential trafficking victims during law enforcement investigations, compared with 121 confirmed and potential victims in 2015 and 113 in 2014. The government reported law enforcement officials referred 55 victims to international organizations and NGOs for care, compared with 27 in 2015 and 32 in 2014.

NGOs reported assisting 279 trafficking victims in 2016, 27 of whom were children. The government reported providing medical care and information to 70 individuals who may have been, but were not identified as, trafficking victims. The government reported screening individuals arrested for prostitution for trafficking indicators and exempting them from any legal liability; as a result, the government reported that of the 1,420 individuals convicted on prostitution charges in 2016, none were trafficking victims. The government reported training designated police officers and diplomats on victim identification and referral procedures.

The government provided in-kind assistance to anti-trafficking NGOs in the form of facilities for seminars, conferences, and training; expedited approval of projects and grants; and tax-exempt status. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 124 “crisis rooms” that offered temporary shelter, including beds, meals, and personal hygiene products to vulnerable adults, including victims of natural and manmade disasters, domestic violence, and human trafficking. Of the 124 facilities, 15 were newly opened in 2016. The Ministry of Labor and Social Welfare conducted monitoring of the “crisis rooms” operations and, with assistance from NGOs, drafted a list of measures to improve services for implementation in 2017. The Ministry of Labor and Social Affairs also dropped limits on the amount of time vulnerable individuals could stay in the facilities. The government did not report the use of these facilities by any identified trafficking victims.

In previous years, observers reported most victims sought assistance at private shelters because the government’s centers were poorly equipped and lacked qualified caregivers. The education ministry maintained centers that could provide vulnerable children with shelter and basic provisions; however, similar to past years, no child trafficking victims have received services at these facilities, despite the government identifying child sex trafficking victims.

## PREVENTION

The government maintained efforts to prevent trafficking. The government conducted public awareness campaigns through television, radio, and print media, and provided in-kind assistance to anti-trafficking NGOs in the form of advertising hotlines, production assistance, and placement of awareness-raising materials on state-owned television, radio, and billboards. The interior ministry continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices; the hotline received 1,157 calls for consultations in 2016. Although authorities charged 50 companies with administrative offenses related to illegal recruitment, forced labor regulations were seldom enforced, and resources and inspections dedicated to preventing forced and compulsory labor were minimal and inadequate to deter violations. A national Human rights action plan, adopted in October 2016, includes five points on trafficking, including increased prevention efforts via information and awareness campaigns, prosecution of traffickers, training of police officers and other government employees on victim identification, and the promotion of Belarus’s anti-trafficking efforts in international fora. A draft action plan, the 2016-2018 State Program on Countering Crime and Corruption, which included anti-trafficking activities, remained pending approval for a second year and had not been adopted by the close of the reporting period. The government did not report efforts to reduce the demand for commercial sex.

## TRAFFICKING PROFILE

As reported over the past five years, Belarus is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Belarusian victims are primarily subjected to trafficking in Russia and Belarus, as well as in Poland, Turkey, and other countries in Eurasia and the Middle East. Some Belarusian women traveling for foreign employment in the adult entertainment and hotel industries are subjected to sex trafficking. The government has identified Belarusian, Moldovan, Russian, Ukrainian, and Vietnamese victims exploited in Belarus.

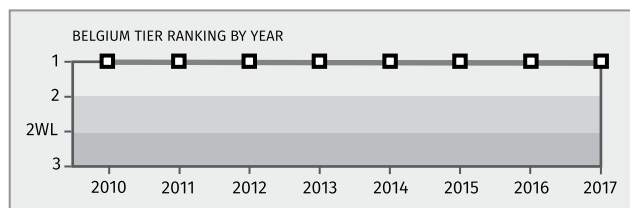
State-sponsored forced labor continues to be an area of concern, and the UNHRC adopted a resolution in July 2015 expressing deep concern at the government’s “violations of labor rights amounting to forced labor,” among other human rights issues. The European Parliament condemned an April 2015 Belarusian presidential decree that requires unemployed persons to pay a fee to the state or potentially face compulsory community service. In June 2016, the government repealed a 2012 decree preventing state workers in wood processing from leaving their jobs without employer approval and subjecting them to significant fines; failure to pay those fines placed employees at risk of having to work under law enforcement supervision. The ILO Committee of Experts reported that a 2010 law allows for Belarusians suffering from alcoholism or drug dependencies to be “interned in ‘medical labor centers’ for a period of 12 to 18 months and have an obligation to work; refusing to work results in punishment, such as solitary confinement, for up to ten days.” As of June 2015, an estimated 6,700 people were held at these centers. The government continued the practice of *subbotniks*, which requires employees of the government, state enterprises, and many private businesses to work on occasional Saturdays and donate their earnings to finance government projects. The UN Special Rapporteur on the situation of human rights in Belarus reported repercussions for non-participation in *subbotniks*, including non-renewal of employment contracts and the revocation of monthly bonuses. State employers and authorities also intimidate and fine some workers who refused to participate. Authorities require university and high school students to help farmers during the harvesting season without paying them for their labors, in addition to other forced community service projects. Authorities reportedly force military conscripts to perform work unrelated to military service. Per a 2006 presidential decree, parents who have had their parental rights removed are subjected to compulsory labor, and the government retains 70 percent of their wages. The ILO Committee of Experts noted its deep concern in 2016 that some provisions of the Belarusian criminal code, which included forced labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government. The ILO Committee of Experts cited reports that the government used or threatened to use arbitrary detention involving compulsory labor for apparently political motives.

## BELGIUM: TIER 1

The Government of Belgium fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Belgium remained on Tier 1. The government demonstrated serious and sustained efforts by prosecuting and convicting more traffickers and training police, lawyers, and



judges on advanced techniques for investigating trafficking cases and collecting and preserving evidence. The government developed new training programs to assist financial institutions in identifying transactions related to trafficking, and maintained strong prevention efforts. The government trained staff at asylum centers on identifying and assisting trafficking victims in migrant populations and circulated administrative notices on referral procedures to prosecutors, police, health care workers, migration staff, and other stakeholders. Although the government meets the minimum standards, it did not allocate a regular budget to NGO-run shelters despite complete reliance on these shelters for the majority of victims' services. Sentences for convicted traffickers continued to be suspended, with most traffickers receiving little to no prison time.



## RECOMMENDATIONS FOR BELGIUM

Allocate regular funding for NGO-run shelters for trafficking victims; enhance training of law enforcement, prosecutors, and judges to improve the conviction rates of traffickers and ensure dissuasive sentences; increase awareness-raising efforts among migrant populations, including asylum-seekers; enhance training of relevant professionals to increase the number of trafficking victims identified, including child victims; continue to improve security at reception centers to prevent traffickers from recruiting asylum-seekers; increase efforts to reduce the demand for forced labor and international child sex tourism by Belgian nationals travelling abroad; revise the definition of human trafficking under Belgian law to more closely align with the definition in the 2000 UN TIP Protocol; and provide disaggregated prosecution and conviction data for cases involving force, fraud, or coercion.

## PROSECUTION

The government increased law enforcement efforts. Belgium prohibits all forms of trafficking through a 2005 amendment to the 1995 Act Containing Measures to Repress Trafficking in Persons. The law's maximum prescribed penalty—20 years imprisonment—is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Belgium's definition of trafficking in persons is broader than the definition in the 2000 UN TIP Protocol. The failure of an employer to meet prevailing wage, hours, and working conditions can constitute "exploitation" under Belgian law, and these cases are included in the government's prosecution data. Contrary to the definition of trafficking under international law, coercion is considered an aggravating factor rather than an integral part of the base offense for adults. Belgian law does not require evidence of any form of coercion to secure a trafficking conviction. GRETA reported the overbroad definition may lead to confusion between trafficking and other criminal offenses and possible difficulties in mutual legal assistance with foreign governments that use a definition more consistent with the UN TIP Protocol.

The government prosecuted 324 defendants, compared to 299 in 2015, including 184 defendants for sex trafficking offenses, 126 for labor trafficking, and 14 for forced criminality (151 for

sex trafficking and 124 for forced labor in 2015). Authorities convicted and sentenced 125 individuals under the trafficking statute, including 231 counts of aggravating circumstances, compared with 93 in 2015. Most who were convicted received no prison time or a partially or fully suspended prison sentence. The government sentenced 113 convicted under the trafficking statute to prison terms (of which 79 were suspended or partially suspended), compared to 88 prison sentences (52 of which were suspended or partially suspended) in 2015. Prison sentences ranged from one to five years imprisonment; 11 offenders were sentenced to one year, 55 were sentenced to one to three years, 33 were sentenced to three to five years, and 14 were sentenced to five years or more. The government continued efforts to prosecute eight members of the Abu Dhabi royal family for allegedly subjecting 17 girls to forced servitude while staying at a Brussels hotel in 2008. The government trained police, lawyers, and judges who handled trafficking cases on advanced investigations and collection and preservation of evidence. The government provided basic training to all local and federal police officers, as well as advanced training for officers specializing in cases of labor and sexual exploitation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In 2016, the government cooperated on three extraditions requests, including the extradition and conviction of a Belgian citizen for offenses related to child sex tourism in Cambodia.

## PROTECTION

The government maintained efforts to protect victims. The government identified and assisted 144 victims (including 69 victims of labor trafficking, 56 victims of sex trafficking, seven victims of forced criminality, and 12 victims of other forms of exploitation), compared to 152 victims in 2015 (93 victims of sex trafficking and 43 labor trafficking). First responders followed formal written procedures on proactive victim identification; however, observers reported challenges in accurately identifying victims. The government trained staff at asylum centers on identifying and assisting trafficking victims in migrant populations. The government circulated administrative notices on referral procedures to prosecutors, police, health care workers, migration staff, and other stakeholders and updated regulations to improve referral procedures for Belgian trafficking victims and victims of forced begging. While NGOs referred many victims to the shelters, most victims were identified by law enforcement, social workers, and medical professionals. To qualify for victim status, victims must have broken off all contact with traffickers and agreed to counseling at a specialized trafficking shelter.

The government allocated approximately €430,000 (\$453,109) to each of the three specialized NGO-run shelters. NGO-run shelters also received various amounts of funding from regional governments. Despite complete reliance on these three NGO-run shelters for the majority of victims' services, the government provided ad hoc rather than dedicated funding. NGO-run shelters carried the administrative burden of requesting funding each year from different levels of government (region, community, federal). NGO-run shelters provided specialized, comprehensive assistance to trafficking victims, including psycho-social, medical, and legal care. The shelters were open to all victims regardless of gender, immigration status, or nationality. The government also funded two shelters for children; child trafficking victims shared these facilities with victims of other crimes. Adult victims could leave the shelter unchaperoned. The government reportedly did not penalize

identified victims for unlawful acts committed as a direct result of being subjected to trafficking; however, victims who were not properly identified, particularly child sex trafficking victims, were vulnerable to such penalization. The government granted most identified foreign victims residence and employment permits and protective services; however, full protection status and the residence permit were conditional on the victim assisting in the prosecution of their trafficker. Victims who were not citizens of EU member states could only obtain permanent residency upon the successful prosecution and sentencing of traffickers, although residence permits for indefinite periods of time were available without conviction if authorities established a formal charge of trafficking. During the year, the government issued or renewed 216 residence permits to trafficking victims. Although government-supported NGOs provided some legal representation to victims, such support was limited due to a lack of steady funding. Victims can claim compensation through the same mechanism that allows any victim of crime to claim compensation at local courts; however, observers reported victims faced expensive legal fees.

## PREVENTION

The government maintained strong efforts to prevent trafficking. The Inter-Departmental Coordination Unit (ICU) continued to coordinate government-wide anti-trafficking efforts and monitored the implementation of national action plan for 2015-2019. The government continued awareness campaigns targeting businesses and vulnerable populations. The government developed new training programs to assist financial institutions in identifying transactions related to trafficking and coordinated with the Netherlands and Luxembourg to produce common awareness-raising materials. ICU integrated trafficking awareness trainings into programs in schools and juvenile justice institutions. Awareness-raising flyers were available in the consular sections of Belgian embassies and consulates abroad. The national rapporteur produced its own report on Belgian trafficking efforts. The government did not make efforts to reduce the demand for commercial sex acts during the year; however, the government continued to implement programs to reduce the demand for forced labor, such as a widely-used program that subsidizes the wages of maids and domestic assistants. Belgian law permits the prosecution of Belgian citizens who sexually abuse children outside of Belgium. The government convicted offenders under this law; however, observers reported Belgium nationals engaging in child sex tourism in many countries, including Guinea-Bissau, Cambodia, Brazil, and Romania. In response to the dramatic increase in asylum-seekers in the country, authorities took measures to identify and reduce exploitation at reception centers, including training for reception center staff and awareness-raising among the migrant population; however, authorities and the national rapporteur identified vulnerabilities in securing these centers during the reporting period. The government trained diplomatic personnel on trafficking issues and disseminated trafficking pamphlets to staff at Belgian diplomatic posts.

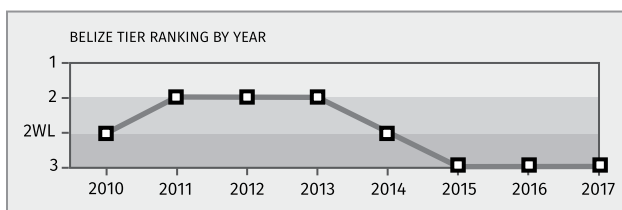
## TRAFFICKING PROFILE

As reported over the past five years, Belgium is a destination, transit, and limited source country for men, women, and children subjected to forced labor and sex trafficking. Foreign victims come primarily from countries in Eastern Europe, North and sub-Saharan Africa, among them Romania, Morocco, India, Nigeria, Albania, Hungary, and Thailand. Male victims are subjected to forced labor in restaurants, bars, sweatshops, horticulture sites, fruit farms, construction sites, cleaning

businesses, and retail shops. Belgian girls, some of whom are recruited by local pimps, and foreign children—including Roma—are subjected to sex trafficking within the country. Forced begging within the Romani community in Belgium also occurs. Foreign workers are subjected to forced domestic servitude, including in the diplomatic community assigned to Belgium. In 2015 and 2016, approximately 63,000 people applied for asylum in Belgium, a dramatic increase over previous years. Experts anticipate migrants whose asylum applications are denied will be highly vulnerable to trafficking, but very few such migrants were confirmed trafficking victims during the reporting period. Individuals pose as family visitors to recruit asylum-seekers waiting in reception centers for low-paid work and prostitution and potentially subjected to trafficking.

## BELIZE: TIER 3

The Government of Belize does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Belize remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including the identification of two trafficking victims; and the investigations of 10 trafficking cases and two continued prosecutions initiated in a previous year. However, the government did not begin any new prosecutions or convict any traffickers. The government did not investigate or prosecute any public officials for alleged complicity in human trafficking-related offenses, despite reports of a significant level of official complicity. Despite the government's raids on commercial sex establishments, few trafficking crimes were uncovered due to limited intelligence-gathering, inconsistent application of formal victim identification procedures, and suspected complicity among some law enforcement officials.



## RECOMMENDATIONS FOR BELIZE

Consistently implement formal procedures to identify and refer to care victims of sex and labor trafficking among vulnerable groups, and involve Spanish-speaking social workers, NGOs, or victim advocates in the process to ensure trafficking victims are not penalized for crimes committed as a direct result of trafficking; implement victim-centered procedures during raids, including conducting interviews in a safe and neutral location and separately from immigration inquiries; implement the anti-trafficking law by vigorously investigating and prosecuting suspected sex and labor traffickers, including complicit officials, and imposing adequate penalties on convicted traffickers; consider implementing measures to expedite trafficking prosecutions; continue to provide specialized victim care, in partnership with NGOs, and increase efforts to reintegrate victims; update and implement the national anti-trafficking plan; investigate and prosecute child sex tourists; amend laws to ensure penalties are commensurate with those prescribed for rape or kidnapping; and develop and implement a targeted campaign to raise awareness among clients of Belize's legal sex trade about the links between prostitution and trafficking.

## PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. The Trafficking in Persons (Prohibition) Act 2013 prohibits all forms of trafficking and prescribes penalties of one to eight years imprisonment for the trafficking of adults and up to 12 years imprisonment for the trafficking of children or a fine in lieu of imprisonment. When allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. The 2013 Commercial Sexual Exploitation of Children (Prohibition) Act criminalizes the facilitation of prostitution of children younger than 18. This law, however, does not prohibit adults from engaging in sexual activity with 16- and 17-year-old children in exchange for remuneration, gifts, goods, food, or other benefits if there is no third party involved—leaving children of this age group vulnerable to sex trafficking.

The government reportedly investigated 10 trafficking cases compared to seven in 2015, but for the second consecutive year did not initiate any new prosecutions. Authorities continued two prosecutions from 2015. The government did not convict any traffickers in the reporting period. Observers reported that a lack of communication and coordination between law enforcement and prosecutors hindered law enforcement efforts. The government did not provide detailed information on the pending investigations or prosecutions.

The government's enforcement activity against suspected trafficking consisted of referrals from other government agencies and NGOs as well as raids on venues in Belize's sex trade. Few trafficking crimes were uncovered during these raids due to limited intelligence-gathering, inconsistent application of formal victim identification procedures, and suspected complicity among some law enforcement officials. Many off-duty police officers provided security for sex trade establishments, which may have inhibited police from investigating allegations of trafficking in the sex trade and may have dissuaded victims from reporting trafficking. The government did not investigate, prosecute, or convict any officials for complicity in trafficking crimes despite reports of complicity. The government provided anti-trafficking training to new law enforcement officers, and prosecutors attended workshops financed and delivered by an international organization.

## PROTECTION

The government decreased efforts to protect trafficking victims. Authorities identified two victims in 2016 compared to seven sex trafficking victims in 2015 and 10 victims in 2014. The government identified 10 additional potential child sex trafficking victims, who were offered protection services. Although the government had formal written procedures to guide officials in identifying victims, in practice, officials did not consistently follow these procedures. The government did not report screening for indicators of trafficking of women and girls apprehended in raids on commercial sex establishments. There were anecdotal reports of women and girls, potentially including trafficking victims, arrested, jailed, or deported for immigration violations following raids. Victims' fear of detention or deportation may have contributed to their reluctance to report trafficking to law enforcement officers. The government partnered with NGOs and international organizations to provide training to teachers, national utility workers, social security board inspectors, and private employers in the tourism sector on human trafficking, victim identification, and reporting.

Identified victims could be referred to the Department of Human Services, although officials made decisions for protection on a case-by-case basis. In past years, adult victims were typically referred to an NGO shelter, while children were placed in foster homes. Experts questioned the appropriateness of placing victims in foster homes because of a lack of education about human trafficking for some foster parents, uneven coordination and communication between government agencies and foster parents, and limited availability of psycho-social care for victims. NGOs were the main providers of limited medical care and psychological counseling for victims. The government encouraged victims to assist in investigations by providing witness protection and coordinating lodging; court delays and fear of retaliation by traffickers may have led foreign national victims to decline or withdraw cooperation with law enforcement and return to their home countries. The government had a policy to grant temporary residency status to victims willing to cooperate in investigations or prosecutions, seven potential trafficking victims received this benefit in 2016; one foreign victim identified in 2014 remained in the country and participated in a prosecution. Victims could apply for work permits, but the cost of 500 Belizean dollars (\$250) to obtain such permits imposed a significant barrier. Belize's anti-trafficking law exempts victims from punishment for crimes committed as a result of being subjected to trafficking; however, NGOs reported that victims not formally identified by the government were commonly arrested, jailed, and deported.

## PREVENTION

The government maintained minimal prevention efforts. Its anti-trafficking council met quarterly and reportedly began work on a new national action plan; the 2012-2014 anti-trafficking national strategic plan remained largely unimplemented. The government, in partnership with an NGO, expanded its awareness campaign through television, posters, and billboards in English, Spanish, and Mandarin. Authorities continued to disseminate public service announcements on child sexual exploitation and the links between tourism and the demand for commercial sex, but did not investigate, prosecute, or convict any child sex tourists. The government did not make efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

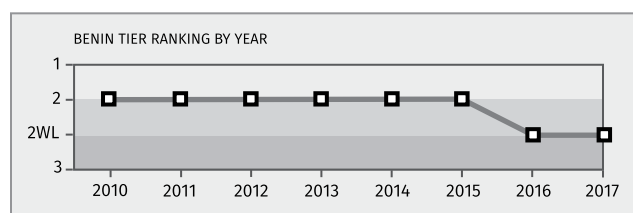
## TRAFFICKING PROFILE

Belize is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. The UN Special Rapporteur on Trafficking in Persons reported family members facilitate the sex trafficking of Belizean women and girls. In tourist regions, foreign child sex tourists, primarily from the United States, exploit child sex trafficking victims. Sex trafficking and forced labor of Belizean and foreign women and girls, primarily from Central America, occur in bars, nightclubs, brothels, and domestic service. LGBTI men, women, and children are vulnerable to sex and labor trafficking. Foreign men, women, and children—particularly from Central America, Mexico, and Asia—migrate voluntarily to Belize in search of work and are often exploited by traffickers who recruit victims using false promises of relatively high-paying jobs. Some migrants are subjected to forced labor in restaurants, shops, agriculture, and fishing or to sex trafficking. Trafficking-related complicity by government officials remains a problem.



## BENIN: TIER 2 WATCH LIST

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by identifying more victims, establishing an ad hoc inter-ministerial committee to coordinate trafficking efforts, and increasing training for law enforcement officials. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government decreased the number of reported prosecutions; did not report conviction of any traffickers; and did not systematically investigate allegations of trafficking of adults or provide protective services to adult victims. Anti-trafficking legislation—including provisions to prohibit and penalize the trafficking of adults—remained pending review by the Ministry of Justice (MOJ) for the fifth consecutive year. Inadequate funding and staffing for the Ministry of Interior's Office for the Protection of Minors (OCPM), the Ministry of Family (MOF), and the Ministry of Labor (MOL), now merged as the Ministry of Labor, Civil Service and Social Affairs (MLCSSA), continued to hinder anti-trafficking efforts. Therefore, Benin remained on Tier 2 Watch List for the second consecutive year.



### RECOMMENDATIONS FOR BENIN

Finalize and enact legislation to criminalize all forms of trafficking consistent with the 2000 UN TIP Protocol; increase efforts to investigate, prosecute, convict, and adequately sentence offenders of sex and labor trafficking of adults and children, including illegal recruitment agencies; develop systematic procedures for proactive victim identification—including of adults and victims of forced labor—and their subsequent referral to care; train law enforcement officials on identification and referral procedures; increase funding to OCPM and MLCSSA to provide adequate support to victims; establish measures to assist adult trafficking victims; reinvestigate the efforts of the national anti-trafficking coordinating committee; improve efforts to collect law enforcement data on trafficking offenses and make it publicly available; and launch a nationwide anti-trafficking awareness campaign.

### PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. Existing laws do not prohibit all forms of trafficking. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (act 2006-04) criminalizes child trafficking but focuses on movement of children rather than their ultimate exploitation and prescribes penalties of six months to two years imprisonment or fines if children are moved for the purpose of labor exploitation; these penalties are not sufficiently stringent. The penal code outlaws procuring or offering a person for prostitution and the facilitation of prostitution with punishments of six months to two years imprisonment. The

labor code prohibits forced labor and prescribes punishments of two months to one years imprisonment or a fine. None of these punishments are sufficiently stringent or commensurate with punishments prescribed for other serious crimes, such as rape. Comprehensive anti-trafficking legislation that would criminalize all forms of trafficking, including the trafficking of adults, has been pending MOJ review since September 2012.

During the year, OCPM—a specialized unit responsible for all criminal cases involving children—investigated 48 child abuse cases, although the government did not specify how many were child trafficking cases, compared with 49 cases of child trafficking and 12 cases of exploitative child labor in the previous reporting period. The government intercepted 19 adult female victims at the Cotonou airport en route to Lebanon and Kuwait, reportedly for domestic servitude; the government arrested one suspect in connection with these cases, but a judge released him, unable to charge him under existing trafficking prohibitions. The government did not systematically investigate the trafficking of adults or take action against potential illegal recruitment agencies. OCPM referred six suspects, five of child trafficking and one of adult trafficking, to the courts for prosecution, compared with 12 suspects in the previous reporting period, though the adult trafficking case was ultimately dismissed. The government did not report the conviction of any traffickers, compared with four offenders convicted for child trafficking during the previous reporting period. Lack of a specific law to prosecute adult trafficking cases has led judges to reduce adult trafficking cases to misdemeanors in previous years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. With assistance from a foreign donor, OCPM and the MLCSSA Office of Childhood and Adolescence trained four judges and 26 police officers on child trafficking, including the trafficking legal framework and addressing challenges in the field. Senior police officers received training in child trafficking law enforcement techniques as part of the police academy's training curriculum.

### PROTECTION

The government increased efforts to protect victims. OCPM identified 223 potential trafficking victims, including 201 children and 22 adults, in 2016, compared with 131 in 2015. OCPM provided temporary shelter and legal, medical, and psychological services to all identified potential victims before their transfer to long-term NGO shelters; however, the government failed to provide financial or in-kind support to NGOs providing care. The government did not have formal written procedures to guide officials in proactive identification of trafficking victims or a formal mechanism for screening trafficking victims among vulnerable populations, including persons in commercial sex.

The MLCSSA and ministries of justice and interior worked with an international organization and NGOs to coordinate placement of child trafficking victims with host families, who provided additional care to children prior to reintegration into their home communities. Government social workers provided counseling for such children, while an NGO provided financial support to cover their basic needs. Through their general support for victims of crime and vulnerable groups, 85 centers for social promotion under the MLCSSA offered basic social services, food, and temporary shelter to trafficking victims throughout the country, particularly in rural areas where such services were scarce, and assisted with reintegration of victims into their home communities. These centers reunited

an unknown number of Beninese child trafficking victims with their families or placed them in long-term shelters if their families could not be identified. During the reporting period, the government provided in-kind donations of 19 million West African Franc (CFA) (\$30,390) to OCPM to assist in providing care for all victims of crime, including trafficking victims. The government, with support from an international organization and an NGO, established two counseling and leisure centers (barques) in the markets of Zakpota and Abomey in central Benin. These centers offered counseling and education to 106 children during the reporting period, including children exposed to labor exploitation. Officials and NGO stakeholders in destination countries noted re-trafficking was an issue once victims returned to Benin, with parents often sending child victims or their siblings back to the trafficker to uphold an initial agreement. A draft cooperation agreement between Benin and Gabon on child trafficking remained pending for the third consecutive year. Benin did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

The government did not make systematic efforts to identify adult trafficking victims. The government intercepted 19 potential adult victims at the Cotonou airport en route to Lebanon and Kuwait and identified three other adult victims, but did not report on protections provided to adult victims. The government acknowledged that adult sex trafficking exists in the country, but did not screen individuals in commercial sex for trafficking, which may have left victims unidentified in the law enforcement system.

## PREVENTION

The government increased efforts to prevent trafficking in persons. In October 2016, the Ministry of Foreign Affairs and cooperation established an ad hoc inter ministerial committee to discuss ways to better combat trafficking and coordinate anti-trafficking efforts in Benin; the committee began meeting during the reporting period. However, the existing anti-trafficking coordinating body—the Trafficking and Exploitation Technical Working Group of the National Monitoring and Coordination Working Group for Child Protection—did not meet during the year. The government worked to finalize an action plan to support the implementation of the National Policy of Child Protection.

The MLCSSA conducted several prevention activities with support from an international organization. It conducted a survey in two cities on the extent of child sex trafficking. The government held a workshop to train 50 labor inspectors and child protection agents on prevention of child labor, including on how to address child labor at the community level. The MOL conducted a number of awareness raising activities on child labor including targeting religious leaders to decrease the practice of exploiting *talibes*, or Quranic school children, in forced begging. Additionally, the government began establishing civil registration centers (offices of vital records) in smaller towns and neighborhoods to encourage registration of births. The MOL's general directorate of labor conducted labor inspections in three markets during the reporting period to assess the working conditions of children and found that 1,278 children under the age of 14 were victims of exploitative labor in the markets—a population that likely included many trafficking victims. However, it did not take law enforcement action to investigate or penalize labor law violations. The government made no efforts to reduce the demand for commercial sex acts or forced labor. It provided its troops with anti-trafficking training,

conducted by a foreign donor, prior to their deployment abroad on international peacekeeping missions. The Ministry of Foreign Affairs has a code of conduct for diplomats that prohibits Beninese nationals deployed abroad to engage in or facilitate trafficking in persons; however, the government did not report providing anti-trafficking training for its diplomatic personnel.

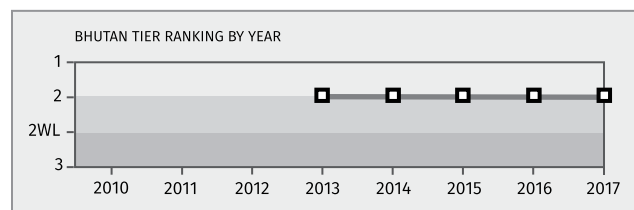
## TRAFFICKING PROFILE

As reported over the past five years, Benin is a source, transit, and destination country for women, children, and men subjected to forced labor and sex trafficking. Most identified victims are Beninese girls subjected to domestic servitude or sex trafficking in Cotonou and across Benin's southern corridor. Some families send children to wealthier families for educational or vocational opportunities, a practice called *vidomegon*; some of these children are subjected to domestic servitude. Children from Benin and neighboring countries are forced to labor on farms, in commercial agriculture (particularly in the cotton sector), in artisanal mines, at construction sites, or as street or market vendors. A 2013 study cited more than 7,800 children subjected to labor exploitation in the markets of Cotonou, Porto-Novo, and Parakou. Togolese girls are exploited in commercial sex in Benin. Cases of child sex tourism involving both boys and girls along the coast and within the department of Mono have been reported in previous years. A 2016 survey conducted in the cities of Cotonou in southern Benin and Malanville in northern Benin indicated that girls are subjected to sexual exploitation, including potential sex trafficking, in these two cities. In northern Benin, as in other countries in the region, some unscrupulous *marabouts*, Quranic teachers, exploit Beninese Quranic school children in forced begging. Most Beninese child trafficking victims are from rural areas in the northern regions; many are recruited and transported to neighboring countries, where they are forced to labor in homes, mines, quarries, restaurants, markets, and on cocoa farms. The department of Oueme in southeast Benin was reportedly a primary area of recruitment for child trafficking victims subsequently exploited in the Republic of the Congo. Most child victims intercepted in Benin, either from Benin or other West African countries, are exploited or en route to exploitation within the country. Benin is the largest source country for trafficking victims in the Republic of the Congo; Beninese victims are also subjected to trafficking in Nigeria, Gabon, and Lebanon. West African women are exploited in domestic servitude and forced commercial sex in Benin. Young Beninese women are recruited from Benin by unlicensed Beninese and Lebanese recruiters for domestic work in Lebanon and Kuwait; reportedly, some are subjected to domestic servitude or forced into commercial sex. OCPM reports that traffickers no longer travel with child victims being moved internally or to nearby countries. Victims now travel alone and are met by traffickers or their accomplices once they reach their destination. This tactic makes investigations more difficult.

## BHUTAN: TIER 2

The Government of Bhutan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Bhutan remained on Tier 2. The government demonstrated increasing efforts by identifying its first potential trafficking victims and investigating and prosecuting the first case under its trafficking law. However, the government did

not meet the minimum standards in several key areas. The government's laws do not prohibit all forms of trafficking, and while the government continued to work with an international organization to draft standard operating procedures (SOPs) on victim identification and referral, it had not finalized the SOPs by the end of the reporting period. Understanding of trafficking crimes remained low and it was unclear if identified victims received protection services.



## RECOMMENDATIONS FOR BHUTAN

Amend section 154 of the penal code to refine the definition of human trafficking to conform with the 2000 UN TIP Protocol such that the purpose of the crime is "exploitation" rather than "any illegal purpose"; finalize and disseminate SOPs for proactive victim identification and referral to protection services; vigorously investigate and prosecute trafficking cases; train officials on the implementation of anti-trafficking laws and victim identification and referral procedures; take steps to eliminate all recruitment fees charged to workers by recruitment agents; undertake and publish a comprehensive assessment of all forms of human trafficking, including labor trafficking of men; continue to fund NGOs that provide protective services to trafficking victims; continue to conduct human trafficking awareness events and disseminate awareness materials among vulnerable populations; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 154 of the penal code criminalizes a person who "recruits, transports, sells or buys, harbors or receives a person through the use of threat or force or deception within, into, or outside of Bhutan for any illegal purpose." This definition departs from the 2000 UN TIP Protocol definition because it requires the purpose be otherwise "illegal" rather than "exploitation," such as forced labor or sex trafficking. Bhutan also defines trafficking to include buying, selling, or transporting a child for any illegal purpose, and engaging a person in prostitution if the defendant transports, sells or buys the person within, into, or outside of Bhutan, in articles 227 and 379 of the penal code, respectively. Bhutanese law also prohibits all forms of child trafficking "for the purpose of exploitation" in article 224 of the Child Care and Protection Act of 2011. The punishments for these offenses range from three years to life imprisonment. The Labor and Employment Act of 2007 prohibits most forms of forced labor with penalties from three to five years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. For the first time, the government investigated and prosecuted one defendant under article 154. Authorities apprehended the alleged trafficker before the victims could be sent to a foreign country to work. The verdict remained pending at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

While the government participated in efforts to train officials

and increase their awareness of trafficking, its response to human trafficking remained limited by a general lack of understanding of the crime. In partnership with an international organization, the National Commission for Women and Children (NCWC), an autonomous agency funded by the government, held an event with officials, including parliamentarians, to launch and disseminate a report on Bhutan's laws and policies related to human trafficking. The Royal Bhutan Police maintained three women and child protection units and eight women and child desks, responsible for coordination with other agencies on matters relating to women and children and ensuring acts related to their protection are implemented. Through coordination with NCWC, an international organization held a multi-day training on an anti-trafficking toolkit for 25 officials, including prosecutors, police, and immigration officers. Attendees acknowledged the continued need for training.

## PROTECTION

The government increased efforts to identify victims while maintaining modest efforts to provide protective services. For the first time, the government reported identifying two potential trafficking victims, intercepted before being subjected to exploitation abroad. In partnership with an international organization, NCWC continued to draft SOPs on victim identification and referral, which it shared with 10 government agencies and an NGO for final review at the end of the reporting period. The government continued to fund an NGO to provide shelter to women and child victims of crime, including human trafficking, and rehabilitation and reintegration services to men, women, and children. It is unclear whether trafficking victims utilized these services during the year. There was no shelter facility for men. The immigration department mandated the reporting of suspected cases of trafficking of foreign women and children to NCWC before initiating deportation for immigration violations; it is unclear if similar policies existed for potential foreign male victims. The law did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

## PREVENTION

The government maintained efforts to prevent human trafficking. The government did not have a national action plan to combat trafficking. NCWC functioned as the government's main anti-trafficking coordination body. NCWC's mission, however, encompassed only women and children, which was recognized as a hindrance to combating adult male trafficking. The government continued to actively collaborate with an international organization on a project designed to enhance government and civil society responses to trafficking. The Bhutan Labor and Employment Act of 2007 required labor recruitment agencies to be licensed and abide by the same labor laws as employers. The government registered migrant workers, monitored working conditions, and produced and disseminated pamphlets advising migrant workers of their rights in Bhutan, including employer-paid medical exams, full and prompt payment of wages, and entitlement to retain personal identity documents. The labor ministry licensed and monitored five employment agencies to assist Bhutanese citizens over age 21 seeking work overseas and produced a pamphlet on their rights. Government regulations on overseas employment agents allow agents to charge Bhutanese migrant workers a recruitment fee of one month's salary and most recruitment expenses, except for costs associated with a visa or work permit; reportedly these fees may only be collected after successful placement with an employer. During the reporting period, the



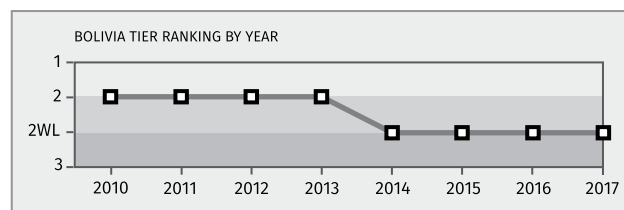
government terminated the license of one agency for violating the regulations. An international organization designed public awareness materials in cooperation with NCWC, though the materials had not been finalized and approved at the end of the reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. Bhutan is not a party to the 2000 UN TIP Protocol.

### TRAFFICKING PROFILE

As reported over the last five years, Bhutan is a source and destination country for men, women, and children vulnerable to forced labor and sex trafficking. Bhutanese girls—working as domestic servants and entertainers in *drayungs* or karaoke bars—may be subjected to sex trafficking and labor trafficking coerced by debt and threats of physical abuse. Rural Bhutanese are transported to urban areas, generally by relatives, for employment in domestic work, which at times involves forced labor. While most domestic workers in Bhutan are young girls from poor, rural areas of the country, Indian women and girls also seek employment in this sector. An expanding construction sector continues to increase demand for low-skilled foreign labor, primarily men from India who are vulnerable to trafficking. Bhutanese who migrate overseas for work are vulnerable to human trafficking by unlicensed or unscrupulous recruitment agents.

## BOLIVIA: TIER 2 WATCH LIST

The Government of Bolivia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by dedicating more police investigators to a provincial human trafficking crimes unit, launching several awareness campaigns in collaboration with civil society, prosecuting traffickers, and investigating a trafficking ring that resulted in the prosecution of three officials suspected of complicity. The government also launched a pilot program in the capital to improve the ability of police to detect trafficking cases. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not report investigating, prosecuting, or convicting any traffickers during the reporting period. It also did not report identifying or assisting any victims and lacked formal screening mechanisms by which to identify trafficking victims, despite efforts to develop such protocols. The government slightly decreased the funding it dedicated to anti-trafficking efforts and relied heavily on donations from NGOs and foreign donors to conduct law enforcement operations and provide victim services. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Bolivia was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Bolivia remained on Tier 2 Watch List for the fourth consecutive year.



### RECOMMENDATIONS FOR BOLIVIA

Implement established protocols for the proactive identification of trafficking victims among vulnerable populations, and for the referral of victims to care services; investigate, prosecute, and convict traffickers, including complicit officials; provide adequate resources to law enforcement agencies to conduct anti-trafficking operations; increase availability for specialized victim services, including long-term housing; train police, prosecutors, judges, and social workers on a victim-centered approach to investigations and prosecutions; devote resources to implement the 2016-2020 national action plan; strengthen engagement and coordination with civil society on technical, budgetary, and policy matters related to trafficking; improve data collection and sharing on anti-trafficking efforts, distinguishing human trafficking from other crimes; and expedite and fund repatriation and reintegration services to returning Bolivian trafficking victims.

### PROSECUTION

The government did not report prosecution efforts and the lack of comprehensive data on investigations, prosecutions, and convictions made overall law enforcement efforts against human trafficking difficult to assess. Law 263 of 2012—the Comprehensive Law against Trafficking and Smuggling of Persons—prohibits all forms of trafficking and establishes penalties of 10 to 20 years imprisonment. These penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Law 263 diverges from the international definition of trafficking in persons by classifying non-trafficking crimes, such as illegal adoption and the removal or sale of organs without the purpose of exploitation, as human trafficking. While law 263 creates separate criminal offenses for trafficking in persons and smuggling of persons, one government agency is responsible for both crimes, possibly leading to confusion in collection of data and in the response to perpetrators and potential victims of trafficking. Some police and prosecutors charged trafficking cases as non-trafficking crimes, such as pimping; this was sometimes due to a belief that trafficking cases were difficult to prove in court.

The government did not provide comprehensive data on the number of trafficking investigations or convictions in 2016. Trafficking and smuggling crimes reported to the Bolivian police increased to 526 in 2016, compared to 247 in 2015 and 380 in 2014. However, the government did not report any convictions during the reporting period, compared to the reported five convictions in 2015 and 12 in 2014. Media reported a government investigation of a case that resulted in the prosecution of six individuals under law 263. Three of those prosecuted were government officials—two members of the Santa Cruz state police and a municipal councilman. They were investigated in connection to an alleged trafficking ring based out of two popular nightclubs located in La Paz and Santa Cruz. At the end of the reporting period, the investigation and prosecutions were ongoing. While law 263 imposes a serious penalty for trafficking crimes, sources reported traffickers

could bribe prosecutors to avoid being charged. For the fourth consecutive year, no information was available regarding any government response to a 2013 report from the ombudsman's office that two police officers allegedly forced female inmates into prostitution. The La Paz police department's specialized anti-trafficking and anti-smuggling unit increased the number of police investigators to 25, whereas other departments' anti-trafficking and anti-smuggling units allotted three to five investigators. The government operated two national anti-trafficking and anti-smuggling police units, one focused on internal law enforcement efforts and the other on border security. Because of limited funding, police relied significantly on donations from NGOs and civil society to conduct operations, including anti-trafficking operations. The government and an international organization held a two-day training to familiarize public officials with the legal protocols relating to trafficking and smuggling; 120 individuals participated, including law enforcement, prosecutors, and judges.

## PROTECTION

The government did not report protection efforts. Authorities did not provide information on the total number of victims identified, referred, assisted or the kinds of services these victims received. The government approved a protocol for the proactive identification of trafficking and smuggling cases, but implementation remained pending. An international organization reported assisting with the repatriation of six Bolivian victims with minimal assistance from the government. The Ministry of Health administered periodic medical tests to individuals in the legal commercial sex trade, but did not screen for trafficking indicators. The Ministry of Labor had 12 inspectors to investigate child and forced labor. Law 263 requires the Ministry of Labor to create a national registry of employment agencies with the intent to monitor for trafficking activity; however, authorities did not establish this mechanism during the reporting period, and NGOs expressed concern the registry would not address the many employment agencies that operate transiently and informally. NGOs reported the early prevention unit of the La Paz police department began coordinating with the anti-trafficking and anti-smuggling unit to provide psychologists and social workers for the early stages of investigation to provide immediate mental health services to victims.

The government relied on foreign donors and NGOs to fund and provide most victim services. Law 263 requires regional governments to build shelters for trafficking victims in each of Bolivia's nine departments; in 2016, there were no shelters, and only one department began construction of a shelter. Law 263 also requires the government to provide free access to services for victims, but the government did not provide adequate funding for such services. Police were often unable to secure safe accommodation for trafficking victims identified in raids and reportedly used personal funds at times to assist victims. The government did not provide any services to adult male victims. The government detained and housed boy trafficking victims with juvenile criminals due to a lack of alternative accommodations. Four departmental governments operated a total of five special victims units, which focused on providing legal and psychological services to victims of gender-based violence, but did not report whether they assisted any trafficking victims in 2016. Victims may provide written testimony rather than testifying in a court proceeding; most cases did not advance far enough for this to be an option, and the government did not report whether victims assisted in trials in 2016. Bolivian law allowed victims to seek civil damages, but there were no

reports of trafficking victims doing so in 2016. The government can legally provide foreign victims with humanitarian visas to remain in Bolivia temporarily and, if granted, enable victims to apply for a work permit; authorities did not report the number of humanitarian visas granted for 2016.

## PREVENTION

The government maintained prevention efforts. During the reporting period, the government restructured its 2015-2019 smuggling and trafficking national action plan for 2016-2020, including allocating funding for this revised plan in the budget. In 2016, the government committed an estimated 14 million bolivianos (\$2.0 million), a decrease from the 18 million bolivianos (\$2.6 million) committed in 2015. According to the budget plan, an additional 17 million bolivianos (\$2.5 million) from international partners were committed to the plan. The Plurinational Council against Human Trafficking and Smuggling published a national policy to implement law 263 that required each department to develop anti-trafficking plans; two of nine departments developed and implemented a plan, and a third began drafting during the reporting period. Two sub-ministerial units were responsible for coordinating anti-trafficking efforts—the directorate of trafficking and smuggling in persons mandated by law 263 and the Office of Trafficking in Persons in the Ministry of Justice. Observers noted a lack of interagency coordination, in part due to overlapping mandates.

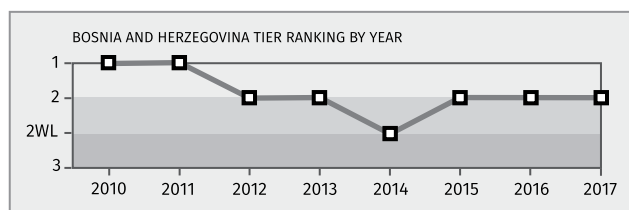
In 2016, an NGO headed the network of government officials and civil society organizations, previously organized by the human rights ombudsman, responsible for prevention efforts. The network coordinated efforts in four border cities to train municipal officials on trafficking issues and the implementation of policies to mitigate trafficking in their regions; further, it worked closely with schools to teach children how to avoid becoming victims of trafficking. Despite this platform for engagement, NGOs reported not having significant impact on policy and budgeting decisions or being involved in a significant way. Law 263 required media outlets to run public service announcements on trafficking; an estimated 38 percent of outlets complied, according to sources. The government created an observatory of trafficking crimes to collect information on trends, and law 263 mandated the Plurinational Council submit an annual report to Congress on its work; the report was not published by the end of the reporting period. Bolivia signed trilateral and bilateral agreements with Brazil and Peru on cooperation to reduce border related crimes, including trafficking. During the reporting period, Bolivia and Peru created a joint plan to advance their accord and an estimated 300 Bolivians and Peruvians officials participated in anti-trafficking training. Authorities conducted some anti-trafficking awareness events. In July, the government collaborated with an NGO to inaugurate a film festival, attended by 3,000 people, highlighting the realities of trafficking; several organized flash mobs accompanied the festival. In November, the police organized a "marathon for security" in La Paz to educate society on smuggling and trafficking. The Institute for Normalization of Quality, a semi-autonomous government agency, operated a "triple seal" certification program for sugar producers whose final products are certified to be free of child and forced labor, which could reduce the demand for forced labor. As of 2016, two companies had obtained the seal. The government did not report efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Bolivia is principally a source country for men, women, and children exploited in sex trafficking and forced labor within the country and abroad. To a more limited extent, women from neighboring countries, including Brazil, Colombia, and Paraguay, have been subjected to sex trafficking in Bolivia. Bolivia serves as a transit and destination country for migrants from Africa, Chile, and the Caribbean, some of whom become victims of forced labor and sex trafficking. Rural and poor Bolivians, most of whom are indigenous, and LGBTI youth are particularly vulnerable to sex and labor trafficking. Bolivian women and girls are found in sex trafficking within Bolivia and in neighboring countries such as Argentina, Brazil, Panama, Peru, and Chile. Within the country, Bolivian men, women, and children are found in forced labor in domestic work, mining, ranching, and agriculture. Media report cases of children forced to commit crimes, such as robbery and drug production, and others exploited in forced begging. A significant number of Bolivians are subjected to forced labor in Argentina, Brazil, and Chile in sweatshops, agriculture, domestic work, textile factories, and the informal sector. Traffickers exploit the absence of a national registry of employment agencies to establish informal temporary employment agencies, through which they identify and recruit potential victims. Some suspected traffickers reportedly bribe officials to avoid facing justice.

## BOSNIA AND HERZEGOVINA: TIER 2

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Bosnia and Herzegovina remained on Tier 2. The government demonstrated increasing efforts by the Federation Parliament's adoption of a human trafficking law consistent with the laws of the state, Republika Srpska, and Brcko District. The state and Brcko District courts sentenced officials complicit in human trafficking offenses and continued law enforcement cooperation with foreign governments. However, the government did not meet the minimum standards in several key areas. The victim referral mechanism lacked formal procedures and did not establish roles and responsibilities for relevant actors. Victims required official recognition from authorities to access support and assistance.



## RECOMMENDATIONS FOR BOSNIA AND HERZEGOVINA

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sentences that reflect the serious nature of the crime; formalize a multidisciplinary national referral mechanism with established roles, procedures, and responsibilities for relevant actors, including NGOs; provide assistance to all victims regardless of whether their traffickers are prosecuted; standardize victim assistance throughout the country and provide specialized assistance for male victims;

develop financial policies that effectively allocate funding for victim assistance; train judicial authorities on a victim-centered approach to prosecution; train first responders on victim identification and referral, particularly for those subjected to forced labor and forced begging; and integrate Romani groups into decision-making processes regarding victim protection.

## PROSECUTION

The government increased law enforcement efforts. Bosnia consists of two entities within the state, the Federation of Bosnia and Herzegovina and the Republika Srpska (RS). Each entity has political, legislative, and judicial authority. The Brcko District (BD) is a self-governing unit under the jurisdiction of the state. Entity-level authorities address domestic trafficking offenses internal to their territories and state-level authorities address cases with international aspects. During the reporting period, the Federation Parliament adopted articles 210a and 210b, making the trafficking laws consistent with the state, RS, and BD. Article 210a criminalizes sex trafficking, forced labor, and trafficking of a child with a minimum prescribed penalty of five years and a minimum of 10 years for trafficking of children. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 210a also criminalizes the use of services from a trafficking victim with imprisonment for six months to five years. Article 186 of the state-level criminal code prohibits sex trafficking and forced labor if the victim is exploited in a country in which he or she does not reside or have citizenship; the law punishes these crimes with a minimum of five years imprisonment. Article 186 also prescribes a mandatory minimum of 10 years imprisonment for offenses committed involving a child. RS and BD prohibit sex trafficking and forced labor with minimum prescribed penalties of three and five years respectively. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The State Prosecutor's Office launched an investigation against one suspect, the same number as in 2015, issued no indictments, and suspended two separate investigations of two suspects. This was a decrease from one person indicted in 2015 and 13 persons indicted in 2014 for subjecting 672 persons to labor trafficking; the latter case—Bosnia's largest indictment for trafficking in the country's history—remained ongoing during the reporting period. The state convicted two persons, compared to zero convictions in 2015 and 2014; both traffickers received sentences of three years imprisonment. RS, BD, and Federation authorities increased law enforcement efforts overall. Federation authorities investigated 25 trafficking suspects prior to the adoption of Article 210a and 210b and investigated four suspects under the new article, compared to 10 suspects investigated in 2015. Federation prosecutors indicted 21 persons, an increase from four in 2015. Federation courts convicted six persons, compared to eight in 2015. One person received four months imprisonment, two persons received three years, and three persons received a two-year suspended sentence. RS authorities investigated 12 trafficking suspects but issued no indictments, compared to investigating five trafficking suspects and indicting two persons in 2015. RS did not report statistics on convictions. BD courts convicted two persons to eight months of imprisonment and acquitted one person, compared to 0 convictions in 2015. Cases in which perpetrators received sentences less than those for other serious crimes undermined the government's record of vigorously investigating and prosecuting traffickers.

All three police academies maintained basic and advanced



courses on trafficking and the national state government continued to provide basic training for prosecutors and judges on trafficking cases. The state, in partnership with OSCE, trained prosecutors and judges on labor trafficking and on interviewing techniques for child trafficking victims. However, the government reported the low understanding of forced labor and forced begging among relevant actors remained an issue. Corruption and official complicity in trafficking crimes remained significant concerns. During the reporting period, the state court and a Bosnian consular official entered a plea bargain for involvement in trafficking-related crimes and was sentenced to 11 months imprisonment; the Bosnian consular official, based in Paris, was charged with sustained abuse of position for issuing travel documents to facilitate the movement of potential labor trafficking victims in exchange for money. In another case, Federation courts convicted a Federation police officer and sentenced the officer to three years and three months of imprisonment for enticement to prostitution for coercing his partner to provide sexual services to clients in exchange for money.

The government increased law enforcement cooperation with foreign governments; however, the lack of bilateral agreements regarding witness protection created obstacles for witnesses and victims to participate effectively in international investigations. During the reporting period, state authorities in coordination with law enforcement in Serbia and Germany conducted synchronized raids and arrested 11 members of an organized crime group in Serbia and Bosnia and Herzegovina for trafficking and recruiting young women and girls from Bosnia and Herzegovina and Serbia for exploitation in Germany. State prosecutors assisted the Netherlands and Austria in a joint investigation of a Bosnian and Croatian married couple forcing six Roma children to pickpocket in the Netherlands. Bosnian and French law enforcement officials, with the support of the EU's Judicial Cooperation Unit, maintained a joint investigative team.

## PROTECTION

The government maintained victim protection efforts. The government identified 44 trafficking victims in 2016, an increase from 31 victims in 2015. Of these, six were victims of sex trafficking, 32 of forced labor, and six of both sex trafficking and forced labor, compared to seven of sex trafficking and 24 of forced labor in 2015; 26 were female and 18 were male, compared to 23 and 8, respectively, in 2015; 10 were children, compared to 14 in 2015; and there were four foreign victims compared to zero in 2015. The state coordinator acknowledged there were additional victims who likely did not come to the attention of authorities.

The Ministry of Human Rights and Refugees allocated 60,000 marks (\$32,327) for assistance to domestic trafficking victims, the same amount as in 2015. Domestic victims did not have to stay at the shelters to receive reintegration assistance. The Ministry of Security allocated 70,000 marks (\$37,716) for assistance to foreign victims, a significant decrease from 120,000 marks (\$64,655) in 2015. Funding for victim assistance was disproportionately lower for domestic victims, although they constituted the majority of identified victims. The funds to assist foreign victims were returned to the state budget when no foreign victims were identified and were not reallocated for domestic victim assistance. An international organization reported the victim's ability to access assistance and support were contingent on law enforcement initiating an investigation and a prosecutor providing official victim status. Observers

reported the victim referral mechanism lacked formalized procedures, roles, and responsibilities for relevant actors. Authorities referred 13 victims to NGO-run shelters; officials provided assistance to victims only if they proactively requested it. The state amended regulations allowing foreign victims to voluntarily leave shelters without a chaperone. Shelters accommodated male trafficking victims but did not offer them specialized services. Seven government-run social welfare centers provided assistance to children involved in begging or working on the streets and identified 28 potential child trafficking victims. Law enforcement identified most trafficking victims, but other identification channels included drop-in centers operated by NGOs for street children, mobile teams, hotlines, and interaction with officials from schools and clinics. Labor inspectors were newly included in the referral process.

Observers reported law enforcement and prosecutors were often unwilling to pursue investigations and prosecutions against a child's parents, particularly with Roma families, even if they were involved in subjecting the child to trafficking; shelters would subsequently return the child to their parents. Furthermore, GRETA documented child victims were intimidated during trials and authorities did not use available legal protections to shield them from threats and re-victimization. Sub-state laws against enticement to prostitution permitted law enforcement to treat children 14 years and older as juveniles willingly engaged in prostitution instead of victims of rape or sex trafficking crimes; however, during the reporting period, there were no reports of victims detained, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. Criminal codes of the state, BD, and Federation contain provisions exempting trafficking victims from prosecution for such acts. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in Bosnia and victims were permitted a 30-day reflection period to determine whether they wanted to request a visa. Trafficking victims could seek restitution through criminal or civil suits. During the reporting period, a district court upheld an appeal made by an NGO that filed the first lawsuit for non-material compensation on behalf of four trafficking victims and returned the case before the district court.

## PREVENTION

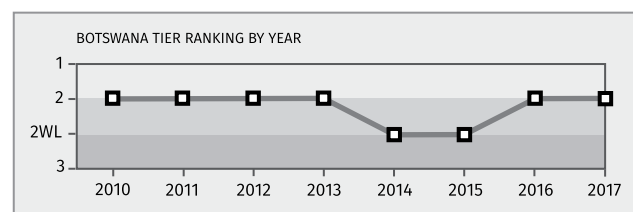
The government maintained efforts to prevent trafficking. The government continued to implement the 2016-2019 national anti-trafficking action plan, including specific efforts, in partnership with OSCE and NGOs, to improve identification and protection of trafficking victims. A nationwide interagency taskforce met monthly to monitor the progress of trafficking investigations and prosecutions. Regional monitoring teams also met regularly to monitor the referral process. The government incorporated labor inspectors, mental health centers, and representatives of daily centers for children into the regional monitoring teams. State and entity-level governments, in partnership with OSCE and NGOs, organized two multidisciplinary trainings with a human trafficking component for 85 labor inspectors. The government allocated \$5,500 to 16 NGOs for activities associated with the 2016 European Anti-Trafficking Day. The Ministry of Defense continued to provide training on identifying and reporting trafficking to peacekeepers in the country. The government continued public prevention campaigns targeting the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. In 2016, victims from Cuba, Gambia, and Serbia were subject to trafficking in Bosnia. Bosnia is a transit country for Ukrainians subjected to trafficking in Germany. Bosnian women and girls are subjected to sex trafficking within the country in private residences, motels, and gas stations. Economically marginalized Romani children are subjected to forced begging and involuntary domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within the country. Bosnian victims are subjected to sex trafficking and forced labor in construction and other sectors in countries across Europe including Croatia, France, Serbia, Slovenia, and Austria. Corruption creates an environment enabling some trafficking crimes.

## BOTSWANA: TIER 2

The Government of Botswana does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Botswana remained on Tier 2. The government demonstrated increasing efforts by investigating and prosecuting more trafficking cases than in the previous reporting period and obtaining its first trafficking conviction under the 2014 Anti-Human Trafficking Act. The government also identified more victims of trafficking, established a specialized anti-trafficking unit, and appointed two officials, trained on human trafficking, to monitor the investigation and prosecution of trafficking cases. However, the government did not meet the minimum standards in several key areas. The government did not amend the 2009 Children's Act to include in the definition of child trafficking, the commercial sexual exploitation of children without requiring the means of force, coercion, or movement. The government's efforts to protect victims were uneven. In the government's first trafficking conviction, the trafficker served only eight months of an 18-month sentence in prison, although the government's appeal of that sentence was pending at the end of the reporting period.



## RECOMMENDATIONS FOR BOTSWANA

Formalize the system to refer victims to social services and ensure all victims receive protective services; amend the anti-trafficking laws to ensure penalties are sufficiently stringent by eliminating fines in lieu of prison time and disallow suspended sentences when sentencing convicted traffickers; increase efforts to investigate, prosecute, and convict traffickers; implement formal victim identification procedures for all stakeholders, including law enforcement and immigration officials, and train officials on the procedures; continue to encourage victims to participate in the investigation and prosecution of traffickers through formal procedures; develop guidelines for specific

protective services for trafficking victims, to be provided either directly or in partnership with NGOs; continue to conduct awareness campaigns, particularly in rural areas; and provide anti-trafficking training to diplomatic personnel.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2014 Anti-Human Trafficking Act criminalizes all forms of trafficking, essentially tracking international law and making it a crime to use force, fraud or coercion for the purpose of exploitation. The 2014 Act defines "exploitation" broadly to include not only forced labor and prostitution, but also forced or child marriage and child labor. The Act prescribes penalties for sex and labor trafficking of up to 25 years imprisonment or a fine of 500,000 pula (\$46,852), which are sufficiently stringent; however, allowing for a fine in lieu of imprisonment for sex trafficking is not commensurate with the penalties for other serious crime, such as rape. Similarly, provisions of the Children's Act criminalize various forms of child trafficking, subject to fines or imprisonment of both. Sections 57 of the 2009 Children's Act makes it a crime to induce, coerce or encourage a child to engage in prostitution, subject to two to five years imprisonment and/or a fine of 50,000 pula (\$4,685). Section 114 of the Children's Act makes it a crime to abduct or sell any child or to use any child to beg, subject to a fine of between 30,000 (\$2,811) and 50,000 pula (\$4,685), imprisonment of five to 15 years, or both.

The government investigated 12 trafficking cases and prosecuted 18 defendants under the 2014 Act, compared with five investigations and seven prosecutions in the previous reporting period. The government secured its first ever trafficking conviction, which was under the Anti-Human Trafficking Act. The High Court sentenced the trafficker, a South African woman, to 18-months imprisonment, nine of which were suspended. The Directorate of Public Prosecutions (DPP) appealed the sentence to seek a more stringent penalty; the appeal was pending at the close of the reporting period. The DPP established a specialized anti-trafficking unit and appointed two trained focal points, one law enforcement officer and one prosecutor, to monitor the investigation and prosecution of trafficking cases. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

In June 2016, the Ministry of Defense, Justice, and Security (MDJS) and a consortium of international organizations and donors hosted a course for trainers of criminal justice practitioners and law enforcement on employing a victim-centered approach in investigations and prosecutions. The government provided transportation for law enforcement officers stationed countrywide to participate in the training. In December 2016, the DPP conducted a one-day workshop on the Anti-Human Trafficking Act for judges of the Industrial Court responsible for labor disputes. Additionally, the police service included in its curriculum a section on human trafficking to educate recruits on the anti-trafficking law, victim identification, and investigation of human trafficking cases. The government requested mutual legal assistance and completed joint investigations with Zimbabwe, Zambia, and Kenya on trafficking cases.

## PROTECTION

The government maintained uneven efforts to identify and protect trafficking victims. The government identified 27 victims during the reporting period—four child sex trafficking victims,

three child victims of forced labor, and 20 adult victims of forced labor—an increase from six victims identified during the previous year. However, the government’s referrals of victims for assistance were limited. It referred four girls to an NGO-run shelter to receive protective services. The government did not provide formal written procedures to guide social service, law enforcement, or immigration officials in proactively identifying victims of trafficking among vulnerable populations. The NGO-run shelter used its own assessment process for victim eligibility for admission to the shelter and access to care services. The government had not fully operationalized the victim referral measures detailed in the 2014 Act. The government paid for legal expenses and repatriation of a Motswana child trafficking victim exploited in Canada during the reporting period. The government was not known to have penalized trafficking victims for crimes committed in relation to being subjected to trafficking. The government encouraged victims to assist in the investigation and prosecution of traffickers by providing housing and food throughout the period of investigation. All trafficking victims voluntarily provided written testimony as evidence. However, due to a slow judicial process, one foreign child victim had to remain in Botswana for a prolonged period of time to testify during the lengthy trial process.

## PREVENTION

The government increased prevention efforts. In December 2016, the MDJS conducted a workshop for recruitment agencies to raise awareness of human trafficking and highlight potential vulnerabilities in liaising with international recruitment agencies. The ministry also issued a press release following the training to advise citizens and agencies to consult with government officials if they encountered a dubious employment offer. In January 2017, MDJS, in collaboration with an international organization, hosted training for civil society, which included a session on law enforcement and civil society cooperation on anti-trafficking advocacy and awareness raising. MDJS officials also held awareness and capacity building sessions on human trafficking with social workers, district council members, and students throughout the country. The DPP trained nationals of Zambia, Zimbabwe, and Swaziland on anti-trafficking. The Anti-Human Trafficking Committee, established under MDJS in the previous reporting period in accordance with the 2014 act, met four times during the reporting period. The committee and MDJS did not complete a national action plan, which it began drafting during the previous reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor during the reporting period. It did not provide anti-trafficking training for its diplomatic personnel.

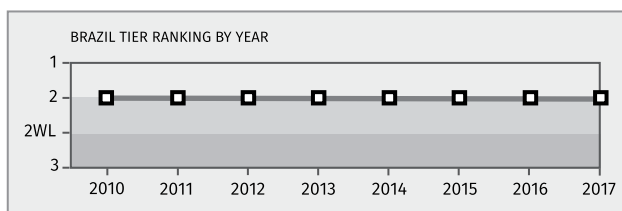
## TRAFFICKING PROFILE

As reported over the past five years, Botswana is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Residents of Botswana most vulnerable to trafficking are unemployed women, the rural poor, agricultural workers, and children. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities or in agriculture and cattle farming in remote areas, increasing their vulnerability to forced labor. Young Botswana serving as domestic workers for extended family may be denied access to education and basic necessities or subjected to confinement or verbal, physical, or sexual abuse—conditions indicative of forced labor. Botswana girls and women are possibly exploited in prostitution within the country, including in bars and by truck drivers along major highways. Some women may be subjected to trafficking

internally or transported from neighboring countries and subjected to sexual exploitation. Officials confirmed adults and children of the San ethnic minority group are subjected to labor conditions on private farms and cattle posts in Botswana’s rural west that might rise to the level of forced labor. Undocumented migrant Zimbabwean children might be vulnerable to trafficking in Botswana. There has been no comprehensive international or domestic study of trafficking trends within the country.

## BRAZIL: TIER 2

The Government of Brazil does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Brazil remained on Tier 2. The government demonstrated increasing efforts by passing a comprehensive anti-trafficking law, investigating and prosecuting suspected traffickers under the new law, conducting more prevention campaigns, beginning the development of a centralized judicial database to track trafficking cases, and making efforts to reduce demand for forced labor. However, the government did not meet the minimum standards in several key areas. The government did not report the total number of final convictions its courts issued during the year or the number of victims that received assistance in the latter part of 2016. Further, the government did not provide specialized shelters for victims of trafficking or adequate long-term care. The lack of adequate care left victims vulnerable to re-trafficking.



## RECOMMENDATIONS FOR BRAZIL

Vigorously investigate and prosecute trafficking cases and convict and punish traffickers, including complicit officials; prosecute labor traffickers in criminal courts; increase funding for specialized services, including housing for victims of sex trafficking and forced labor; improve federal and state law enforcement cooperation and communication on trafficking cases; enhance efforts to identify child victims in domestic servitude and sex trafficking; robustly implement the anti-trafficking law and make full use of institutions and mechanisms already in place; train federal, state, and municipal law enforcement officials on proactive identification of victims; amend the 2016 anti-trafficking law to criminalize child sex trafficking without elements of force, fraud, or coercion; update referral mechanism guidance to reflect the provisions covered under the new law; increase specialized services for child trafficking victims, including case management assistance and oversight of local guardianship councils; collect judicial case data from all states to improve and better understand the response to trafficking cases; increase efforts to investigate cases of labor trafficking and add more labor inspectors trained to recognize and report indicia of forced labor; and finalize and begin implementing the third national action plan for the elimination of trafficking.



## PROSECUTION

The government maintained law enforcement efforts. In October 2016, the government passed law 13.344, a comprehensive anti-trafficking law that criminalizes all forms of trafficking in persons and updated existing statutes to generally harmonize the definition of trafficking with international law. Article 149a of the new anti-trafficking law criminalizes brokering, enticing, recruiting, transporting, transferring, buying, harboring, or receiving a person by grave threat, violence, coercion, fraud, or abuse for the purpose of organ removal, forced labor (any kind of servitude or conditions analogous to slavery), illegal adoption, or sexual exploitation. Although article 149a does not appear to include an exemption from force, fraud, or coercion for the sex trafficking of children, article 244A of the child and adolescent statute criminalizes inducing a child to engage in sexual exploitation, without the need to prove that means of force, fraud, or coercion were used. Article 149 prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery, defining forced labor to include degrading work conditions and exhausting work hours, going beyond situations in which people are held in service through force, fraud, or coercion. While not all individuals in *trabalho escravo* are forced labor victims, many are. In 2016, Brazilian lawmakers introduced legislation to redefine *trabalho escravo* to only include instances of forced labor. The new anti-trafficking law increases prescribed penalties to four to eight years imprisonment and a fine, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The sentence can be reduced by one- to two-thirds if the defendant is a first-time offender, acted alone and not as part of a criminal organization. Penalties can be increased by one-third to one-half if the crime was committed by a public official; the victim is a minor or a disabled person; there is a personal or familial relationship with the victim; or if the victim was removed from the country.

Contrary to previous years when law enforcement data might have included state and federal efforts, the 2016 investigation and prosecution data only includes information under federal jurisdiction. In 2016, authorities reported 103 new and ongoing investigations under articles 231 and 231a, 22 new and 20 ongoing investigations under article 149, and 22 investigations under article 149a of the new anti-trafficking law (compared with 374 ongoing and 97 new investigations under articles 231 and 231a, and 296 investigations under article 149 in 2015). The government reported 104 new or ongoing prosecutions under articles 231 and 231a; 31 ongoing prosecutions under article 149; and six new prosecutions under the new anti-trafficking law, three under article 149 and three under article 149a (compared with 97 new or ongoing prosecutions under articles 231 and 231a, and 65 under article 149 in 2015). Authorities reported one final trafficking conviction in a higher court and 22 convictions by lower courts, compared with 12 convicted traffickers in lower courts in 2015. The government did not report the number of investigations and prosecutions in the lower courts. Most sex and labor traffickers convicted by lower courts appealed their convictions; there were 29 appeals related to trafficking cases in federal court system in 2016 (compared with 43 in 2015). The appeals process lasted years and hampered Brazil's overall law enforcement efforts. Authorities estimated 102 million cases were pending review in the Brazilian court system in 2015 and rulings in eight of every 10 cases were not enforced due to recurring appeals. The government did not report the length of sentences given; however, most convicted traffickers served these sentences under house arrest or by spending only nights in prison while being free during the day. The government treated forced labor as a distinct crime

from sex trafficking. The Ministry of Labor's (MOL) inspectors, prosecutors, and courts handled cases of *trabalho escravo*. This resulted in uneven interagency coordination of anti-trafficking efforts. Labor inspectors and labor prosecutors could apply only civil penalties, and the government did not report criminal prosecution of any *trabalho escravo* cases. The MOL conducted 5,376 inspections in 2016, a decrease from 7,263 inspections in 2015, following eight months of strikes by labor inspectors.

The Brazilian Federal Police (DPF) had a unit in every state and was involved in the investigation of most trafficking crimes. In some states, the DPF worked efficiently with state and municipal law enforcement entities; however, law enforcement cooperation and communication among the DPF and state and municipal entities was generally insufficient. Law enforcement units at all levels had insufficient funding, expertise, and staff to investigate trafficking. NGOs indicated that, for the most part, the DPF competently handled identified trafficking cases; however, specialized training for all law enforcement entities on trafficking indicators was lacking. In Sao Paulo, the municipal government trained the police to detect signs of trafficking. During the reporting period, the government collaborated with an international organization to provide a five-day training for several judges and prosecutors on the implementation of the new anti-trafficking law. In 2016, the National Justice Council (CNJ) launched FONTET—a national forum tasked with increasing judicial efficiency in the handling of trafficking cases and ensuring that victims are not penalized for crimes committed as a result of being subjected to human trafficking. CNJ and FONTET jointly began centralizing judicial case information into a database where the status of all cases pending in Brazilian courts, including trafficking cases, would be available; however, the database did not include data from all states. In December 2016, the Inter-American Court for Human Rights ruled against Brazil in a historic case where for the first time it fined a country for failing to prevent slavery within its borders and ordered the government to pay \$5 million to 128 farm workers who were enslaved from 1988 to 2000 and to reopen the investigation. Some cases of official complicity remained open. The investigation of an elected official, who in October 2016 was removed from his position in Parana state after allegations of involvement in a child sex trafficking ring, remained ongoing. An appeal by the prosecution of an inadequate sentence given to a civil police investigator for his involvement in a prostitution ring involving children remained ongoing. After filing a habeas corpus petition, courts released a former state legislator sentenced to 12 years imprisonment for trafficking crimes after four months.

## PROTECTION

The government maintained efforts to protect victims, although it was difficult to assess victim identification and assistance efforts as government entities used different definitions of trafficking. Authorities continued to use guidance provided by the Ministry of Justice (MOJ) for all federal, state, and local governments on victim identification and assistance, but the government did not report updating the guidance to reflect requirements and provisions of the new legislation. Law 13.344 mandates the government to provide victims with temporary shelter, legal, social, and health assistance, and protection against re-victimization. In 2016, the government, in conjunction with an international organization, developed specific guidance for assistance to migrants, refugees, returned Brazilians, and trafficking victims in border areas. Sixteen of 27 state governments operated state-level anti-trafficking offices (NETPs) that referred victims to social assistance centers

(CREAs). NETPs varied in effectiveness and generally only referred victims of sex trafficking crimes. CREAs also worked with victims of sexual abuse, exploitation, and domestic violence. Specialized MOL divisions provided victims of forced labor job training services, three months of unemployment pay, and limited counseling services. Observers indicated some of the NETPs had effective assistance and coordination teams comprised of police offices, prosecutors, and mental health professionals, whereas other state offices were not as well equipped to assist victims. The anti-trafficking offices that are located in major points of transport, like airports and bus stations, and NETPs released their semester report for the first half of 2016 and reported monitoring 237 trafficking cases, providing services to 383 individuals, including 233 children and adolescents, and reaching 10,183 individuals through seminars, lectures, and trainings. For the same period in 2015, the government reported providing services to 528 potential sex trafficking and 176 potential labor trafficking victims. MOL mobile inspection units identified 885 laborers in situations of *trabalho escravo* in 2016, (1,010 in 2015 and 1,509 in 2014) more than 50 percent in agriculture and ranching. Officials did not report the number of victims of domestic servitude or commercial sexual exploitation of children identified in 2016.

The federal government did not fund specialized or long-term shelters for trafficking victims; instead, it often placed them in shelters for victims of domestic violence or centers for migrant assistance. There were no specialized services for male and transgender sex trafficking victims. Specialized shelters for child sex trafficking victims were lacking, and guardianship councils often did not have the expertise or resources to identify child victims correctly and refer them to services. General victim services and shelters varied in quality from state to state and generally remained underfunded and inadequate. The state of Sao Paulo maintained a shelter where female victims of trafficking and their children could receive health benefits, education, food, and housing for three to six months. Another shelter in the same state provided temporary assistance for refugees and trafficking victims, but the government did not report how many victims stayed at the shelter. In 2016, there were 2,521 specialized social assistance centers across the country where psychologists and social workers assisted vulnerable people (compared with 2,374 centers in 2015.) In 2016, many centers remained underfunded; however, 988 centers were certified to assist trafficking victims an increase from 675 centers in 2015. Authorities reported assisting 843 trafficking victims (598 men, 182 women, 33 boys, and 30 girls) in 2016, compared with 673 trafficking victims assisted in 2015 (363 men, 185 women, 55 boys, and 70 girls.)

Most identified victims of *trabalho escravo* remained vulnerable to re-trafficking due to lack of adequate assistance and limited employment options; however, the government sought to address this issue by offering vocational training. State governments in Mato Grosso, Bahia, Rio de Janeiro, and the “Bico do Papagaio” region continued to offer vocational training to victims of *trabalho escravo*. The ministries of labor and social development continued to provide *trabalho escravo* victims access to public services by including the victims in the registry for social programs, granting them priority access to a cash transfer program, unemployment insurance, subsidized low-income housing, a 60 percent discount on energy bills, and technical assistance—all implemented at municipal-level centers for social assistance.

During the reporting period, the MOJ reported the judicial system began incorporating live video testimony into trials to

encourage victims of crimes to testify against their perpetrators and do so from the location of their choice. Authorities indicated video testimony had not been used in a trafficking trial yet. Sex trafficking victims serving as witnesses were eligible for a short-term protection program, although authorities did not report how many victims received protection in 2016, compared with two trafficking victims who received protection in 2015. Foreign sex trafficking victims were entitled to permanent visa status, but authorities did not report how many victims received it in 2016, compared to one victim in 2015. The government provided repatriation assistance for Brazilian nationals subjected to trafficking abroad, as well as for foreign nationals who were subjected to trafficking in Brazil who wish to return to their country of origin. It was unclear how many victims received repatriation assistance in 2016. There were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased prevention efforts. The 2013-2016 second national action plan for the elimination of trafficking expired in December 2016. The anti-trafficking inter-ministerial group held consultations with civil society to discuss lessons learned and met to analyze progress made on the second national action plan. In coordination with civil society, the government began planning a third national action plan. Coordination among agencies working on anti-trafficking initiatives at the national and state level was uneven and varied in efficacy. State and federal authorities reported reduced budgets and other pressing government priorities limited, and will continue to limit, their ability to implement anti-trafficking efforts. Federal, state, and municipal entities undertook anti-trafficking initiatives and awareness efforts. The government continued to participate in the Blue Heart campaign focused on raising awareness on the plight of trafficking victims and gaining political support for the prosecution of traffickers. Municipal and state governments hosted workshops, trainings, performances, and roundtable discussions to commemorate World Day Against Trafficking. In Rio de Janeiro, the state government, in collaboration with an NGO, conducted awareness campaigns to educate the public on the dangers of false employment opportunities. In March 2017, the MOL resumed publication of the *lista suja*, or dirty list, after a nearly three-year legal dispute over its release. The list identified individuals and businesses responsible for *trabalho escravo*. Businesses listed were denied access to credit by public and private financial institutions. In 2017, the list included 68 businesses, compared with 609 businesses listed in May 2014, when it was last released. Authorities continued efforts against child sex tourism by enhancing law enforcement cooperation and information sharing with foreign governments; however, the government did not report any new investigations, prosecutions, or convictions of child sex tourists in 2016. In collaboration with a network of religious leaders in 26 states, the government launched a campaign to promote general awareness of trafficking in persons and preventing sex tourism. Military troops received anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

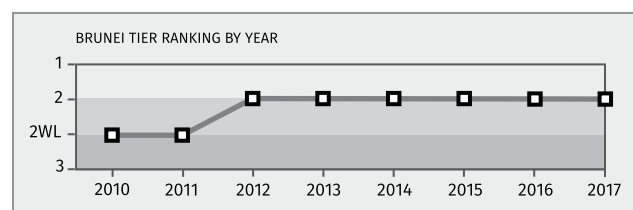
## TRAFFICKING PROFILE

As reported over the past five years, Brazil is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Brazilian women and children are exploited in sex trafficking within the country; federal police

report higher rates of children exploited in sex trafficking in the north and northeast regions. Brazilian women are subjected to sex trafficking abroad, especially in Western Europe and China. Women and girls from other South American countries, including Paraguay, are exploited in sex trafficking in Brazil. Transgender Brazilians are forced into prostitution in Brazil. Brazilian men and transgender Brazilians have been exploited in sex trafficking in Spain and Italy. Child sex tourism remains a problem, particularly in resort and coastal areas; many child sex tourists are from Europe, and to a lesser extent, the United States. Some Brazilian men, and to lesser extent women and children, are subjected to *trabalho escravo* and debt bondage in rural areas, including in ranching, agriculture, charcoal production, logging, and mining. Exploitation of workers is sometimes linked to environmental damage and deforestation, particularly in the Amazon region. Brazilians are also found in *trabalho escravo* in urban areas in construction, factories, and the restaurant and hospitality industries. Brazilian women and children, as well as girls from other countries in the region, are exploited in domestic servitude; approximately 213,000 children are employed as domestic workers in Brazil. Some Brazilian trafficking victims are forced to engage in criminal activity, including drug trafficking, in Brazil and neighboring countries. Brazilian forced labor victims have been identified in other countries, including in Europe. Men, women, and children from other countries—including Bolivia, Paraguay, Haiti, and China—are subjected to forced labor and debt bondage in many sectors, including construction; the textile industry, particularly in Sao Paulo; and small businesses. NGOs and officials report some police officers ignore the exploitation of children in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding identification of sex trafficking victims. Government officials and former officials have been investigated and prosecuted for *trabalho escravo*.

## BRUNEI: TIER 2

The Government of Brunei does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Brunei remained on Tier 2. Increased efforts included convicting its first trafficker in four years; expanding victim protection measures during judicial proceedings; and carrying out victim screening procedures while strengthening investigations into alleged labor abuses that may amount to trafficking. However, the government did not meet the minimum standards in several key areas. Authorities leveled criminal charges against some foreign victims and deported or fined others for unlawful acts committed as a direct result of having been subjected to trafficking. Courts issued lighter sentences for trafficking crimes than those prescribed by law.



## RECOMMENDATIONS FOR BRUNEI

Increase efforts to investigate, prosecute, convict, and punish

both sex and labor traffickers, including complicit government officials, and ensure the imposition of sufficiently stringent penalties; increase protective services to provide incentives for victims to participate in investigations and prosecutions, including by allowing adult victims in government shelters to move freely and by issuing work permits to all victims; cease the arrest, deportation, and punishment of trafficking victims for crimes committed as a direct result of their being subjected to trafficking; allocate resources for the completion of the pending dedicated trafficking victims' shelter and expand existing shelter services to accommodate adult male trafficking victims; train officials on implementation of proactive procedures to identify trafficking victims among vulnerable groups; train judges on accurate and effective implementation of anti-trafficking laws; allocate government resources to the victims' fund established under the 2004 law and allow those funds to be paid directly to victims as restitution; strengthen efforts to enforce laws prohibiting acts that facilitate trafficking, such as retention or confiscation of migrant workers' identity documents; offer foreign victims long-term alternatives to removal from the country; expand comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and clients of commercial sex; approve and implement the national action plan; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government increased law enforcement efforts. The 2004 Trafficking and Smuggling of Persons Order prohibits both sex and labor trafficking and prescribes punishments of up to 30 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The penal code prohibits travel outside the country for commercial sex with children, prescribing a punishment of up to 10 years imprisonment. Upon referral by other agencies, the Human Trafficking Unit (HTU) of the Royal Brunei Police Force screened for trafficking indicators in cases involving prostitution, unpaid wages, workers fleeing their place of employment, or physical abuse of workers. It is unclear how many cases of potential trafficking the government investigated in 2016, compared with 66 cases in 2015. Referrals to HTU led to one investigation into a suspected forced labor case involving an unregistered employment agency, which was ongoing at the end of the reporting period, and prosecutions against three Thai nationals for sex trafficking. Authorities convicted the three Thai nationals—the first convictions under trafficking provisions since 2012. Courts sentenced all three individuals to four years in prison and fines of USD \$22,250, USD \$14,836, and USD \$7,418, respectively, but all three accepted added time to their prison sentences ranging from 10 to 30 months in lieu of paying the fines. Other HTU investigations resulted in prosecutions for non-trafficking offenses, such as human smuggling or labor violations. Courts also convicted and fined a Malaysian national for engaging in a sex act with a Bruneian minor forced into prostitution, but it was unclear if the courts also imposed a prison sentence on that defendant in accordance with the prescribed penalty. One additional sex trafficking prosecution from 2012 remained pending. During the reporting period, the HTU worked with domestic law enforcement and Philippine officials to investigate an alleged debt bondage and sex trafficking case in Malaysia, culminating in the victim's rescue and repatriation. In previous years, government officials have been investigated for complicity in trafficking offenses, including domestic servitude, although no such investigations, prosecutions, or convictions took place during the reporting period.



## PROTECTION

The government increased efforts to protect victims. To reduce the risk of victim re-traumatization, the Attorney General's Chambers (AGC) enacted a legislative amendment allowing victims who are unwilling to testify in court to provide evidence via video link; it was unclear if this provision was implemented during the reporting period. The HTU continued to employ standardized interview questionnaires to screen and identify potential trafficking victims when apprehending persons in prostitution or when accompanying immigration and labor officials on operations with suspected trafficking elements. However, authorities only employed identification measures after detaining these victims during law enforcement operations and charging them with prostitution. Officials apprehended foreign women and children during brothel raids and detained and deported many for labor or immigration violations. According to one NGO, this practice perpetuated victims' fear of communicating with law enforcement officers, culminating in significant identification and service provision gaps. The government maintained a secured, general-purpose shelter that was available to female trafficking victims and male trafficking victims under the age of 18, but required victims to apply to leave the shelter, and only with a chaperone; no facilities were available for adult male trafficking victims. During the reporting period, one individual received assistance at the shelter, and authorities referred four Indian nationals to their local embassy for protective services. The government was in the process of renovating a dedicated shelter for trafficking victims at the end of the reporting period.

The 2004 law established a fund to compensate victims and cover repatriation costs. However, convicted traffickers' ability to elect additional prison time in lieu of paying fines resulted in the fund's continued lack of resources. Negotiations were ongoing between relevant ministries regarding government contributions to the fund at the end of the reporting period; as such, the government did not allocate funding for this mechanism. By law, foreign trafficking victims can acquire a temporary stay while the government works with relevant local embassies to obtain new travel documents or repatriation assistance, and victims are eligible for temporary work passes on an ad hoc basis; it was unclear how many victims benefited from these provisions. The government offered no long-term alternatives to removal for victims who may face hardship or retribution upon return to their home countries.

## PREVENTION

The government maintained limited efforts to prevent trafficking. During the reporting period, the government conducted training for labor and immigration officials and NGOs, and it carried out targeted public awareness-raising campaigns. In 2016, the immigration department conducted nine roadshows to educate businesses and employees on employment laws, recruitment, and labor rights; the campaign reached 555 companies around the country, compared to 1,200 in the previous year. The government disseminated information to the public making it clear employers should not withhold workers' passports, but it did not initiate any prosecutions against employers or agencies for passport retention; the practice remained widespread. The government did not complete its draft national action plan to combat trafficking, but authorities reported implementing its provisions during anti-trafficking efforts. Government-influenced media continued to publish articles related to trafficking—particularly regarding investigations and legal proceedings against employers suspected of labor violations—as well as the list of registered employment agencies in both English

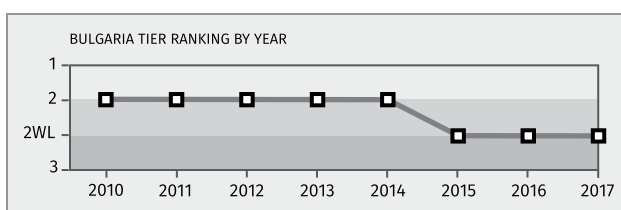
and Malay. The government increased public messaging on the consequences of violating workers' rights and labor laws, but did not make efforts to decrease the demand for commercial sex acts. Unlike in prior years, the government trained diplomatic personnel departing for posts overseas on trafficking indicators. It did not accede to the 2000 UN TIP Protocol, but took some legislative steps to do so.

## TRAFFICKING PROFILE

As reported in the last five years, Brunei is a destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Men and women from Indonesia, Bangladesh, China, the Philippines, Thailand, and Malaysia migrate to Brunei primarily for domestic work, or on social visit passes or tourist visas. Upon arrival, some are subjected to involuntary servitude, debt bondage, non-payment of wages, passport confiscation, physical abuse, or confinement. Some migrants who transit Brunei become victims of sex or labor trafficking upon arrival in Malaysia or Indonesia. Some Bruneian women and girls are subjected to sex trafficking domestically. Although it is illegal for employers to withhold wages of domestic workers for more than 10 days, some employers withhold wages to recoup labor broker or recruitment fees, or to compel the continued service of workers. Retention of migrant workers' travel documents by employers or agencies remains a widespread practice, although the law prohibits it.

## BULGARIA: TIER 2 WATCH LIST

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by investigating more labor trafficking cases, providing shelters with specialized services for adult trafficking victims, updating the national mechanism referring and providing support to trafficking victims and making it compulsory for all government institutions, and approving a national anti-trafficking strategy for 2017-2021. Law enforcement continued to take action against public officials and police officers complicit in trafficking offenses. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although the total number of investigations and prosecutions of traffickers increased slightly, courts convicted fewer traffickers and issued suspended sentences for most of those convicted. The government's capacity to shelter victims and provide specialized services remained low relative to the number of victims identified, and it did not provide specialized services for child trafficking victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Bulgaria was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Bulgaria remained on Tier 2 Watch List for the third consecutive year.



## RECOMMENDATIONS FOR BULGARIA

Enhance efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, and hold convicted traffickers accountable with prison terms; increase the capacity of assistance available to women subjected to trafficking and provide specialized assistance to child victims; proactively investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials accountable with prison terms; increase funding for anti-trafficking activities; provide sensitivity training to prosecutors and judges working with sex trafficking victims; provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions; and increase the number of traffickers subjected to fines, in addition to prison sentences, and the number of victims receiving compensation.

## PROSECUTION

The government maintained inadequate law enforcement efforts, as the number of convictions continued to fall and the majority of convicted traffickers avoided time in prison. Article 159 of the criminal code prohibits all forms of trafficking and prescribes penalties of between two and 15 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities launched 66 sex trafficking and 19 labor trafficking investigations in 2016, compared with 71 sex trafficking and seven labor trafficking investigations in 2015. Authorities prosecuted 72 defendants with sex trafficking and one with labor trafficking in 2016 (55 and 10, respectively, in 2015). The government convicted 34 sex traffickers and one labor trafficker in 2016 (47 sex traffickers and no labor traffickers convicted in 2015). Only 12 of the 35 convicted traffickers—34 percent—received a prison sentence that was not suspended, a similarly low rate as in the previous three years. As in 2015, the government was unable to report the range of sentences imposed on convicted traffickers who were sentenced to prison. Courts issued fines to eight convicted traffickers in 2016, compared with 23 in 2015. Observers reported judges prescribed lesser penalties to sex traffickers if their victims had initially entered prostitution willingly, despite Bulgarian and international law deeming past experience in prostitution irrelevant when there is subsequent exploitation.

The specialized court for organized crime continued to have jurisdiction over trafficking cases. Observers noted police rarely launched operations against internal trafficking and investigations were lengthy, giving suspected traffickers time to conceal assets and relocate operations. Authorities cooperated with nine foreign governments on transnational investigations. The government provided specialized training for police officers, investigators, prosecutors, and judges.

The government demonstrated efforts to combat trafficking-related complicity of public officials. In 2016, the prosecution service opened proceedings in a case involving two police officers who allegedly supported criminals involved in prostitution and human trafficking. In March 2016, prosecutors issued an arrest warrant for two police officers accused of forcing a university student to sell drugs and recruit his female classmates to engage in prostitution and sell drugs. Subsequently, the two officers' supervisors were also charged and currently five police officers are facing trial. In August 2015, authorities charged seven police officers with bribery and blackmail, due in part to their alleged soliciting of bribes from pimps. Four of them were indicted, and a trial was ongoing at the specialized court for organized crime. Investigations of other police officers in

recent years included allegations of recruiting victims, forcing a woman into prostitution, and warning traffickers of planned police raids. Observers alleged police and prosecutors rarely pursued high-profile traffickers and some prosecutors arbitrarily dropped charges against defendants.

## PROTECTION

The government maintained efforts to identify victims, but increased efforts to counsel and shelter victims. The prosecution service, based on open pre-trial investigations in 2016, identified 329 victims of sex trafficking, 31 victims of labor trafficking, and five victims of both sex and labor trafficking, compared with 298 sex trafficking and 32 labor trafficking victims identified in 2015. Twenty-one of the identified victims were children (30 in 2015). One victim identified during the year was from Burkina Faso, whereas no foreign victims were identified in 2015. Observers alleged law enforcement could not effectively identify victims, particularly foreign victims. Reports indicated police did not proactively search for signs of trafficking among women detained for prostitution, and prosecutors and judges lacked sensitivity when interacting with sex trafficking victims. The government updated its written procedures for referring victims to care facilities, making it compulsory for all government institutions. Local authorities in one region trained more than 130 police and government officials on victim identification and assistance. Throughout the reporting period, the government jointly conducted training on identification, protection, assistance, and prosecution for judiciary officials, law enforcement, and social workers, holding more than 30 events with more than 1,000 attendees. The law accords victims anonymity during the pre-trial and trial phases, but authorities rarely implemented this provision, resulting in victims changing their statements out of fear, intimidation, and bribery. Observers noted many victims did not cooperate with law enforcement because they did not believe the judicial system would effectively administer justice and perpetrators would serve meaningful sentences. Authorities did not consistently inform victims of their rights, including the right to legal aid. Observers reported police investigators interviewed victims three to four times during the pre-trial stage, a practice that could re-traumatize victims. Observers also reported victims lacked support during criminal cases, as the state reportedly did not provide knowledgeable legal counsel during trials. Victims were often required to give testimony in the presence of the alleged trafficker, and it was common practice for alleged traffickers to confront their victims in court and question them through the judge, including inquiries into victims' previous sexual relationships.

The government spent approximately 83,100 lev (\$44,774) for services and implementation of the annual national anti-trafficking and victim protection program. Observers urged more state funding for anti-trafficking activities, reporting most of the funding came from NGOs and international donors. The government provided two NGO-operated centers offering consultative services for trafficking victims, and three NGO-operated shelters offering residential-type services to female victims with a total capacity of up to 16 people. None of the shelters were located in Sofia, the largest city and most common repatriation point for victims exploited abroad. In 2016, 22 crisis centers offered social services to children and women victims of violence, including trafficking, up from 16 in 2015. The centers provided support, counseling, and accommodations to nearly 60 trafficking victims, including 36 minors. Several NGOs asserted, however, child trafficking victims did not receive support separately from victims of violence at the centers, despite their different needs. The national commission drafted mandatory

social services standards for protecting and assisting trafficking victims, and adopted guidelines for crisis center workers caring for minors. The government provided crisis centers a fixed sum per victim assisted which, according to the state agency for child protection, was insufficient to cover victims' needs, maintain the centers' premises, and attract qualified staff. In 2016, an international organization and the commission provided humanitarian, healthcare, social, counseling, and legal services to 44 adult male trafficking victims. Foreign partner organizations referred three of the victims to authorities; eight received accommodations in specialized protected healthcare facilities, private lodgings, or hotels. The commission noted male trafficking victims mainly benefited from and applied for counseling services and were reluctant to make use of residential accommodation services. The law allows foreign victims who cooperate with law enforcement to stay and work in Bulgaria for the duration of criminal proceedings before deportation, although no foreign victims had applied for this status. Foreign victims who choose not to assist in trafficking investigations are permitted to remain in Bulgaria for 40 days for recovery before repatriation; the recovery period for foreign child victims is 70 days. The government did not penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. No victims received compensation during the reporting period; observers reported the process for seeking compensation continued to be overly bureaucratic and discouraged victims from making claims.

## PREVENTION

The government maintained efforts to prevent trafficking. The commission approved a national anti-trafficking strategy for 2017-2021. The national commission and its nine local commissions implemented nation-wide awareness campaigns, focusing on labor trafficking, third-country nationals, trafficking trends, and improving investigation coordination. Observers reported labor regulation and oversight improved in 2016. The government conducted 585 inspections of labor recruitment firms and identified various violations; it referred to law enforcement one case concerning a Czech company that left employees without personal documents and forced them to work for inadequate payment. The government continued to adopt annual national action plans accounting for individual activities to occur during the year; the government approved its 2016 and 2017 plans during the reporting period. The commission continued to publish an annual report of the government's anti-trafficking activities. Civil society called for more information sharing on government anti-trafficking efforts, especially non-commission activities. The government provided anti-trafficking training to its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex and forced labor.

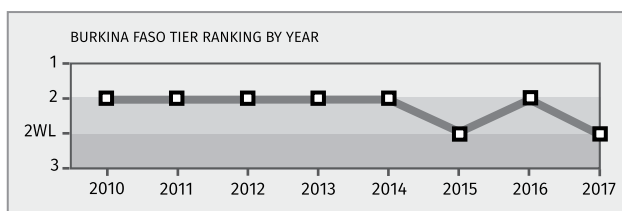
## TRAFFICKING PROFILE

As reported over the past five years, Bulgaria is a source and, to a lesser extent, transit and destination country for men, women, and children subjected to sex trafficking and forced labor. Bulgaria remains one of the primary source countries of human trafficking in the EU. The government and NGOs report a steady rise in Bulgarian men subjected to labor trafficking. Bulgarian women and children are subjected to sex trafficking within the country, as well as in Europe, and the Middle East. Several NGOs assert internal trafficking is increasing. Bulgarian men, women, and children are subjected to forced labor in other European states and Israel, predominantly in agriculture, construction, and the service sector. Bulgarian children and

adults with disabilities are forced into street begging and petty theft within Bulgaria and in Greece, Italy, Slovenia, Sweden, and the United Kingdom. Romanian girls are subjected to sex trafficking in Bulgaria. Government corruption creates an environment enabling some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

## BURKINA FASO: TIER 2 WATCH LIST

The Government of Burkina Faso does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by initiating an increased number of trafficking investigations, identifying significantly more potential trafficking victims, and providing some assistance to 20,000 freed child miners to reduce their vulnerability to trafficking. The government began drafting a new trafficking case management guide to facilitate the referral of victims to care and trained law enforcement, immigration, and social services personnel on proactive identification of trafficking victims. However, the government did not demonstrate increasing efforts compared to the previous reporting period; The government did not address child forced begging by unscrupulous *marabouts* (religious instructors) in Quranic schools, did not report prosecuting or convicting any traffickers, and did not report allocating funding for victim protection activities, including for victim centers that cared for potential trafficking victims. Therefore, Burkina Faso was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR BURKINA FASO

Increase efforts to investigate, prosecute, and convict traffickers—including corrupt *marabouts* or traffickers posing as *marabouts* who exploit children in forced begging—and apply penalties prescribed by the 2008 anti-trafficking law; increase funding for police and security force units charged with investigating trafficking crimes; increase funding and in-kind support for victim services, including long-term services and social reintegration, to prevent re-trafficking among identified victims; increase the availability of shelter and services for all victims, including adults; train law enforcement to identify victims among vulnerable populations, including women in prostitution and children in agriculture and mining, and refer them to protective services; train law enforcement, prosecutors, and judicial officials on investigating, prosecuting, and trying trafficking cases, including cases that do not involve movement; strengthen the system for collecting anti-trafficking law enforcement and victim identification data, and ensure authorities responsible receive sufficient resources; work with NGOs to raise awareness of trafficking among citizens, especially forced begging in Quranic schools and trafficking that does not involve movement; develop a national action plan to combat trafficking; and improve coordination among the national, regional, and provincial anti-trafficking committees by funding and convening them regularly.



## PROSECUTION

The government reported decreased anti-trafficking law enforcement efforts. The 2008 anti-trafficking law criminalizes all forms of trafficking and prescribes penalties of five to 10 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Law No. 11-2014/AN criminalizes “child prostitution” and the sale of children—including the sale of children for crimes not considered trafficking in the 2000 UN TIP Protocol—and prescribes penalties of five to 10 years imprisonment and/or a fine of 1.5 million to three million West African CFA francs (FCFA) (\$2,399-\$4,799), or both; these penalties are sufficiently stringent. However, when allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. The 2015 law on violence against women and girls prescribes punishments of two to five years imprisonment and a fine of one to two million FCFA (\$1,600-\$3,199) for sexual slavery, punishments that are sufficiently stringent but not commensurate with penalties for other serious crimes such as rape.

The government investigated 78 suspected traffickers in 2016 but did not report any prosecutions or convictions, an increase from 38 investigations but a decrease from 16 prosecutions and nine convictions in 2015. In one investigation, officials discovered an alleged trafficker held five Nigerian girls in sex trafficking through debt bondage. Several investigations remained pending from previous reporting periods, including the investigation of seven unregistered *marabouts* transporting 43 children to Mali and Cote d’Ivoire, allegedly for forced labor in cotton fields; a Burkinabe woman who allegedly subjected to trafficking more than 30 women in Lebanon, Qatar, and Saudi Arabia; and three suspects transporting 17 Ivoirian women and girls to Saudi Arabia, allegedly for domestic servitude. In all of these cases, the government did not report if it continued to investigate or prosecute the suspects or if the cases had been dismissed. The government did not report any investigations, prosecutions, or convictions for forced begging in Quranic schools, despite the prevalence of this form of trafficking in the country. It did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, general corruption in the judiciary and among law enforcement impeded anti-trafficking efforts. The government did not provide funding to police specifically for anti-trafficking activities, which impeded law enforcement and security forces’ investigation of trafficking offenses.

## PROTECTION

The government increased efforts to identify potential trafficking victims but did not report information on government funding for victims services. With data from 40 of the country’s 45 provinces, the government reported identifying 1,407 potential trafficking victims in 2016, a three-fold increase from 400 potential victims identified and assisted the previous reporting period. Due to data collection constraints and lack of disaggregated trafficking and smuggling statistics, it is unclear how many of these were trafficking victims. The majority of these victims were children intercepted while being transported, sometimes in large numbers on trucks or buses, to destinations where they could have faced exploitation, typically in gold mines or in city centers as domestic servants or street beggars. The government did not report how many victims it referred to its 23 multipurpose transit centers in 2016 for psychological, social, and food assistance. These centers provided short-term care to both foreign and domestic victims of crime.

The government did not report allocating any funding to its multipurpose centers in 2016, compared with 21.2 million FCFA (\$33,912) allocated in the previous reporting period for health care, education, vocational training, family reunification, and social workers; the centers relied heavily on local NGOs and international organizations for support. Of the 1,407 victims, 102 received educational support and 99 received assistance to launch small businesses; it was unclear if this support came from the government or NGOs. An international organization identified and provided assistance to 17 additional trafficking victims from Sri Lanka, Burkina Faso, Cote d’Ivoire, and Niger. There were no shelters or services for adults, and long-term care for all victims remained inadequate. The government acknowledged victim services were insufficient and service providers lacked the funding and resources to support victim protection, rehabilitation and reintegration, which resulted in many victims being subjected to re-trafficking. The 2015 law on the prevention and repression of violence against women and girls mandates measures for victim support, including the establishment of free emergency integrated support centers to offer comprehensive support services for women and girl victims of violence, including sexual slavery, and the creation of a government support fund for victims. The government did not provide information on the provision of such services during the reporting period.

The government and NGOs trained government employees, police, *gendarmerie*, and judicial officials on how to interact with and remove child trafficking victims from situations of exploitation. It also trained members of its anti-trafficking committees—including law enforcement, immigration, and social services personnel—on proactive identification of trafficking victims. The government had standard victim identification and referral procedures, but authorities and front-line responders did not employ them uniformly. The government began drafting a new trafficking case management guide for law enforcement and social services personnel to facilitate the uniform referral of victims to care. The government did not have a formal policy to encourage victims to participate in trials against their traffickers. It was unclear if victims could legally file civil suits against their traffickers or otherwise obtain restitution. Foreign victims may apply for asylum if they fear they will face hardship or retribution in their country of origin; there were no reports trafficking victims applied for asylum during the reporting period. The government did not report assisting with the repatriation of Burkinabe victims identified abroad, but in practice the Ministry of Women, National Solidarity, and Family would help such victims upon return develop personalized plans for reintegration into local communities. There were no reports of trafficking victims penalized for unlawful acts committed as a direct result of being subjected to trafficking; however, without uniform implementation of victim identification measures, including among vulnerable populations, victims are likely to have been left unidentified in the law enforcement system.

## PREVENTION

The government maintained efforts to prevent trafficking. The Ministry of Women, National Solidarity, and Family led the national anti-trafficking committee, which coordinated government anti-trafficking efforts, including implementing previous anti-trafficking national action plans and providing guidance and recommendations on improving anti-trafficking efforts. Unlike in previous years, the national committee met during the reporting period. The national committee, comprised of government ministries and NGOs, also had sub-

committees at the regional, provincial, and departmental levels to coordinate anti-trafficking action locally. The subcommittees were composed of police, social workers, transit companies, NGOs, and other regional stakeholders; they coordinated administrative efforts to support anti-trafficking law enforcement activities and victim protection and collected anti-trafficking data for the national committee's annual report. The groups lacked resources to continue day-to-day operations, and the government did not report how many met during the reporting period. The government did not have or begin drafting an anti-trafficking action plan. Some regional and provincial directorates of the Ministry of Women, National Solidarity, and Family organized awareness-raising campaigns on the signs and dangers of trafficking and child labor. The government also had child protection networks composed of law enforcement, judicial officials, health workers, and NGO representatives in 24 of the country's 45 provinces to coordinate child victim referral to care, including for trafficking victims. The government allocated 300,000 FCFA (\$480) to each of the 24 networks to facilitate meetings and communication among members. Despite the existence of the anti-trafficking committees and child protection networks, inter-governmental communication on anti-trafficking issues remained a challenge. The Council of Ministers adopted a 2016-2020 national project to combat child labor in artisanal mines, including forced child labor, but the government had not devoted any funding or resources to implement the plan by the end of the reporting period. The Ministry of Women, National Solidarity, and Family continued to provide monitoring services and assistance to 20,000 freed child miners to reduce their vulnerability to additional child or forced child labor. The government operated a toll-free number to report cases of violence against children and violations of child rights, including trafficking. The government provided a new building and purchased and installed new equipment for the hotline's command center; it did not report how many trafficking-related calls it received during the reporting period. Unlike in previous years, the government did not allocate any funding for vocational training for the social reintegration of young street children vulnerable to trafficking.

It was unclear if the government's intermediary body to monitor new Quranic schools and *marabouts* and to identify unregistered schools and instructors who subject children to forced begging, established in 2015, was operational during the reporting period. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government, in partnership with foreign donors, provided Burkinabe troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government investigated allegations from the previous reporting period of Burkinabe peacekeepers accused of committing sexual exploitation while deployed to the UN mission in Mali and did not find evidence of trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

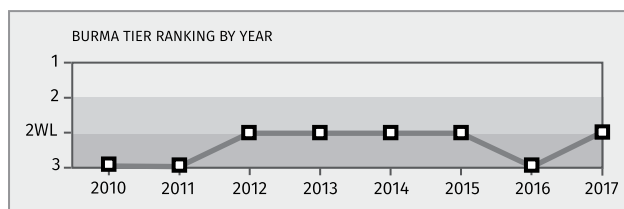
## TRAFFICKING PROFILE

As reported over the past five years, Burkina Faso is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Burkinabe children are subjected to forced labor as farm hands, gold panners and washers in artisanal mines, street vendors, domestic servants, and in forced begging by unscrupulous *marabouts*; girls are exploited in sex trafficking. Burkinabe children are transported to Cote d'Ivoire, Mali, and Niger for forced labor or sex trafficking. To a lesser extent, traffickers recruit women for ostensibly

legitimate employment in Lebanon, Qatar, Saudi Arabia, and various European countries and subsequently subject them to forced prostitution. Media reports indicate Burkinabe women are subjected to domestic servitude in the Middle East. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire and women and girls from Cote d'Ivoire to Saudi Arabia. It is a destination for children subjected to trafficking from neighboring countries, including Cote d'Ivoire, Ghana, Guinea, Mali, Niger, and Nigeria. Women from other West African countries are fraudulently recruited for employment in Burkina Faso and subsequently subjected to forced prostitution, forced labor in restaurants, or domestic servitude in private homes. Nigerian girls are exploited in sex trafficking in Burkina Faso. During the reporting period, authorities identified Sri Lankan citizens transiting Burkina Faso allegedly en route to forced labor in a third country. Nepalese traffickers have subjected Tibetan women to sex trafficking in Burkina Faso.

## BURMA: TIER 2 WATCH LIST

The Government of Burma does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Burma was upgraded to Tier 2 Watch List. These achievements included continued progress to eliminate the recruitment and use of child soldiers, an increased number of personnel dedicated to anti-trafficking law enforcement units, and the first trafficking prosecutions of government officials since the enactment of the 2005 Anti-Trafficking in Persons Law. The government strengthened efforts to identify victims in vulnerable border areas, reached its goal of appointing trafficking case workers to all social welfare offices throughout the country, and continued cooperation with international partners to identify and demobilize children recruited into the military's ranks, culminating in the release of 112 individuals recruited as children. Despite these achievements, the government continued to require troops to source their own labor and supplies from local communities, thereby increasing the prevalence of forced labor; failed to sufficiently penalize military officials who engaged in child soldier recruitment; and prevented the UN from playing a constructive role in bringing to an end the recruitment and use of children by ethnic armed groups. Throughout the reporting period, victim identification and protection measures remained insufficient as a result of limited resources and a general lack of coordination and awareness among key government agencies and law enforcement entities; authorities continued to arrest trafficking victims for acts they were forced to commit as a result of being subjected to human trafficking.



## RECOMMENDATIONS FOR BURMA

Strengthen efforts to prosecute and convict individuals complicit in forced labor and child soldiering offenses, including military

and other government officials and civilian brokers, and apply stringent penalties, including jail time; make efforts to end the recruitment and use of children or forced labor by members of ethnic armed groups and prioritize these issues during peace negotiations; cease all recruitment of children into the armed forces and actively identify and demobilize all individuals recruited as children currently serving in the military's ranks; increase investigations, prosecutions, and convictions of internal trafficking offenses; cease official involvement in compelling civilians to perform any type of forced labor, including civilian portering; reform military policies—including the “self-reliance” policy—that drive the demand for forced labor and child soldier conscription, and support the UN's efforts to sign action plans with ethnic armed groups to end their recruitment and use of children; amend the law so that all penalties prescribed for forced labor are sufficiently stringent to deter the crime; implement formal procedures for proactive victim identification among vulnerable groups and their referral to service providers; continue to strengthen age verification procedures for new military recruits; cease arresting, detaining, or otherwise punishing victims for acts committed while subjected to trafficking or those fleeing trafficking situations, including through conducting age assessments of any potential minors before making an arrest for desertion; provide legal status to stateless persons in Burma to decrease their vulnerability to exploitation; increase funding for specialized anti-trafficking police units and enhance their coordination with general police units and prosecutors; strengthen efforts to prioritize and significantly increase funding for victim protection efforts, including victim shelters, provision of services for male victims, and reintegration support for former child soldiers; and appoint a case manager to facilitate victims' involvement in criminal proceedings and maintain a victim-centered approach to investigations and prosecutions, including through establishment of robust witness protection protocols and provision of language interpreters.

## PROSECUTION

The government increased some law enforcement efforts, particularly in taking steps to hold complicit officials criminally accountable. The 2005 Anti-Trafficking in Persons Law criminalizes all forms of sex and labor trafficking using definitions that are generally consistent with international law; however, it does not appear to contain provisions establishing that, when children are the victims of a trafficking offense, the use of force, fraud and coercion is not a required element of the offense. The law provides for penalties ranging from a minimum of five years to a maximum of imprisonment for life, depending on the identity of the victim and other factors. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Forced labor, including the recruitment of children into the military, is a criminal offense under the 2005 Anti-Trafficking Law, the 2012 Wards and Village Tracts Administration Act, and penal code section 374, for which the maximum sentence is one year or fine or both—an insufficiently stringent penalty. The military reportedly pursues its own punitive measures for child recruitment cases through unknown provisions in military law, although the penalties it applies are disproportionately low compared to the seriousness of the crime. During the reporting period, the government continued a legal review to redraft and strengthen the 2005 law.

In 2016, the government reported investigating 95 cases, leading to the prosecution and conviction of 145 traffickers, compared with 119 cases investigated and 168 traffickers

prosecuted and convicted in 2015, and 98 investigations and 143 prosecutions and convictions in 2014. As in previous years, most of the government's law enforcement efforts focused on sex trafficking or the involuntary domestic servitude of Burmese women through forced marriages to Chinese men. However, of the 95 cases investigated, 46 were cases of forced labor, including 23 cases of domestic servitude and 26 cases involving labor trafficking in the fishing, manufacturing, and other such industries, compared with 54 labor cases in 2015 and 54 labor cases in 2014. The government identified seven instances of forced labor in Burma's fishing industry in 2016, triggering an ongoing interagency process led by the Central Body for Suppression of Trafficking in Persons (CBTIP) to institute new preventative protocols in the fishing sector. Courts convicted 26 individuals under the 2005 anti-trafficking law for subjecting Bangladeshi and Rohingya migrants to trafficking, although it was unclear if these constituted instances of smuggling; the lead offender, a Thai national, received a 27-year prison sentence.

The Anti-Trafficking in Persons Division (ATIPD) maintained dedicated anti-trafficking taskforce (ATTF) police throughout the country, the roster of which increased to 471 during the reporting period, compared to 371 in 2015. However, a lack of clarity between the roles and responsibilities of ATTF officers and general police investigators, coupled with poor police-prosecutor cooperation, continued to hamper the success of investigations and prosecutions. Local experts reported non-ATTF police perceived they did not have the authority to pursue investigations proactively, and primarily opened investigations only in response to complaints. An acute lack of basic policing equipment and resources remained a major obstacle for police to proactively undertake investigations into trafficking crimes. During the year, the government changed its policies to facilitate greater efficiency in trafficking cases by granting decentralized authority for sentencing traffickers, eliminating the previous requirement for such sentencing decisions to be made in the capital city. The ATIPD provided both basic introductory and on-the-job training for police, and international organizations funded additional anti-trafficking training for Burmese officials. During the reporting period, the Myanmar Police Force hosted the Thai Department of Special Investigators and the Thai Royal Police for discussions on enhancing bilateral anti-trafficking efforts, culminating in increased access by Burmese law enforcement and social welfare personnel to victims in Thai custody.

Some military and civilian officials reportedly facilitated the smuggling and exploitation of Rohingya migrants and subjected civilians, particularly members of ethnic minority groups, to forced labor within Burma. There are reports that corruption and impunity continued to hinder the enforcement of trafficking laws; individuals claiming to have ties to high-level officials may have pressured victims not to seek legal redress against their traffickers. The power and influence of the Burmese military limited the ability of civilian police and courts to address cases of forced labor and the recruitment of child soldiers by the armed forces; there is no evidence any soldiers accused of trafficking crimes have ever been prosecuted in civilian courts, nor has the government ever prosecuted a civilian for child soldier recruitment. The Ministry of Defense undertook independent efforts to investigate and punish military personnel for child soldier recruitment; it reported punishing 13 officers and 23 noncommissioned personnel in 2016, compared to 11 officers and 14 noncommissioned personnel in 2015. It did not report punitive measures for military personnel guilty of subjecting children or adults to forced labor. Imposed punishments were significantly less than those prescribed



by criminal laws, with most receiving reprimands, fines, or a decrease in pension, and NGOs assessed these penalties to be insufficient. For the first time, the government investigated and initiated prosecutions against government officials suspected of complicity in trafficking crimes; in one case, authorities charged a police constable with transporting a 16-year-old girl from Rangoon to Muse for the purpose of subjecting her to forced marriage in China, where she would have been at a high risk of other forms of exploitation. The second case involved a police lance corporal suspected of complicity in subjecting six men to debt bondage in Mon State. Both prosecutions were initiated in November and were ongoing at the end of the reporting period.

In one high-profile forced labor case, three children were physically abused and forced to work in a tailor shop in Rangoon over the course of five years with little to no pay. Two police commanders dismissed initial reports of the abuse, prompting a local journalist to file a complaint with the National Human Rights Commission (NHRC). The NHRC brokered a financial settlement with perpetrators rather than referring the case to prosecution under the anti-trafficking laws. Following public outcry over the NHRC's inadequate response to the case, four commissioners stepped down, the police chiefs who had ignored the initial reports were investigated, and demoted to auxiliary positions, and the ATTF police initiated the prosecution of six tailor shop perpetrators. Their trial date was pending at the close of the reporting period.

## PROTECTION

The government maintained inadequate victim protection efforts, and some officials reportedly continued to subject men, women, and children to trafficking in Burma. More victims were identified by authorities in other countries than within Burma. Police and border officials identified 163 victims at Thai and Chinese border crossings (118 in 2015 and 68 in 2014). The government did not report how many additional victims it identified within Burma. In 2016, the government released 112 individuals originally recruited as children from the military through implementation of its UN-backed action plan on child soldiers (146 the previous year and 322 in 2014). Local observers reported once individuals were identified as possible child soldiers, the military made progress in providing immediate protections, including removal from combat, before formal verification procedures concluded. The government expanded the deployment of three full-time case managers to each of 42 Department of Social Welfare (DSW) offices—up from 27 offices in 2015—to provide healthcare, reintegration, psycho-social, and legal services to trafficking victims, including child soldiers. Despite this improvement, DSW continued to lack the resources necessary to adequately provide intended services to trafficking victims, and relied on civil society organizations to provide most services to victims. The government worked with Thailand to finalize and begin implementing bilateral standard operating procedures on repatriation, reintegration, and rehabilitation in March 2017. While law enforcement officials continued to proactively identify suspected victims en route to China for forced marriages likely to result in sex or labor exploitation, or to Thailand for potential sex trafficking, authorities did not follow standardized, nationwide procedures for the proactive identification of trafficking victims. Despite some progress, front-line officers largely lacked adequate training to identify potential victims.

The military continued to subject civilians to forced labor. In one case, the military forcibly removed 12 elderly men from

their mosque during prayer and beat them, forced them to carry any personal belongings deemed useful in a conflict setting—including heavy car batteries—to another village, and then confiscated these belongings. Ethnic minority groups in Burma—particularly internally displaced Rohingya, Rakhine, Shan, and Kachin communities—continued to be at elevated risk of forced labor as a result of ongoing military incursions, and the government remained largely inactive on this long-standing issue. For the second year, the military granted within 72 hours all requests from UN monitors to access military installations to inspect for the presence of children, although the UN reported the military may have carefully controlled these visits and possibly cleared problematic indicators in advance. An uptick in violence in Rakhine and Shan states may have constrained monitoring efforts.

The government continued to operate five centers for women and children who were victims of violent crime; all five could shelter trafficking victims, and one was dedicated to female trafficking victims. In addition, the government operated three facilities funded by a foreign donor that could serve both men and women. It did not report the total number of victims receiving services in these facilities, or whether shelters housed any men. In previous years, repatriated victims of trafficking abroad could stay in transit centers prior to their reintegration, but it was unclear how many victims benefitted from this provision in 2016. Services in government facilities remained rudimentary, but the government increased its funding allocation to trafficking victim protection, and some victims received psycho-social counseling, travel allowances, support for obtaining official documents, and assistance in returning to home communities. Overall government support to demobilized children remained minimal, with most services provided by civil society partners. NGOs and foreign donors funded and facilitated delivery of most services available to trafficking victims. Longer-term support was limited to vocational training for some former child soldiers and women in major city centers and border areas; the lack of adequate protective measures for victims—particularly males—left them vulnerable to re-trafficking. The government did not have adequate procedures for assisting victims identified abroad, and diplomatic missions overseas largely lacked adequate funding or capacity to provide basic assistance or repatriate victims. However, the government maintained labor attachés in Thailand, Malaysia, and South Korea, whose responsibilities included assisting trafficking victims. It provided anti-trafficking training for its diplomatic personnel and worked with an international organization to establish victim identification reference materials for consular officers, although the latter process was ongoing at the end of the reporting period. In 2016, the ATIPD sent a delegation of law enforcement officials to South Korea for a workshop on victim identification, support, and sustainable protection.

Victims frequently declined to cooperate with authorities due to the lack of adequate victim protection or compensation programs, language barriers, a lengthy and opaque trial process, fear of repercussions from their traffickers, and general mistrust of the legal system. A cumbersome investigative process required victims to give statements multiple times to different officials, increasing the likelihood of re-traumatization. Further, restrictions on contact between victims and prosecutors impeded case-relevant communication and further obfuscated the court process for some victims. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government made efforts to include victims' perspectives in training sessions with police and during government meetings. Authorities

reportedly arrested sex trafficking victims for prostitution due to inadequate efforts to screen for indicators of trafficking in thousands of anti-prostitution interventions. Authorities continued to arrest and imprison children who fled military service or were demobilized by civil society organizations on charges of desertion. In most cases where these individuals were identified as minors, authorities subsequently processed their release, although some remained in civilian detention for several months; one detention of a minor on charges of desertion remained under review at the end of the reporting period.

## PREVENTION

The government maintained prevention efforts. During the reporting period, Parliament approved ratification of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. CBTIP continued to coordinate anti-trafficking programs and policies; it worked with the ATIPD and an international organization to draft a new five-year comprehensive trafficking prevention strategy, which was pending presidential review at the end of the reporting period. A 2014 directive prohibiting the use of children by the military remained in place. The government interfered with progress on a significant trafficking problem in the country by not allowing the UN to sign action plans with ethnic armed groups to end their recruitment and use of children. Although oversight and monitoring of recruitment procedures remained insufficient to prevent child recruitment in the military, international observers reported age verification procedures continued to improve the military's ability to identify and prevent most child recruitment, and the military continued to provide enlisted personnel, training centers, and recruitment officials with age assessment and child soldier prevention trainings. The government did not reform the military's "self-reliance" policy, which continued to make adults and children—particularly members of stateless ethnic minority groups—vulnerable to forced labor.

The government has to date been unsuccessful in providing citizenship and identity documents for an estimated 810,000 men, women, and children in Burma—most of whom self-identify as Rohingya and live in Rakhine State. The lack of legal status and identity documents significantly increased the vulnerability of this population to trafficking in Burma and in other countries. The government began distribution of national verification cards (NVCs) to undocumented individuals, but low participation prevented significant progress. Government policies limiting freedom of movement in some jurisdictions—including a new ban on Rohingya individuals' use of fishing vessels if they do not have NVCs, which many Rohingya do not accept—have hindered access to employment for some communities, further aggravating economic conditions that may have contributed to more Rohingya men pursuing informal employment channels known to engender severe forms of abuse, including forced labor. The government continued to conduct awareness campaigns in print, television, radio, billboards, and other media—particularly in high-vulnerability states—and to train members of community-based watch groups and students on trafficking. However, it did not launch its second national campaign, initially scheduled for January 2016, to raise awareness about the recruitment and use of child soldiers and educate the public on reporting such cases. Authorities continued to release information on the prosecution of traffickers via government-supported and private media throughout the country. The ATIPD maintained a hotline and social media account with information on trafficking, including updated law enforcement statistics, but did not report the extent

to which the public employed either of these mechanisms.

The government did not make efforts to punish labor recruiters or brokers for illegal practices that increase migrants' vulnerability to exploitation abroad. The government maintained a tourism police unit, which it reported to have played a central role in combating child sex tourism. There were no reports of child sex tourism during the reporting period. Authorities partnered with an NGO to raise awareness about child sex tourism among some hotel industry personnel, but no related investigations or prosecutions were reported. The government did not take steps to reduce the demand for commercial sex acts or forced labor, nor did it finalize curricula necessary to conduct anti-trafficking training for its diplomats prior to their deployment overseas.

## TRAFFICKING PROFILE

As reported over the past five years, Burma is a source country for men, women, and children subjected to forced labor and for women and children subjected to sex trafficking, both in Burma and abroad. Some Burmese men, women, and children who migrate for work abroad—particularly to Thailand and China, as well as other countries in Asia, the Middle East, and the United States—are subjected to forced labor or sex trafficking. Men are subjected to forced labor in fishing, manufacturing, forestry, agriculture, and construction abroad, while women and girls are primarily subjected to sex trafficking, domestic servitude, or forced labor in garment manufacturing. NGOs continued to report instances of Burmese males transiting Thailand en route to Indonesia and Malaysia, where they are subjected to forced labor, primarily in fishing and other labor intensive industries. Some Burmese men in the Thai fishing industry are subjected to debt bondage, passport confiscation, threats of physical or financial harm, or fraudulent recruitment; some are also subjected to physical abuse and forced to remain aboard vessels in international waters for years. Burmese women are increasingly transported to China and subjected to sex trafficking and domestic servitude through forced marriages to Chinese men; there have been reports that Burmese government officials are occasionally complicit in this form of trafficking, as well as in the facilitation of the smuggling and exploitation of Rohingya migrants. There were limited reports of Rohingya individuals attempting to be smuggled out of the country later being abducted in transit and sold into forced marriage in Malaysia; some of these individuals may have become victims of domestic servitude or sex trafficking.

Within Burma, men, women, and children from predominantly ethnic minority areas—including the estimated 103,000 persons displaced by conflict in Kachin and northern Shan states and the estimated 120,000 displaced persons in Rakhine state—are at increased risk of trafficking. Rohingya individuals are particularly vulnerable to labor trafficking in Rakhine state, including forced labor perpetrated by government authorities. Many among the estimated 70,000 Rohingya who have crossed out of Rakhine into neighboring Bangladesh in 2016 and early 2017 are at elevated risk of being subjected to trafficking. Ethnic Rakhine are reported to be victims of forced labor on the margins of conflict between the military and ethnic armed groups in Rakhine State. Local traffickers use deceptive tactics to recruit men into forced labor on oil palm and rubber plantations, in jade and precious stone mines, and in fishing. Children are subjected to sex trafficking or to forced labor (at times through debt bondage) in teashops, small businesses, the agricultural and construction sectors, and in begging. Children and adults are subjected to domestic servitude. A small number of foreign child sex tourists exploit Burmese children.

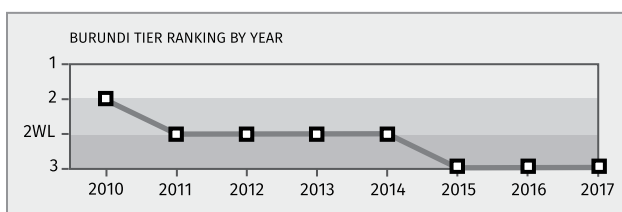
Some military personnel, civilian brokers, border guard officials, and ethnic armed groups continue to recruit or use child soldiers, particularly in conflict-prone ethnic areas, although monitoring groups report the incidence of forced conscription into government armed forces continued to decrease significantly. As of the close of the reporting period, international monitors had verified two cases of child recruitment by the Burmese military in 2016. In some cases, recruiters use deception, offering incentives or coercing children or their families through false promises about working conditions, salary, and promotion opportunities. Men and boys are forced to serve in ethnic armed groups through intimidation, coercion, threats, and violence; in the past, the Burmese army has employed similar tactics, although no such cases were verified during the reporting period. Some child soldiers are deployed to the front-line as combatants. In addition to formally recruiting at least two children into its ranks in 2016, the military may have continued to use children for labor or other support roles. Some ethnic armed groups abduct or recruit children—including from internally displaced persons' camps—for use as soldiers in fighting against the Burmese army.

The Burmese military, civilian officials, and some ethnic armed groups use various forms of coercion, including threats of financial and physical harm, to compel victims into forced labor. In areas with active conflict, members of local populations—mostly men, but also women and children as young as 12 years old—are subject to forced labor. The ILO continued to receive reports indicating the actual use of forced labor is decreasing overall, but the number of complaints of forced labor through the ILO complaints mechanism remained significant. Reports of forced labor occurred across the country; prevalence was higher in states with significant armed conflict, while reports declined in cease-fire states. Reporting and verification mechanisms were weak or non-existent in conflict areas, making it difficult to fully assess the ongoing scale of forced labor. Officials continued to use violence or threats thereof to compel civilians into forced labor, including portering, work on public infrastructure projects, and activities related to the military's "self-reliance" policy—under which military battalions are responsible for procuring their own food and labor supplies from local villagers, who in turn are at a significantly elevated risk of forced labor through the arrangement. The army uses children as porters, cooks within battalions, or to carry supplies or perform other support roles. Some observers noted forced labor practices were changing, resulting in a reported decrease in the use of forced labor by the military and an increase in reports of forced labor in the private sector and by civilian officials. At the same time, international organizations reported forced labor remains common in areas affected by conflicts—particularly in Rakhine State. There were continued reports of widespread abuses by government soldiers, including forced labor of members of ethnic groups in Shan, Karen, and Kachin states. Land confiscation by military, local government, and private businesses placed agricultural workers at risk for forced labor, including on lands they previously occupied.

## BURUNDI: TIER 3

The Government of Burundi does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Burundi remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by organizing

and participating in several workshops to train government officials and coordinating with the Government of Rwanda to repatriate 28 alleged trafficking victims. It also investigated several cases involving the alleged recruitment of Burundian women for exploitation in forced labor in the Middle East. However, the government did not investigate internal trafficking or sex trafficking crimes, and did not prosecute or convict any alleged trafficking offenders. It did not investigate or hold accountable any officials complicit in trafficking crimes despite serious allegations that arose during the year. Although the government took steps to increase the number of anti-trafficking trainings for government officials, authorities continued to lack understanding of trafficking, and the government did not provide adequate anti-trafficking training for its personnel. The government did not provide victims adequate protection services. Trafficking victims continued to be subject to arrest and detention for crimes committed as a direct result of being subjected to trafficking. The government did not establish the Consultation and Monitoring Committee mandated by the 2014 anti-trafficking act to coordinate and lead anti-trafficking efforts.



## RECOMMENDATIONS FOR BURUNDI

Take measures to ensure children and adults are not forcibly or fraudulently recruited into governmental and non-governmental armed forces, and provide them with appropriate protection services; hold individuals criminally accountable for the recruitment and use of children and the forced or fraudulent recruitment of adults in armed forces, including government officials; implement the anti-trafficking law and significantly increase investigations, prosecutions, and convictions of traffickers, including allegedly complicit officials; institutionalize anti-trafficking training to include how to implement the anti-trafficking law for all police, prosecutors, judges, and border guards; establish standardized procedures for officials to proactively identify trafficking victims, including children and adults, and refer them to appropriate care; ensure trafficking victims, including children and adults who are forcefully or fraudulently recruited into armed groups, are not punished for crimes committed as a direct result of being subjected to trafficking; drastically improve provision of protective services to trafficking victims, including through partnerships with NGOs that provide appropriate care to victims; and undertake efforts to reduce child sex tourism.

## PROSECUTION

The government maintained minimal enforcement efforts. Burundi's anti-trafficking law prohibits the trafficking of adults and children for the purpose of forced labor and sex trafficking. The definition of "forced labor or services" in the law, however, fails to account for situations in which an individual might initially consent to labor but is later forced, defrauded, or coerced to provide such labor. Prescribed penalties under the law range from five to 10 years imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.



The government investigated transnational trafficking cases, but did not investigate internal trafficking or sex trafficking crimes or prosecute and convict any suspects during the reporting period. The government reported arresting 25 alleged traffickers in 2016. Between May and August 2016, the Police's Morals and Minors Brigade reported arresting 18 traffickers following interception of 75 potential trafficking victims en route to Oman. In a similar case, in June 2016, the government arrested seven alleged traffickers, accused of sending Burundian women to the Middle East for exploitation. Following these discoveries, in June 2016, the government acknowledged the large-scale recruitment of Burundian women for work in the Middle East since April 2016, including reports of an additional 267 women overseas in situations of forced labor. In July 2016, a civil society group alleged trafficking networks in Burundi involving five recruitment companies, government officials and security officers, had fraudulently recruited up to 2,500 Burundian women and girls who subsequently endured forced labor and sex trafficking in Oman and Saudi Arabia. In June 2016, a judge suspended the activities of the five recruitment companies accused of involvement in trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses despite multiple allegations of significant government involvement in such crimes. Moreover, civil society organizations and individuals investigating trafficking allegations reported receiving threats against themselves and their families.

The government did not provide adequate funding for law enforcement agencies responsible for investigating trafficking crimes, partly due to limited financial means and competing priorities, which severely limited their capacity and effectiveness. Widespread corruption and officials' lack of investigative skills and poor understanding of trafficking crimes continued to impede investigations. In June and July, the National Independent Human Rights Commission held two workshops focusing on the legal framework to combat trafficking for representatives of the government, police, the judiciary, the bar, civil society, religious denominations and the media. In August 2016, an NGO-led working group including international organizations and government officials held a training session to introduce and explain the anti-trafficking law to the Ministries of Human Rights, External Relations, Public Security, Justice, and Interior. In February and March 2017, the government organized two anti-trafficking workshops on the anti-trafficking law and awareness-raising for over 65 representatives of relevant government ministries, NGOs, and provincial government officials.

## PROTECTION

The government maintained minimal protection efforts. It did not maintain statistics on human trafficking, making it difficult to determine the number of victims, if any, the government referred to or provided with protective services. In September 2016, the government identified 28 Rwandan trafficking victims in Bujumbura and coordinated with the Government of Rwanda on their repatriation; it is unknown if these victims received any services prior to their repatriation. After intercepting 75 potential trafficking victims reportedly en route to Oman, the government facilitated their return home, but did not provide supplemental services. Separately, the government did not report efforts to assist, via Burundian missions abroad, the 267 potential trafficking victims in Oman and Saudi Arabia or support their repatriation. The government provided minimal protection services and support for NGOs, religious organizations, or women's or children's associations that offered

care to trafficking victims. The government continued to operate Humura Center in Gitega, which provided protection to foreign and domestic victims of sexual and gender-based violence, including an unknown number of potential trafficking victims. The government provided medical personnel to an NGO-run center in Bujumbura which delivers medical and psycho-social care to abuse victims, including trafficking victims. Overall, lack of dedicated funding for victim protection measures seriously constrained the government's ability to assist victims.

The government did not have formal procedures for authorities to identify and refer trafficking victims to protection services, and law enforcement officials lacked training to identify potential victims. Furthermore, potential victims were vulnerable to being penalized for unlawful acts committed as a result of being subjected to trafficking. In April 2016, the government passed a law providing for the protection of witnesses, victims, and vulnerable persons, which called for the establishment of a unit within the Ministry of Justice to coordinate protection measures; however, the government did not formally create this unit by the close of the reporting period. Burundian law did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution.

## PREVENTION

The government maintained minimal prevention efforts. The government did not take steps to implement its national anti-trafficking action plan, approved in March 2014, and did not establish the Consultation and Monitoring Committee mandated by the 2014 anti-trafficking act to coordinate and lead national anti-trafficking efforts. While government officials participated in an NGO-led working group, it did not lead country-wide efforts during the reporting period. The government did not conduct anti-trafficking awareness campaigns in 2016, nor did it make efforts to prevent or raise awareness of the forcible or fraudulent recruitment of children and adults into armed groups. In June 2016, a judge suspended the activities of five recruitment companies accused of being involved in trafficking; however, there are no formal laws or procedures authorizing officials to monitor or investigate fraudulent labor recruitment practices. The government did not make efforts to reduce the demand for forced labor, commercial sex, or child sex tourism. The government did not provide anti-trafficking training for its diplomatic personnel. Burundian nationals deployed abroad as peacekeepers received training on human rights, including trafficking elements, in previous reporting periods conducted by a foreign donor; however, after suspension of this program in May 2015 it was unclear whether the military still teaches a similar curriculum prior to deployment of peacekeepers.

## TRAFFICKING PROFILE

As reported over the past five years, Burundi is a source country for children and possibly women subjected to forced labor and sex trafficking. Due to a complex political, economic, and security crisis in 2015, more than 400,000 Burundians fled to refugee camps in neighboring countries and many others sought refuge at internally displaced persons (IDP) camps or moved to the homes of extended family members. Burundi's fragile economic and security environment created an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. There is little official data available on abuses committed against Burundi's approximately 60,000 IDPs, 60 percent of whom are younger than age 18 and

are highly vulnerable to exploitation.

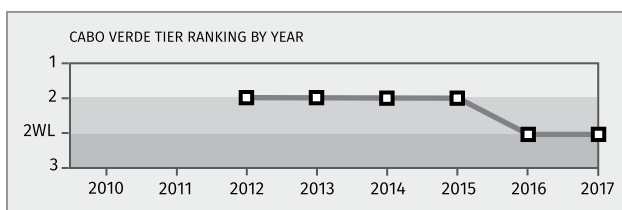
Between April and December 2015, approximately 70,000 Burundians refugees fled to Rwanda, which contributed to an increase in child sex trafficking of both male and female refugees in Rwanda. Burundian refugee girls residing in Rwanda's Kigeme refugee camp were reportedly exploited in sex trafficking in nearby towns. In July 2015, approximately 58 children, some younger than 15 years old, were fraudulently recruited and forced to participate in an anti-government armed invasion in Kayanza Province, which was ultimately put down by the Burundian government; it was unclear if these children were armed. Between May and December 2015, an international organization reported allegations that Burundian refugees residing in Mahama refugee camp in Rwanda were recruited into non-state armed groups, allegedly by Rwandan security forces, to support the Burundian opposition; many refugees alleged recruiters threatened, intimidated, harassed, and physically assaulted those who refused recruitment—a form of human trafficking. Most of these recruits were adult males, but six Burundian refugee children, between the ages of 15 and 17, were also identified as recruits from Mahama refugee camp. The same international organization also reported that hundreds of Burundian adult and child recruits, including girls, were allegedly trained in weaponry at a training camp in southwestern Rwanda. Some of these adult and child refugees could be victims of human trafficking. In December 2014, an armed group of primarily Burundian rebels invaded the northwestern province of Cibitoke; the estimated 150 rebels reportedly included child soldiers as young as 15 years old, some of whom were trained in Rwanda. In 2016, the Government of the Democratic Republic of the Congo (DRC) apprehended 16 Burundian children transiting through the east allegedly after recruitment from refugee camps in Rwanda or the DRC to participate in armed conflict in Burundi with an unknown entity.

Children and young adults are coerced into forced labor on farms throughout Burundi, in gold mines in Cibitoke, in informal commerce in the streets of larger cities, collecting river stones for construction in Bujumbura, and in the fishing industry. Traffickers allegedly include victims' relatives, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Some families are reportedly complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Children are subjected to domestic servitude in private homes, experiencing non-payment of wages and verbal and physical abuse. Children in domestic servitude or working in guest houses and entertainment establishments may also be sexually exploited. Children are fraudulently recruited from rural areas for domestic work and later exploited in sex trafficking, including in Bujumbura. Women offer vulnerable girls room and board within their homes, eventually pushing some into prostitution to pay for living expenses. These brothels are located in poorer areas of Bujumbura, along the lake, on trucking routes, and in other urban centers such as Ngozi, Gitega, and Rumonge. Some orphaned girls are exploited in sex trafficking, with boys acting as their facilitators, to pay for school, food, and shelter. Incarcerated women facilitate commercial sex between male prisoners and detained children within the Burundian prison system. Men from East Africa and the Middle East, as well as Burundian government employees including teachers, police officers and *gendarmes*, military, and prison officials, are among the clients of Burundian girls in child sex trafficking. Business people recruit Burundian girls for exploitation in sex trafficking in Bujumbura, as well as in Rwanda, Kenya, Uganda, and the Middle East; they

also recruit boys and girls for various types of forced labor in southern Burundi and Tanzania. In 2015, Rwandan officials and international and local NGOs reported that Burundian refugee girls were exploited in sex trafficking in Uganda after transiting Rwanda; some of these girls may also be subjected to forced labor in domestic work in Uganda.

## CABO VERDE: TIER 2 WATCH LIST

The Government of Cabo Verde does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by initiating six sex trafficking investigations under the 2015 anti-trafficking penal code amendments and convicting one trafficker to four years imprisonment on slavery charges, its first conviction for trafficking or slavery offenses in three years. In addition, it provided some in-kind support to NGOs that assisted trafficking victims and designated the Ministry of Justice (MOJ) as the lead entity for inter-ministerial anti-trafficking efforts. However, the government did not demonstrate increasing efforts compared to the previous reporting period. While the government provided security to some identified trafficking victims, it relied on NGOs and international organizations to coordinate and fund all victim shelter and repatriation. Law enforcement did not investigate any individuals in connection with the 18 reports of potential child forced labor in the informal sector during the reporting period, and despite an identified need to train law enforcement and the judiciary on trafficking victim identification and the 2015 anti-trafficking penal code amendments, the government did not provide any training. Therefore, Cabo Verde remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR CABO VERDE

Using the penal code amendments, vigorously investigate and prosecute trafficking offenses and convict and punish traffickers; develop and institute standardized trafficking victim identification procedures—including for adults and victims among vulnerable populations, such as child domestic workers—and a mechanism to refer victims to institutions that provide care, and train law enforcement, judicial personnel, and hotline operators on such procedures; train law enforcement and judiciary officials on the 2015 anti-trafficking amendments; in collaboration with NGOs and government agencies that provide victim care, allocate funding or in-kind assistance to support shelter and psycho-social care for all victims, and collect data on such efforts; investigate indicators of child forced labor in the informal sector, including in domestic service and street vending; educate law enforcement that children younger than 18 exploited in prostitution with a third party is sex trafficking, and robustly investigate such cases, especially in high-tourist areas; amend article 149 of the penal code to criminalize committing such acts against children 16-18 years old; increase efforts to

raise public awareness of human trafficking, including child sex trafficking and domestic servitude; increase collaboration with foreign governments on cases of transnational trafficking; draft and implement a national action plan on trafficking in persons; allocate resources to the MOJ to facilitate coordinated government anti-trafficking action; and develop a system to compile and share comprehensive data on anti-trafficking law enforcement and victim identification efforts among agencies.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts, but gaps remained. The penal code appears to prohibit all forms of trafficking in persons. Article 271 criminalizes slavery and prescribes sufficiently stringent penalties of six to 12 years imprisonment. Article 271-A makes it a crime to use force, fraud, or coercion for the purposes of sexual or labor exploitation and prescribes penalties of four to 10 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. When the victim is a minor—an undefined term which elsewhere in the criminal code is defined at 16—the penalty increases to six to 12 years imprisonment. As the penal code does not define labor exploitation, it could be implemented such that labor exploitation short of forced labor would be considered human trafficking. In addition to article 271-A, article 148 of the criminal code outlaws the promotion, encouragement, or facilitation of prostitution and sexual acts with minors younger than 16 years of age or persons suffering from mental incapacity with penalties of four to 10 years imprisonment, or two to six years imprisonment if the victim is between ages 16 and 18. Article 149 of the penal code punishes those who entice, transport, host, or receive children younger than 16 years of age or promote the conditions for sexual acts or prostitution in a foreign country with two to eight years imprisonment; however, this does not prohibit such acts with children 16-18 years old, which is inconsistent with the 2000 UN TIP Protocol. The Law of Foreigners prohibits knowingly subjecting an undocumented migrant worker to trafficking and prescribes penalties of two to six years imprisonment. Article 271-A also prescribes penalties for those who have knowledge of trafficking crimes or use the services of trafficking victims (one to five years imprisonment) and those who retain, conceal, damage, or destroy trafficking victims' identity documents (up to three years imprisonment).

The government investigated seven sex trafficking cases and prosecuted and convicted one trafficker, compared with one sex trafficking investigation and no prosecutions or convictions in the previous reporting period. After completing the investigation initiated the previous reporting period, the government convicted and sentenced a Nigerian trafficker to four years imprisonment for slavery crimes for subjecting two Nigerian women to sex trafficking on Boa Vista Island. The six investigations initiated during the reporting period remained pending and involved female foreigners from ECOWAS countries exploited in sex trafficking. Officials admitted law enforcement and judges lacked understanding of trafficking crimes and the 2015 anti-trafficking amendments, hampering their ability to identify, investigate, and prosecute trafficking cases; nonetheless, the government did not provide any training to such officials. Insufficient staffing and a lack of resources confined the judicial police's presence to four of the country's nine inhabited islands, impeding the government's efforts to identify victims, investigate crimes, collect data, and conduct awareness-raising campaigns. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Despite ongoing transnational trafficking

investigations, the government did not report collaborating with foreign governments on anti-trafficking investigations.

## PROTECTION

The government increased efforts to identify trafficking victims, but maintained limited protection efforts. It identified at least six female sex trafficking victims from ECOWAS countries and 18 potential child forced labor victims, compared with two victims identified in the previous reporting period. The government did not have formal procedures for law enforcement or social workers to identify trafficking victims, nor did it have a formal mechanism to refer trafficking victims to care. Authorities lacked training to differentiate trafficking victims from smuggling victims and victims of child abuse from child forced labor and child sex trafficking, which resulted in incomplete and inconsistent data on the number of trafficking victims identified and referred to care. Border police had written procedures to proactively identify trafficking victims and people vulnerable to trafficking, although officials neither received training on such procedures nor implemented them uniformly during the reporting period.

An international organization provided temporary shelter to two identified victims and funded their subsequent repatriation; the government provided security for the shelter and issued laissez-passer cards to facilitate repatriation. Neither the government nor NGOs reported providing shelter, psycho-social, or repatriation assistance to the other identified victims. There were no shelters or services specifically for trafficking victims, but government-funded agencies provided emergency services, temporary shelter, and psycho-social care to at-risk populations and female and child victims of crime that trafficking victims could access. The government's Cabo Verdean Institute for Children and Adolescents (ICCA) operated a national network to prevent and provide assistance to victims of child sexual abuse, which could be used to coordinate the referral of child trafficking victims to care and support throughout court processes. It operated two shelters that provided temporary care for child victims of sexual abuse, violence, and abandonment, and maintained five protection and social reinsertion centers, which provided services for children experiencing long-term trauma, including trafficking. ICCA removed 18 child potential forced labor victims from exploitative conditions in domestic service and street vending and referred them to its shelters. The government did not report assisting any other potential or identified trafficking victims in these shelters during the reporting period, but due to the lack of formal procedures to identify victims, it is possible that some unidentified trafficking victims received care in these shelters.

Law enforcement conducted sex trafficking victim interviews in collaboration with psychologists and, in cases of children, the victims' parents, to provide a comfortable and safe environment. In addition, the government could expedite the investigation and prosecution of cases involving sexual violence, including sex trafficking. Cabo Verdean law does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. There is no mechanism by which a victim could obtain restitution from the government or file a civil suit against a trafficker. There were no reports officials fined, detained, or penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking; due to the lack of formal victim identification procedures, however, some victims may have remained unidentified in the law enforcement system.



## PREVENTION

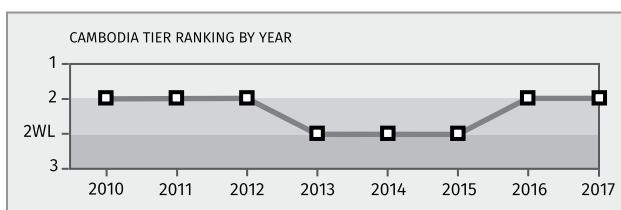
The government maintained modest prevention efforts. The government designated MOJ as the lead for anti-trafficking efforts, although it was not an effective coordinator during the reporting period, which obstructed communication on trafficking issues and hampered the government's ability to adequately address trafficking. ICCA, in partnership with an international organization, drafted, approved, and funded a 2017-2019 national plan to combat child sexual violence, which included actions to address child sex trafficking. In addition, ICCA held six conferences and workshops across four islands to sensitize stakeholders to the list and laws against dangerous work for children and strengthen child protection partnerships. MOJ, in partnership with an international organization, began drafting a trafficking-specific action plan. The national committees to prevent child sexual exploitation and to prevent and eliminate child labor continued awareness campaigns to address child labor and child sexual violence. After ICCA received allegations of the worst forms of child labor in domestic work and street vending and removed the 18 children involved, neither labor inspectors nor law enforcement officials launched any investigations; labor inspectors do not have jurisdiction over the informal sector, although law enforcement does. The government continued to operate six day centers through its *Nos Kaza* project, which aimed to reduce the vulnerability of street children to forced labor and sexual abuse, including sex trafficking. It also continued to operate a hotline for reporting cases of child abuse, including sexual exploitation and child labor. The hotline did not receive any reports of trafficking during the reporting period, although hotline workers did not receive training to differentiate trafficking from similar crimes, such as child labor or abuse. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Cabo Verde is primarily a source country for children subjected to forced labor and sex trafficking within the country and a destination for women in forced prostitution; to a lesser extent, it is a source country for children subjected to forced labor in Guinea-Conkary and for men subjected to forced labor in Europe. Boys and girls, some of whom may be foreign nationals, are exploited in sex trafficking in Santa Maria, Praia, and Mindelo, sometimes through child sex tourism. Increasing numbers of West African women have been identified in forced prostitution, including on Boa Vista and Sal Islands and sometimes through sex tourism. Children in domestic service often work long hours and at times experience physical and sexual abuse—indicators of forced labor. Cabo Verdean children engaged in begging, street vending, car washing, garbage picking, and agriculture are vulnerable to trafficking. Children living in impoverished neighborhoods with little state presence are also at risk, especially for sex trafficking. In previous years, there were reports Nigerian traffickers may have forced Cabo Verdean and Brazilian females to transport drugs between the two countries. During the reporting period, a Cabo Verdean man with an EU passport was forced to sell drugs in Luxembourg. West African migrants may transit the archipelago en route to situations of exploitation in Europe. Some adult migrants from China and ECOWAS countries may receive low wages, work without contracts, and have irregular status, rendering them vulnerable to forced labor and sex trafficking.

## CAMBODIA: TIER 2

The Government of Cambodia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Cambodia remained on Tier 2. The government demonstrated increasing efforts by convicting a significantly higher number of traffickers, allocating more funds to the national anti-trafficking committee and its subsidiary provincial committees, and establishing new action plans to curb child debt bondage and other forms of labor exploitation. However, the government did not meet the minimum standards in several key areas. Despite endemic corruption that contributes to trafficking in many sectors and among several vulnerable demographics, the government did not investigate, prosecute, or convict any complicit officials. Courts continued to conclude sex trafficking cases with monetary settlements in lieu of prison sentences. The government did not issue formal guidance allowing the use of undercover investigative techniques in anti-trafficking operations—a factor that continued to impede officials' ability to fully hold sex traffickers accountable—nor did it take steps to improve anti-trafficking data collection or information sharing necessary for effective interagency coordination. The government maintained limited victim identification and protection efforts, at times returning child victims to high-risk environments, and provided minimal assistance to male labor trafficking victims despite their prevalence.



## RECOMMENDATIONS FOR CAMBODIA

Vigorously investigate and prosecute trafficking offenses and convict and stringently sentence labor and sex traffickers including complicit officials; authorize the use of undercover investigative techniques in the enforcement of the anti-trafficking law; strengthen efforts to fully implement the nationwide protocol for proactive victim identification among vulnerable groups and train officials on its provisions; increase the availability of services for male victims, especially men exploited in commercial fishing; establish systematic procedures and allocate resources to assist Cambodian victims abroad through diplomatic missions abroad or in countries without Cambodian diplomatic representation; increase public awareness on proper travel document application procedures to facilitate safe, legal migration; strengthen efforts to inspect private labor recruitment agencies and their sub-licensed brokers for fraudulent recruitment or other trafficking indicators; modify the law to allow restitution upon conviction of the trafficker; implement a system for monitoring, collecting, and reporting data on anti-trafficking prosecution and victim protection efforts, and disseminate data among the relevant government agencies in a manner that protects victims' identities and privacy; strengthen efforts to incorporate NGO input into the policy for formally transferring custody of child victims; strengthen efforts to implement policies guiding victim-centered court processes, including through the provision of witness protection

and options for compensation; allocate increased resources to anti-human trafficking police to better facilitate the monitoring of defendants released under judicial supervision pending trial; and increase public awareness campaigns aimed at reducing domestic demand for commercial sex and child sex tourism.

## PROSECUTION

The government increased law enforcement efforts, particularly in obtaining convictions. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation explicitly addresses trafficking offenses in 12 of its 30 articles, prohibits all forms of trafficking, and prescribes seven to 15 years in prison—and up to 20 years for aggravating circumstances—for both sex and labor trafficking; these penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. The government did not collect comprehensive data on anti-trafficking law enforcement efforts, particularly among provincial courts; however, the information authorities provided, augmented by media and NGO reports, indicated the government prosecuted 53 individuals under its anti-trafficking law or comparable provisions in the penal code in 2016, compared to 69 prosecutions in 2015. The National Committee for Counter Trafficking (NCCT) reported courts convicted at least 100 traffickers—including some whose trials began in the previous reporting period—up from 43 in 2015 and 29 in 2014. Unlike in prior years, the government did not provide data on sentencing, nor did it disaggregate information on investigations, prosecutions, or convictions based on the type of trafficking offense. Authorities noted that labor officials' failure to sufficiently inspect private recruitment agencies, and the ability of these agencies to sub-license their names to other independent brokers, likely perpetuated labor exploitation during the reporting period.

Local experts reported cases involving foreign suspects were more likely to result in trafficking convictions than cases involving Cambodian suspects, for whom charges were often reduced to less serious offenses. NGOs reported courts continued to conclude sex trafficking cases with monetary settlements in lieu of prison sentences, and victims whose families received out-of-court settlements from traffickers often changed their testimony, further complicating prosecutions. Judicial police lacked the resources to monitor defendants released pending trial, allowing many to flee prior to their trial dates.

The government continued to design and deliver donor-funded training on the implementation of anti-trafficking laws to police, prosecutors, judges, and other government officials. During the reporting period, the NCCT reported more than 7,680 commune and provincial officials, law enforcement officers, judicial staff, and NGO workers received training or attended workshops on anti-trafficking laws, investigative techniques, and evidence collection. Local organizations and some officials noted an urgent need for more sophisticated evidence collection techniques, including undercover investigation, to decrease reliance on witness testimony and adapt to the increasingly clandestine nature of sex trafficking. However, the government did not grant undercover investigative authority to anti-trafficking police units, and NGOs continued to report this significantly constrained law enforcement officers' ability to pursue sex traffickers, particularly for cases involving establishments discreetly engaged in prostitution, such as beer gardens, massage parlors, salons, karaoke bars, and retail spaces.

Endemic corruption at all levels of the government severely limited the ability of individual officials to make progress

in holding traffickers accountable. The Cambodian national police maintained a mechanism for NGO workers to report incidents of anti-trafficking police corruption, but did not field any complaints during the reporting period. The government did not investigate, prosecute, or convict any government employees complicit in trafficking, nor did it take any punitive measures against Phnom Penh's former anti-trafficking police chief, whose 2011 trafficking conviction was overturned in an unannounced, closed-door Supreme Court hearing in 2013.

## PROTECTION

The government maintained limited victim identification and protection efforts. In 2016, the NCCT launched new victim identification guidelines developed by the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) with the intention of unifying disparate victim identification, referral, and repatriation efforts across government and law enforcement agencies. With assistance from an international organization, the government continued to operate a transit center in the border city of Poipet, where it screened for trafficking victims among the approximately 55,000 migrants deported from Thailand in 2016. However, it did not report how many victims it identified and, given the extent of trafficking among this population, it likely failed to identify many victims. Authorities did not provide complete statistics on the number of victims they assisted or referred, and the total number of victims identified or assisted by NGOs was unknown. Police identified and referred 326 sex and labor trafficking victims to provincial agencies or NGOs, a decrease from 589 victims in 2015. Authorities indicated most of these were labor trafficking victims. The government operated a temporary shelter in Phnom Penh for female victims of trafficking and other crimes, and it referred trafficking victims to NGO shelters—most of which cared for victims of several forms of abuse—to receive further assistance. The government continued to rely heavily on civil society organizations to protect trafficking victims; however, it did not facilitate formal transfer of custody of child victims, leaving organizations that accepted child victims vulnerable to court action. Provisions allowing for financial settlements in lieu of harsher sentencing further discouraged some families from consenting to temporary guardianship at shelters; absent family consent, government officials at times returned children to high-risk environments, leaving them extremely vulnerable to re-victimization. Despite the prominence of male labor trafficking victims, assistance for this population remained limited.

Cambodian diplomatic missions overseas continued to lack adequate funding or capacity to provide basic assistance or repatriate victims, despite government action in prior years to train diplomats on migrant worker protections. Victims identified in countries without Cambodian diplomatic representation had access to even less support. The Ministry of Foreign Affairs (MFA), which bore the primary responsibility of aiding Cambodian trafficking victims identified in countries not bordering Cambodia, reported rescuing and repatriating 815 Cambodian trafficking victims from 11 countries (857 in 2015); this included 272 victims from Malaysia, 231 from Vietnam, 139 from Thailand, 78 from Indonesia, 64 from China, 16 from Japan, six from Singapore, four from Somalia, two from Laos, two from Russia, and one each from Australia and Saudi Arabia. The majority were repatriated with the assistance of an international organization. The MFA did not promulgate or implement standard operating procedures for the identification and referral of Cambodian victims abroad, nor did it take increased measures to publicize information on how to apply for passports, leaving many Cambodians

without the documentation necessary to migrate legally and safely. MOSAVY reported repatriating 195 Cambodian labor trafficking victims from Vietnam, and reported receiving and referring 38 Cambodian internal trafficking victims and 24 sex and labor trafficking victims from Thailand to NGO services. An NGO recorded accepting 218 potential Cambodian trafficking victims deported from Vietnam alone, including 152 children. However, it was unclear if this figure was captured in the statistics provided by the MFA, or to what extent the MFA data included cases received by MOSAVY.

The government required the repatriation of foreign victims, except in rare cases, and did not provide legal alternatives to their removal regardless of whether they may face hardship or retribution upon return to their countries of origin. MOSAVY repatriated 13 trafficking victims to Vietnam after they received care in NGO-run shelters (five in 2015). There were no reports of the government punishing identified victims for crimes committed as a result of being subjected to trafficking; however, insufficient victim identification efforts left many potential victims at risk of law enforcement action. Law enforcement officials often lacked the facilities necessary to keep victims and perpetrators separated during interviews. The government continued to work with an NGO on a pilot program to train social workers on providing psycho-social support and other services to trafficking victims whose cases are under court proceedings. The Ministry of Justice instructed provincial courts to implement a child-friendly judicial program aiming to facilitate child testimony, including barring direct cross-examination of victims in front of the accused and relying instead on video-conferencing technology. In practice, however, the weak and corrupt legal system and the lack of adequate victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, hindered victims' willingness to cooperate in many cases. Victims were theoretically eligible for restitution, although this was limited by a legal requirement that compensation be paid only following the completion of the trafficker's jail term; NGOs noted victims rarely received the amount promised.

## PREVENTION

The government increased prevention efforts. An interagency committee and its secretariat coordinated anti-trafficking activities and continued to implement the 2014-2018 national action plan. The government dedicated an increased number of staff members to the committee and allocated a budget of more than 4 billion riels (\$974,896) as compared to 3.6 billion riels (\$877,407) in 2015. Local committees coordinated efforts at the provincial level; NGOs reported the central government provided modest funds to provincial committees in 2016. For example, one NGO survey noted five out of nine provincial committees received some funding, compared to four committees in 2014. The Ministry of Labor and Vocational Training released a separate action plan aimed at reducing child labor and debt bondage in the service, agricultural, mining, and energy sectors by 2025 through awareness raising, increased legal action, and collaboration with civil society, funded in part through the national budget. An NGO reported receiving 96 complaints from victims seeking legal redress from brokers or recruiting agents involved in their being subjected to trafficking in Malaysia. The government reported continuing to investigate and prosecute labor recruiters for illegal practices that may have contributed to trafficking but did not provide relevant statistics. The anti-trafficking police independently developed its own awareness campaign on policies and procedures to prevent and report sex trafficking crimes in the entertainment

sector, and conducted the related training 2,926 times during the reporting period.

The government continued to implement consular screening measures to reduce the sex and labor trafficking of Cambodian women following forced marriages, including by assessing applicants against trafficking victim profiles jointly developed with China in the prior reporting period. MFA officials claimed the number of visas granted to Cambodian applicants matching the trafficking victim profile dropped significantly during the reporting period due to this consular screening; it was unclear if the MFA had a process for referring these potential victims to law enforcement or protective services. The government entered into two labor recruitment agreements with Saudi Arabia intended to improve migrant worker protections, but it was unclear if these were implemented during the reporting period.

With support from foreign and local donors, the Ministry of Tourism produced and disseminated printed materials, radio broadcasts, billboards, and posters on the dangers of human trafficking—with a particular focus on child sex tourism—although these efforts were targeted at foreign sex tourists rather than the local population that was the main source of demand for commercial sex with children. Authorities reported arresting 12 foreign individuals suspected of engaging in child sex tourism but did not report whether they initiated prosecutions or obtained convictions in any of these cases. Local experts reported concern over the government's ongoing failure to impose appropriate punishments on foreign nationals who purchase commercial sex acts with children. The government provided anti-trafficking training for its diplomatic personnel and to members of the military prior to their deployment abroad on peacekeeping initiatives.

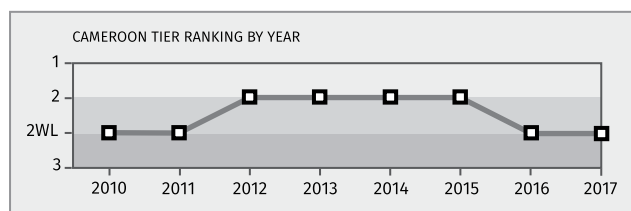
## TRAFFICKING PROFILE

As reported over the past five years, Cambodia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Cambodian adults and children migrate to other countries within the region and increasingly to the Middle East for work; many are subjected to forced labor on fishing vessels, in agriculture, in construction, in factories and in domestic servitude—often through debt bondage—or to sex trafficking. Migrants using irregular migration channels, predominantly with the assistance of unlicensed brokers, were at an increased risk of trafficking, but those using licensed recruiting agents also became victims of forced labor or sex trafficking. Children from impoverished families were vulnerable to forced labor, often with the complicity of their families, including in domestic servitude and forced begging or street vending in Thailand and Vietnam. Significant numbers of male Cambodians continued to be recruited in Thailand to work on fishing boats and subjected to forced labor on Thai-owned vessels in international waters. Cambodian victims escaping from this form of exploitation have been identified in Malaysia, Indonesia, Mauritius, Fiji, Senegal, South Africa, and Papua New Guinea. Cambodian men reported severe abuses by Thai captains, deceptive recruitment, underpaid wages, and being forced to remain aboard vessels for years. The UN reported a significant number of women from rural areas were recruited under false pretenses to travel to China to enter into marriages with Chinese men, who often incur as much as \$20,000 in debt to brokers facilitating the transaction; some Cambodian women in forced marriages faced forced factory labor or forced prostitution as a result of this debt.



## CAMEROON: TIER 2 WATCH LIST

The Government of Cameroon does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting two individuals for trafficking-related offenses, providing services to potential trafficking victims, sending a delegation to the Middle East to discuss Cameroonian migrant workers' rights with two destination governments, and continuing broad social development efforts to assist vulnerable children, including potential trafficking victims. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government penalized trafficking victims for crimes committed as a result of being subjected to trafficking; did not convict any individuals under the trafficking statute; and did not convene the inter-ministerial committee, hindering government-wide action on trafficking. The government did not support anti-trafficking training for law enforcement officials or fund repatriation for Cameroonian trafficking victims stranded in the Middle East, and it continued to rely on NGOs to bring potential trafficking cases to its attention and provide nearly all victim services. Therefore, Cameroon remained on Tier 2 Watch List for the second consecutive year.



### RECOMMENDATIONS FOR CAMEROON

Increase efforts to investigate, prosecute, and convict traffickers for all forms of trafficking—including complicit officials and cases referred by NGOs—under the trafficking section of the penal code; provide repatriation assistance, including laissez-passer cards, to Cameroonian trafficking victims identified abroad, and expand trafficking-specific services for all victims; increase collaboration with NGOs on identifying and protecting victims and raising awareness of trafficking; provide funding and training on trafficking investigations to the inter-ministerial anti-trafficking committee and regional taskforces, and regularly convene the groups; enact legislation to address the lack of victim protection measures, to ensure force, fraud, or coercion are not required in cases of child sex trafficking, and to conform the definition of “trafficking in persons” in the English version of the penal code with the 2000 UN TIP Protocol; expand training for law enforcement, judiciary personnel, and social workers on the anti-trafficking section of the penal code and victim-centered investigations; develop and train law enforcement on procedures to identify trafficking victims among vulnerable populations, including among people in prostitution and street children; train government officials and sensitize NGOs on the standardized procedures for referring trafficking victims to services; provide pre-departure information to citizens on their rights as foreign workers and sources of assistance while abroad; investigate labor recruiters and agencies suspected of fraudulent recruitment—including unlicensed recruiters and intermediaries—and prosecute if complicit in trafficking; raise awareness among citizens of registered recruitment agencies; establish anti-trafficking taskforces in all regions; and investigate cases of hereditary slavery.

### PROSECUTION

The government maintained anti-trafficking law enforcement efforts. During the reporting period, the government incorporated its 2011 anti-trafficking law into the penal code as Section 342-1 “Trafficking and Slavery of Persons.” The government published the penal code in French and English, the two official languages of the government. The French version defines “trafficking in persons” (*la traite de personnes*) in line with the 2000 UN TIP Protocol, whereas the English version defines “trafficking in persons” to require movement. In addition, although the English version does not define “exploitation,” its definition of “slavery in persons” does not require movement and criminalizes most forms of human trafficking. Contrary to international law, both versions require the use of threat, fraud, deception, force, or other forms of coercion in sex trafficking crimes against children. Section 342-1 prescribes penalties of 10 to 20 years imprisonment and a fine of 50,000 to one million CFA francs (FCFA) (\$80 \$1,608) for “*la traite de personnes*”/“slavery in persons,” which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. There are enhanced penalties if the trafficking victim is 15 years old or younger, if a weapon is used, or if the victim sustains serious injuries as a result of being subjected to trafficking. The penalties for debt bondage—criminalized in Section 3(1) of the 2011 anti-trafficking law but not explicitly criminalized in the penal code—range from five to 10 years imprisonment and a fine of 10,000 to 500,000 FCFA (\$16-\$804) and are also sufficiently stringent. Draft legislation to address victim and witness protection and definitional inconsistencies with international law, drafted in 2012 in collaboration with an NGO and national and international experts, remained pending for the fifth consecutive year.

The government did not collect comprehensive anti-trafficking data, resulting in unreliable and incomplete statistics on law enforcement and victim identification efforts. The government reported 13 potential trafficking investigations, 13 prosecutions, and two convictions, compared with 17 investigations, 20 prosecutions, and two convictions the previous reporting period. Several investigations involved child kidnapping for an unknown purpose, so it was unclear how many of the 13 cases were trafficking. Prosecutors initiated 11 adult and child labor trafficking prosecutions under the trafficking statute, and they were all ongoing at the end of the reporting period. Despite strong indicators of trafficking, judges convicted three defendants in two trafficking cases for non trafficking crimes. In one case, two defendants who collaborated with a Kuwaiti trafficker to send multiple Cameroonian women to Kuwait for domestic servitude were acquitted of trafficking charges but convicted on charges related to keeping victims by means of false pretenses, and one of the defendants was additionally charged with causing harm under false pretenses. The judge prescribed a sentence of one year in prison and ordered the defendants to pay court fees and damages to the victim, severely less than the minimum penalty of five years imprisonment prescribed for one of the crimes. In contrast with previous years, judges did not convict any individuals for trafficking charges. The government did not report any sex trafficking investigations.

NGOs alleged the government did not proactively investigate trafficking offenses but relied on NGOs to conduct preliminary investigations and bring cases to its attention. Due to the lack of collaboration between the government and NGOs and judicial inefficiencies, some regional courts and NGOs encouraged victims to settle trafficking cases outside of court; financial penalties without imprisonment do not provide adequate deterrence given the serious nature of the crime. The judiciary was reportedly investigating several government

officials for trafficking offenses at the end of the reporting period, including a police officer and an official from the Ministry of Women's Empowerment and the Family. The government did not report any prosecutions or convictions of officials complicit in trafficking offenses. Although law enforcement, judicial personnel, and other relevant officials lacked training in distinguishing human trafficking from other crimes, the government did not directly provide anti-trafficking training or grant in-kind support for trainings by other organizations. Due to the lack of training for law enforcement and judicial staff, some trafficking offenses may have been tried as child abuse or kidnapping, which carry lesser penalties.

The Ministry of External Relations (MINREX) led a delegation to Lebanon and Qatar to meet with Cameroonian trafficking victims, discuss with the host governments the rights of Cameroonian workers, and begin drafting MOUs on Cameroonian workers' rights in each country. In addition, the Cameroonian mission in Lebanon increased collaboration with trafficking victims and the host government, and MINREX established a focal point for trafficking victims who, with NGOs, made travel arrangements to repatriate 14 Cameroonian trafficking victims from Kuwait, Lebanon, and United Arab Emirates. While the delegation formulated a list of future actions, including monitoring employment agencies, creating an agency to monitor Cameroonian workers abroad, and assisting and repatriating victims identified abroad, the government did not proactively regulate such recruiters or initiate investigations of suspicious recruitment practices. Although trafficking victims provided the government a list of alleged middlemen and illegal recruitment agencies involved in exploitation, the government did not report investigating these suspects. Despite the draft MOUs and the identification of several thousand Cameroonian trafficking victims abroad, the government did not report cooperation with foreign governments on transnational trafficking investigations.

## PROTECTION

The government increased efforts to identify potential trafficking victims but maintained negligible efforts to protect Cameroonian victims identified abroad. The government did not produce comprehensive statistics on the number of trafficking victims identified or the services these victims received, resulting in unreliable and incomplete statistics on victim identification efforts. Information available indicated the government and NGOs identified 153 potential trafficking victims, compared with zero victims identified the previous reporting period, and all victims received government or NGO services. At least 42 of those identified were victims of kidnapping for an unknown purpose, so it is unclear how many were actually trafficking victims. The government placed one victim in a government-run victim shelter that provided healthcare and education, and the shelter continued to care for a trafficking victim identified in a previous reporting period. These centers were not available to adults and did not provide trafficking specific services. Men, women, domestic, and foreign victims received the same services. The Ministry of Social Affairs (MINAS) placed 92 children removed from Boko Haram—who had been abducted to serve as child soldiers and suicide bombers—in government-sponsored shelters that offered healthcare, education, and psycho-social services. MINAS also continued to place other vulnerable children and child victims of crimes in these facilities in several cities. NGOs provided shelter and services to the majority of trafficking victims in private centers funded by donors. NGOs provided assistance to 60 trafficking and potential trafficking victims, ranging from repatriation, to temporary shelter in

orphanages or social centers, to computer job skills training and a monthly allowance, to family reunification. It is unclear how and when victims were referred to government or NGO centers and if the government and NGOs communicated on such efforts. MINREX estimated 3,500 Cameroonian victims of domestic servitude remained in Kuwait and Lebanon, some of whom had expired residence permits or passports and were awaiting repatriation; it coordinated travel arrangements for 14 of these women, whom an NGO subsequently repatriated. An NGO and an international organization also repatriated an additional 10 trafficking victims from Kuwait during the reporting period; there is no evidence the government-funded the repatriations or provided access to medical services, shelter, counseling, reintegration support, or financial help to any Cameroonian victims identified abroad before or after repatriation.

There is no evidence the government made efforts to encourage victims to participate in investigations or prosecutions of their traffickers, and the government did not report providing counseling, legal support, or any other assistance to victims who testified during court proceedings. Three victims participated in criminal trials of their traffickers. One of the three victims dropped her case due to threats from the community, and a second victim reported she felt pressured to drop her case because of the financial burdens of traveling to the court, threats against her life and the lives of her children, and the absence of government protection. Victims may file suits or seek legal action against traffickers, and family members may also bring civil suits against traffickers on behalf of children. All three victims who participated in trials of their traffickers also filed restitution suits, two of which remained ongoing at the end of the reporting period; in one case, the judge required the defendant to pay damages to the victim but she did not receive the funds due to an ongoing appeal. It is unclear if courts finished adjudicating any of the 20 restitution suits filed by trafficking victims in the previous reporting period. The government could grant temporary residency status to foreign victims who, if deported, may face hardship or retribution; however, it did not report use of this accommodation during the reporting period. The government punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. In one case, a judge convicted and sentenced a 14-year-old trafficking victim to 18 months imprisonment when his trafficker—who had refused to pay the child—accused him of stealing a cow. Due to a lack of formal victim identification procedures, including measures to identify victims among vulnerable populations, some victims may have remained unidentified in the law enforcement system. In March 2017, the government deported more than 2,600 undocumented Nigerian refugees without screening for indicators of trafficking.

## PREVENTION

The government maintained prevention efforts, but its inadequate provision of resources to national and regional coordinating bodies impeded coordination on anti-trafficking initiatives. Unlike in previous years, the prime minister's office did not convene the inter-ministerial anti-trafficking committee, nor did it coordinate efforts to implement the 2014-2019 anti-trafficking national action plan. While the government did not provide funding to implement the plan, some ministries undertook efforts to assist street children and unemployed youth vulnerable to trafficking. Government-funded awareness campaigns sensitized more than 10,000 students and vulnerable street children to trafficking. MINAS provided family reunification and reinsertion care to 215 street children vulnerable to trafficking. The Northwest regional taskforce,

comprised of social welfare agencies, police, *gendarmérie*, magistrates, and NGOs, lacked the resources and training to fulfill its mandate. The previously established taskforces in the Southwest and Littoral regions were not operational during the reporting period, and the government did not establish taskforces in the remaining seven regions. In an attempt to reduce the number of Cameroonian women exploited in Kuwait, the government banned all women and youth from traveling to the Middle East from the Douala airport; to circumvent the ban, however, migrant workers began transiting Nigeria en route to the Middle East, increasing their vulnerability to trafficking. To reduce the demand for commercial sex acts, MINAS continued its public awareness campaign against child sexual exploitation, and law enforcement arrested purchasers of commercial sex; the government did not make efforts to reduce the demand for forced labor. The government provided briefings on international humanitarian law and the requirements governing international peacekeeping missions to members of the Cameroonian armed forces prior to their deployment abroad on such missions; it is unclear whether these trainings included anti-trafficking modules. In the previous reporting period, allegations arose that Cameroonian peacekeepers deployed to the UN mission in the Central African Republic (CAR) sexually exploited civilians; the government did not provide an update on the cases during the reporting period. The government reported providing anti-trafficking training for its diplomatic personnel.

### TRAFFICKING PROFILE

As reported over the past five years, Cameroon is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking and a source country for men in forced labor. Child traffickers often use the promise of education or a better life in the city to convince rural parents to give their children over to an intermediary, who then exploits the children in sex trafficking or forced labor; traffickers also kidnap victims, as heightened public awareness of trafficking has led parents to be less willing to give their children to intermediaries. Sometimes relatives subject children to sex trafficking within the country. Homeless children and orphans are especially vulnerable to trafficking. Teenagers and adolescents from economically disadvantaged families are often lured to cities by the prospect of employment but are subjected to labor or sex trafficking. Cameroonian children are exploited in domestic service, restaurants, begging or vending on streets and highways, artisanal gold mining, gravel quarries, fishing, animal breeding, and agriculture (on onion, cotton, tea and cocoa plantations), as well as in urban transportation assisting bus drivers and in construction as errand boys, laborers, or night watchmen. In northern regions, parents send young boys—known as *talibes*—to study at Quranic schools, where some are exploited in forced begging by corrupt teachers. Reports document hereditary slavery in northern chiefdoms. Children from neighboring countries are exploited in spare parts shops or by herders in northern Cameroon and transit the country en route to Gabon and Equatorial Guinea.

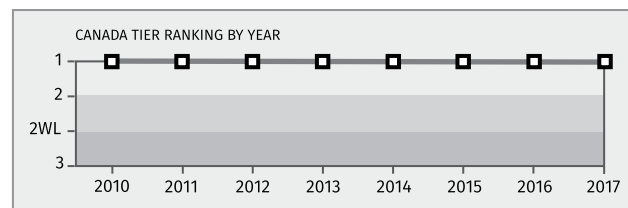
Cameroonian women and men are lured to Europe and other regions by fraudulent internet marriage proposals or offers of well-paying jobs, and subsequently are subjected to forced prostitution or forced labor, especially in domestic servitude. Cameroonians from disadvantaged social strata, rural areas, and students are increasingly exploited in forced labor and sex trafficking in the Middle East—especially Kuwait and Lebanon—as well as in Europe—including Finland—the United States, and multiple African countries, including Nigeria. Some Cameroonian women reported being recruited

for domestic work in Kuwait but sold at “slave shops” upon arrival for sex trafficking. Trafficking networks typically involve destination-country recruitment agencies that use Cameroonian intermediaries to fraudulently recruit fellow Cameroonians for work abroad. Reports suggest local awareness-raising activities targeting fraudulent recruitment have caused intermediaries to operate with greater discretion, often directing victims to travel to the Middle East through neighboring countries, including Nigeria. Some evidence indicates Cameroonian trafficking networks in Morocco force women into prostitution. Cameroonian women also transit Morocco en route to Europe, where they are often forced into prostitution by European trafficking networks.

Adults and children from CAR and Nigeria are lured to Cameroon by the prospect of better opportunities but subjected to labor trafficking. Refugees from CAR and Nigeria, as well as displaced Cameroonians fleeing insecurity in border areas, are vulnerable to human trafficking in Cameroon, especially in urban areas. Nigerian traffickers increasingly bring Nigerian children to major Cameroonian cities for forced labor in spare parts shops. The terrorist organization Boko Haram continued to forcibly recruit Cameroonian children, and Cameroon was also a destination for Nigerian women and girls used as forced suicide bombers and boys used as child soldiers by Boko Haram. An NGO alleged some officially sanctioned community neighborhood watch groups (vigilance committees) may have used and recruited children during the reporting period, including children as young as 12 years old. It also alleged these groups participated in military operations alongside the government security forces and received financial and material support from the government.

## CANADA: TIER 1

The Government of Canada fully meets the minimum standards for the elimination of trafficking. The Government of Canada continued to demonstrate serious and sustained efforts during the reporting period; therefore, Canada remained on Tier 1. The government demonstrated serious and sustained efforts by operating a national anti-trafficking taskforce to coordinate, monitor, and report on efforts to combat trafficking; launching an initiative that improved the government’s ability to identify the laundering of trafficking proceeds; and increasing efforts to prevent trafficking, particularly related to forced labor. Although the government meets the minimum standards, it identified fewer trafficking victims than in the previous year and did not improve access to or funding for trauma-informed care and specialized services. For the third consecutive year, the government did not convict any labor traffickers.



### RECOMMENDATIONS FOR CANADA

Increase specialized services and shelter available to all trafficking victims, in partnership with civil society and through dedicated funding from federal and provincial governments; increase use of proactive law enforcement techniques to investigate



human trafficking, particularly forced labor; intensify efforts to prosecute and convict traffickers; increase training for government officials, particularly for prosecutors and judges; improve coordination and communication among federal, provincial, and territorial actors and strengthen provincial interagency efforts; investigate and prosecute Canadian child sex tourists; and improve trafficking data collection, including documentation of numbers of identified victims and assistance provided.

## PROSECUTION

The government maintained efforts to hold traffickers criminally accountable, although most efforts focused on sex trafficking. Criminal code sections 279.01 and 279.011 criminalize all forms of human trafficking, prescribing penalties of four to 14 years imprisonment for trafficking adults and five to 14 years imprisonment for trafficking children. Aggravating factors such as kidnapping, sexual assault, or death increase the mandatory minimum penalty to five years and the maximum penalty to life imprisonment for trafficking adults and six years to life imprisonment for trafficking children. Such penalties are sufficiently stringent and commensurate with those for other serious crimes. Section 279.02 also makes it a crime to receive financial or any other material benefit from trafficking and prescribes a maximum penalty of 10 years imprisonment with adult victims and a mandatory minimum of two years to a maximum of 14 years imprisonment with child victims. Section 279.03 makes it a crime to withhold or destroy documents to facilitate trafficking; and prescribes a maximum penalty of five years imprisonment for adult victims and a mandatory minimum of one year to a maximum of 10 years imprisonment for child victims.

In 2016, police charged 107 individuals in 68 trafficking cases (none for labor trafficking) compared to 112 individuals in 63 cases in 2015. Prosecutions continued against 300 individuals, including 34 suspected labor traffickers, compared to 314 individuals, including 24 suspected labor traffickers, in 2015. The courts convicted 10 sex traffickers and no labor traffickers in 2016, compared to six sex traffickers in 2015 and imposed sentences ranging from six months to nine and a half years imprisonment, comparable with 2015. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with greater attention to and understanding of sex trafficking versus forced labor. NGOs and other non-governmental experts indicated police and prosecutors' understanding of human trafficking varied, leading some officials to categorize trafficking cases as other crimes or to bring civil instead of criminal charges. The government launched a new project to identify and report financial transactions suspected of being linked to the laundering of proceeds from trafficking, which resulted in 102 disclosures nationwide in 2016, compared to 19 in 2015. Federal and provincial authorities conducted training sessions for law enforcement, immigration, and labor officials and maintained online training courses offered to social, child protection victim services, and shelter workers. Some law enforcement officials reported, however, that not all immigration officials received anti-trafficking training. The federal Royal Canadian Mounted Police (RCMP) included trafficking in the national academy training for all new recruits, trained 68 police officers in an in-depth human trafficking investigators' course, and maintained a national anti-trafficking enforcement unit in Quebec. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained protection efforts, but identified fewer trafficking victims than in previous years, provided a limited number of shelter beds, did not improve access to services, and lacked trauma-informed care. Police identified 77 new victims in trafficking-specific cases in 2016, compared with 99 victims in 2015. Of these, 71 were female, one was male, and the gender of five victims was unknown; 31 were children; all were victims of sex trafficking. Authorities reported a total of 367 trafficking victims related to current and ongoing cases before the courts where trafficking-specific charges were laid. Police and prosecutors screened potential trafficking cases using established indicators, including during proactive operations such as "Northern Spotlight," which resulted in the identification of 16 potential victims. Immigration officials updated the Canada Border Services Agency. Victim Identification and Referral Manual in 2016 and continued to implement guidelines to assess whether foreign nationals were potential trafficking victims. Civil society reported provincial and territorial governments often lacked adequate resources and personnel to monitor effectively the labor conditions of temporary foreign workers or to identify proactively human trafficking victims among vulnerable groups.

The government did not report the number of trafficking victims assisted in 2016; the government reported it assisted trafficking victims through its crime victim assistance regime, which relied on Justice Canada's funding to provincial and territorial governments. The government provided access to services depending on the jurisdiction where the crime victim resided, with each province or territory using a police-based, court-based, or system-based service delivery model. Services included emergency financial assistance, food, housing, health services, and legal services. NGOs, with provincial and federal support, also provided specific services, as did provincial crime victim assistance centers, where available. Services generally included shelter, legal and immigration services, medical care, psychological and crisis counseling, income support, and interpretation. Under the Canadian Crime Victims Bill of Rights, a victim may request information about the offender's conviction and has opportunities to present information to decision-makers for consideration, protection, and restitution; the government did not provide information on whether trafficking victims accessed these rights. There were no reports that victims filed for or obtained restitution in 2016.

In 2016, Public Safety Canada (PSC) issued a call for proposals and awarded two NGOs grants to develop housing response models to address the specific needs of trafficking victims. Two NGOs, with municipal, provincial, and federal government funding, opened new trafficking-specific transitional housing projects with services. Despite these advances, NGOs reported only 24 shelter beds specifically dedicated to trafficking victims nationwide. As a result, social workers had to relocate some victims to provinces that had available housing. The government provided access to health care benefits to foreign victims through the interim federal health program or through provincial or territorial health insurance programs. NGOs reported significant problems accessing such programs, especially when victims were not cooperating with law enforcement. NGOs also reported a need for more trauma-informed care for victims, who were sometimes re-traumatized by the health care system. The government allocated 2.4 million Canadian dollars (\$1.78 million) to 25 NGOs during 2016 to enhance multi-disciplinary child advocacy centers, which provided specific services to child trafficking victims. The government, through the Department of Justice, designated 500,000 Canadian dollars (\$371,471)

for projects to improve trafficking victim services in 2016 as in previous years. Experts reported some shelters for victims of domestic violence would not accept trafficking victims due to the complexity of their needs and out of fear of their traffickers.

Although some provincial governments dedicated funding to victim assistance, Quebec's Victim Assistance Fund did not compensate or provide funding or services to women in prostitution, even if the woman was identified as a sex trafficking victim. Manitoba funded initiatives to identify and assist victims of sexual exploitation, including sex trafficking victims, with a focus on indigenous communities. Part of Ontario's \$53.97 million anti-human trafficking strategy is aimed at improving survivor's access to services such as housing, mental health services, and trauma counseling. In Ontario, however, children 16 and older were not eligible for child protective care and were often diverted to co-ed youth shelters, leaving them vulnerable to recruitment into sex trafficking. The range, quality, and timely delivery of services varied, although most provinces could offer trafficking victims access to shelter services intended for victims of violence or the homeless population, short-term counseling, court assistance, and other services.

Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada, which entitled victims to access health care and receive a work permit. The government issued TRPs to 67 foreign victims in 2016, compared with 44 TRPs in 2015. Twenty-six permits were issued to first-time recipients; 41 were issued to persons who had previously received TRPs. In comparison, authorities granted TRPs to 19 foreign victims in 2014. The government provides foreign trafficking victims eligibility for short-term 180-day temporary resident permits or long-term TRPs, which are valid up to three years. TRP holders could apply for fee-exempt work permits, but it was unclear how many foreign victims received permits in 2016. Some government officials and NGOs reported difficulties and delays in getting TRPs for foreign victims. While victims waited to receive TRPs, they could not access government services, but could receive assistance from NGOs. There were no reports that the government penalized identified victims for crimes committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased prevention efforts. PSC led a federal interagency taskforce; published regular anti-trafficking newsletters; and released annual progress reports. PSC also hosted a national forum for provincial and regional governments and NGOs in 2016 that yielded recommendations to develop further training, data collection, peer-led outreach, programs that reflect geographical and cultural contexts, and wrap-around services for victims. The government-funded and promoted awareness-raising campaigns, in partnership with civil society, aimed at indigenous people, youth, law enforcement, and the public. The RCMP Human Trafficking National Coordination Center and three regional human trafficking awareness coordinators in the provinces of British Columbia, Quebec, and Nova Scotia served as anti-trafficking points of contact for law enforcement across the country and participated in meetings to share local strategies, best practices, and successful cases. British Columbia's provincial anti-trafficking office continued to conduct training, prevention, and awareness activities. The government of Ontario developed and published a comprehensive, survivor-focused provincial anti-trafficking strategy and established an anti-human trafficking office to implement the strategy. The province allocated \$54 million

over five years to address human trafficking, and in December 2016 hired indigenous liaisons to work with native communities whose members are at risk of being trafficked. NGOs cited the need for better coordination among the federal, provincial, and territorial governments on anti-trafficking law enforcement. Authorities provided information to temporary foreign workers to let them know where to seek assistance in cases of exploitation or abuse. The government worked closely with the governments of Mexico and Caribbean countries to ensure that Canada's seasonal agricultural program provided workers with access to information on their rights and available consular and other services. Although the government modified the temporary foreign worker program to increase detection of abuse and prioritize Canadian employees over lower-paid migrants, it is not clear whether the measures led to the identification of any potential trafficking victims. According to NGO contacts, Canada's temporary foreign worker program continues to be a vehicle for human trafficking. The government conducted outreach to domestic workers of foreign diplomats to prevent and identify trafficking cases, but did not report whether the outreach led to new cases. Authorities continued to distribute a publication warning Canadians traveling abroad about penalties under Canada's child sex tourism law. The Department of Justice reported sentencing one child sex tourist and designating the individual a long-term sex offender in 2015, but did not report any convictions in 2016. The government provided more than 14.6 million Canadian dollars (\$10.85 million) to support anti-trafficking initiatives in more than 16 countries globally. The government made efforts to reduce the demand for commercial sex and forced labor through awareness-raising, training, and research. The government began to identify ways to address risks of trafficking in the federal supply chain in 2016. The government provided anti-trafficking training for its diplomatic personnel. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions.

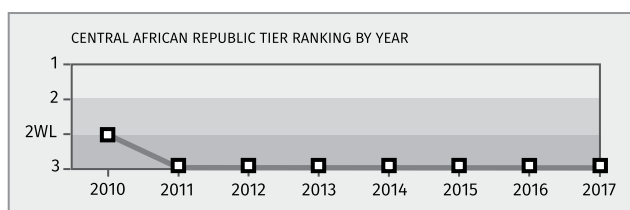
## TRAFFICKING PROFILE

Canada is a source, transit, and destination country for men, women, and children subjected to sex trafficking, and a destination country for men and women subjected to forced labor. Women and girls from indigenous communities, migrants, at-risk youth, runaway youth, and girls in the child welfare system are especially vulnerable. Foreign women, primarily from Asia and Eastern Europe, are subjected to sex trafficking in Canada. Law enforcement officials report traffickers include individuals, family-based operations, some local street gangs, and transnational criminal organizations. Labor trafficking victims include workers from Eastern Europe, Asia, Latin America, and Africa who enter Canada legally, but are subsequently subjected to forced labor in a variety of sectors, including agriculture, construction, food processing plants, restaurants, the hospitality sector, or as domestic workers, including diplomatic households. Canada is a source country for tourists who travel abroad to engage in sex acts with children. Canadian trafficking victims have been exploited in the United States.

## CENTRAL AFRICAN REPUBLIC: TIER 3

The Government of the Central African Republic (CAR) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so;

therefore, the Central African Republic remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by establishing the national Disarmament, Demobilization, Reinsertion, and Repatriation (DDRR) Consultative Committee and continuing to support the operation of an orphanage that could house potential trafficking victims. However, the government did not report prosecuting or convicting any traffickers. It also did not identify, provide protection to, or refer to assistance any trafficking victims. The government did not conduct any anti-trafficking awareness campaigns or provide any anti-trafficking training for law enforcement, prosecutors, or judges. According to an international organization, the government took no action to hold accountable armed groups that recruited and used child soldiers during the reporting period. Several international NGOs reported their anti-trafficking efforts were inhibited by harassment from local officials and general corruption.



## RECOMMENDATIONS FOR CENTRAL AFRICAN REPUBLIC

Demobilize and reintegrate child soldiers from armed groups and self-defense units; increase efforts to investigate, prosecute, convict, and adequately sentence traffickers, specifically government officials or armed group members who unlawfully recruit child soldiers; take concrete steps to provide comprehensive protection services to victims of all forms of trafficking, and ensure trafficking victims, including child soldiers, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; hold court hearings for suspected trafficking cases; thoroughly vet incoming members of the reconstituted Central African Armed Forces (FACA) to ensure soldiers who have committed abuses against children are not reintegrated; train law enforcement officials and magistrates to use the penal code's anti-trafficking provisions to investigate and prosecute trafficking offenses; in collaboration with NGOs and the international community, provide care to demobilized child soldiers and children in commercial sexual exploitation and forced labor; draft and implement a national action plan to combat all forms of human trafficking; and increase efforts to educate and encourage the public and relevant governmental authorities to identify and report trafficking victims among vulnerable populations, such as women in prostitution, street children, children associated with armed groups, and Ba'aka minorities.

## PROSECUTION

The government maintained insufficient anti-trafficking law enforcement efforts during the reporting period. Article 151 of the penal code criminalizes all forms of trafficking in persons and prescribes penalties of five to 10 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. If the offense involves a child victim of sex trafficking or forced labor similar to slavery, the prescribed penalty is life imprisonment with hard labor. Articles 7 and 8 of the January 2009 Labor Code criminalizes forced and bonded labor and prescribes sufficiently stringent penalties of five to 10 years imprisonment.

The government did not report prosecuting any trafficking cases or convicting any traffickers, and has not done so since 2008. Traditional dispute resolution methods were widely practiced throughout the country to punish criminal acts, often to the exclusion of formal legal proceedings. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government did not provide anti-trafficking training to law enforcement, prosecutors, or judges.

## PROTECTION

The government made negligible efforts to identify and protect victims. It did not report assisting or referring to care any trafficking victims during the year. The government reported there were 39 child trafficking victims, 22 boys and 17 girls, ages 9-17, who were identified by international organizations; however, it did not report referring these children to care. The government did not have or develop measures for the proactive identification of victims among vulnerable groups or enact a standardized system for referring identified victims to NGOs to receive care. The Ministry of Social Affairs continued to provide financial support to an NGO for the operation of an orphanage to house and assist children, including potential trafficking victims; however, it is unknown if any trafficking victims received assistance at this orphanage. The government could refer trafficking victims to NGOs that accept, but do not specialize in assisting, trafficking victims; however, the government did not report referring any victims to assistance from NGOs or other service providers. Without a formal identification process, victims may have remained unidentified in the law enforcement system, facing detention or penalization. In previous years, reports indicated the government arrested and jailed individuals engaged in commercial sex, some of whom may have been trafficking victims, without verifying their ages or attempting to identify indicators of trafficking; it is unknown whether the government punished any individuals for engaging in commercial sex during this reporting period. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution; however, no such victims were identified during the reporting period. An international organization, in partnership with the government, provided medical care and psychological services for demobilized child soldiers. No other specialized care was available for child or adult trafficking victims in the country. The law allows victims to file civil suits against the government or their alleged traffickers for restitution; however, there were no reports this occurred during the reporting period.

## PREVENTION

The government maintained minimal anti-trafficking prevention efforts during the reporting period. During the reporting period the government established the national DDRR Consultative Committee, responsible for engaging armed groups in the formal DDRC process, including obtaining the release of child soldiers and other children being used by armed groups and ensuring appropriate care is provided; however, they did not report any tangible decisions for the reporting period. The government did not make any progress in drafting or implementing a national action plan to combat trafficking. The government did not have an effective policy on holding foreign labor recruiters liable for fraudulent recruitment. The government did not report any efforts to raise awareness of human trafficking. The government did not report any measures to reduce the demand for commercial sex acts or forced labor, and did not provide anti-trafficking training for its diplomatic personnel.



## TRAFFICKING PROFILE

As reported over the past five years, CAR is a source, transit, and destination country for children subjected to forced labor and sex trafficking, women subjected to forced prostitution, and adults subjected to forced labor. Observers report most victims are CAR citizens exploited within the country, and a smaller number transported between CAR and Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo (DRC), Sudan, or South Sudan. Traffickers, as well as transient merchants and herders, subject children to domestic servitude, commercial sexual exploitation, and forced labor in agriculture, artisanal gold and diamond mines, shops, and street vending. Within the country, children are at risk of becoming victims of forced labor, and Ba'aka (pygmy) minorities are at risk of becoming victims of forced agricultural work, especially in the region around the Lobaye rainforest. Girls are at risk of being exploited in commercial sex in urban centers. Girls forced into marriages are often subjected to domestic servitude, sexual slavery, and possibly sex trafficking.

Surges in violent conflict in recent years resulted in chronic instability and the displacement of nearly one million people, increasing the vulnerability of men, women, and children to forced labor and sex trafficking. In March 2017, more than 402,000 people remained internally displaced and approximately 464,000 sought refuge in neighboring countries. There is limited information about the forms of exploitation believed to have increased as a result of years of conflict. The recruitment and use of children by armed groups, at times through force, particularly among armed groups aligned with the former Seleka government and the organized village self-defense units fighting against it known as the anti-Balaka, has been widely documented. An international organization reported between 6,000 and 10,000 children were recruited by armed groups during the latest conflict through 2015; some remain under the control of these armed groups. On May 5, 2015, as part of the Bangui Forum for National Reconciliation, 10 armed groups operating in the country agreed to release all children under their control and cease recruitment of child soldiers; however, an international organization reports that during the reporting period, some armed groups are recruiting child soldiers again. Between April and September 2016, 389 children were separated from armed groups. The program for the withdrawal, reintegration, and reintegration into the community of Children Associated with Armed Forces or Groups (EAFGA), which began with the signing of the Bangui Forum Agreement in May 2015, continued and to date 7,506 children were removed from armed groups through this program. The government remained without an effective disarmament, demobilization, and reintegration program. Children formerly associated with armed groups remained at risk of re-recruitment; for example, one armed group re-recruited approximately 150 children in January 2016. Additionally, reports indicated that some anti-Balaka fighters held ethnic Peuhl women and girls as sex slaves. UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) helped to facilitate the rescue of over 90 Peuhl held hostages in southwest for many months.

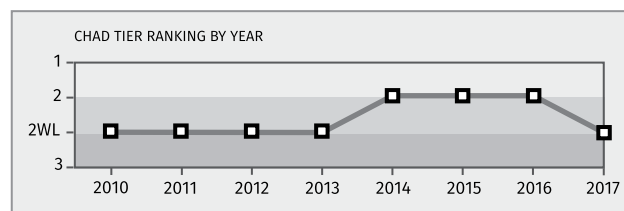
MINUSCA has over 10,000 peacekeeping forces and police in CAR to protect civilians, provide security, support humanitarian operations, and promote and protect human rights, among other objectives; however, allegations of sexual abuse by peacekeepers within MINUSCA persisted during the reporting period. The UN reported receiving 50 allegations of sexual exploitation and abuse by MINUSCA Peacekeepers by December 2016, including 16 incidents which reportedly occurred in 2016, some

of which may have involved trafficking victims. Peacekeepers from the DRC and the Republic of Congo allegedly perpetrated the majority of these 50 reported cases; however, soldiers from Bangladesh, Morocco, Niger, Senegal, Cameroon, Egypt, and Mauritania were also reportedly involved. In August 2016, MINUSCA peacekeepers and UN civilian staff were also accused of multiple cases of sexual abuse in the country, including the alleged rape by a UN peacekeeper of a 12-year-old girl. More than 100 cases were reported since MINUSCA's inception in September, 2014.

The Lord's Resistance Army (LRA), a Ugandan rebel group that operates in CAR's eastern regions, continued to enslave Central African, South Sudanese, Congolese, and Ugandan boys and girls for use as cooks, porters, concubines, and combatants. Some of these children may have been taken back and forth across borders into South Sudan or the DRC. In 2016, the LRA abducted 299 people, compared to 217 people abducted in the previous reporting period. One quarter of the abductions were children, 41 of whom are still missing or in captivity. The LRA also committed abductions, forced girls into marriages, and forced children to commit atrocities such as looting and burning villages, killing village residents, and abducting or killing other children. During the reporting period, an international organization reported the LRA abducted at least six children, from a mining camp site in Lipoutou, and 16 people were attacked and abducted by LRA forces in Mbomou; however, it is unclear if they were consequently enslaved. Similar actions by other armed groups are frequently attributed to the LRA.

## CHAD: TIER 2 WATCH LIST

The Government of Chad does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by identifying at least two trafficking victims. It implemented some measures to prevent the recruitment and use of child soldiers by training members of the military and verifying the age of entrants at military centers. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government reported a decrease in the number of investigations, prosecutions, and convictions compared to the previous year. It did not provide specialized services for trafficking victims and did not systematically refer victims to NGOs or international organizations for care. Therefore, Chad was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR CHAD

Enact legislation prohibiting all forms of trafficking in persons and prescribing sufficiently stringent punishments; strengthen enforcement of existing laws to combat trafficking in persons; vigorously investigate and prosecute suspected trafficking offenders and sentence them to time in prison; provide training to magistrates on managing trafficking and applying

penalties that have a deterrent effect under existing laws; provide specialized anti-trafficking training to law enforcement officers and prosecutors; work with NGOs and international organizations to increase the provision of protective services to all trafficking victims, including children exploited in sex trafficking or forced into cattle herding or domestic service; allocate regular funding to support the activities of the inter-ministerial committee on trafficking in persons, including funding for victim protection efforts; and raise public awareness of trafficking issues, particularly at the local level among tribal leaders and other members of the traditional justice system.

## PROSECUTION

The government decreased law enforcement efforts. Existing laws do not specifically prohibit trafficking, though they do prohibit forced prostitution and many types of labor exploitation. Article 20 of the Constitution prohibits slavery and servitude. Title 5 of the labor code prohibits forced and bonded labor, prescribing penalties ranging from six days to three months of imprisonment or a fine of 147,000 to 294,000 (\$236-\$473) Central African CFA francs (FCFA) or up to 882,000 CFA (\$1,419) for repeat offenders; these penalties are not sufficiently stringent to deter this form of trafficking and do not reflect the serious nature of the crimes. Penal code articles 279 and 280 prohibit the “prostitution” of children, prescribing punishments of five to 10 years imprisonment and fines up to 1,000,000 FCFA (\$1,608); Title 5 of the labor code punishes forced labor and servitude with fines ranging from 50,000 FCFA to 500,000 FCFA (\$80 to \$804). These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Pimping and owning brothels are prohibited under penal code articles 281 and 282. The African Charter on the Rights and Welfare of the Child, the January 1991 Ordinance on the Reorganization of the Armed Forces, and the Optimal Protocol to the Convention on the Rights of the Child prohibit recruitment of children younger than 18 years; punishment for those who violate this provision is at the discretion of military justice officials. In December 2016, the National Assembly passed an updated penal code at the end of the reporting period that required presidential proclamation at the end of the reporting period before it could be enacted into law; it includes 16 articles specifically criminalizing trafficking in persons and is intended to align Chad’s law with the 2000 UN TIP Protocol. Draft revisions to the child protection code, also including provisions criminalizing trafficking in persons, awaits the President’s proclamation and enactment.

Although the government did not collect comprehensive law enforcement data, it initiated one investigation which led to the prosecution of one *marabout* for the alleged forced begging of two Quranic school students; the suspect was in detention while this case remained pending at the close of the reporting period. The government did not report any convictions. These efforts represent a decrease compared with six investigations, four prosecutions, and three convictions during the previous reporting period. The government did not report any new investigations, prosecutions, or convictions of complicit officials; however, NGOs reported of some local officials’ complicity in trafficking during the reporting period. During the previous reporting period, authorities arrested the police commissioner of the city of Kelo on suspicion of involvement in child trafficking; however, after initial investigation for kidnapping, officials released the suspect from custody and, while the case remained open, it was unknown whether officials continued to actively investigate the charge. In 2016, the Chadian National Police Child Protective Services (Brigade des Mineurs) continued to

investigate child abuse and exploitation, including trafficking.

## PROTECTION

The government decreased efforts to identify and protect trafficking victims. It did not officially report the number of victims identified or referred to protection services, although it identified at least two victims whom it referred to a public hospital for immediate care. These efforts represent a decrease from 13 victims identified in 2015. Regional committees, located in eight regions in Chad, identified and referred an unknown number of victims to protective services, but these service agencies lacked adequate resources to fully investigate every case. The government continued to lack formal victim identification and referral procedures. The government did not finalize or begin implementation of its draft guide for security forces, NGOs, social workers, and civil society outlining steps to assist suspected trafficking victims, such as informing the police and referring victims to social services or local NGOs. The guide also details what role different institutions have during an investigation and provides guidance on social services, health centers, and shelters, as well as information about how to reunite victims with their families when possible. Inadequate human and financial resources severely limited the government’s ability to provide adequate services to victims of all crimes, including trafficking victims. The government continued to provide limited in-kind contributions and social services to victims of crime through a joint agreement with UNICEF, though these services were not specific to the needs of trafficking victims. Through this joint agreement, the government also provided facilities to UNICEF, which used the buildings as shelters for victims of crime, including trafficking victims. During the reporting period, these multipurpose shelters were used to provide shelter and services to an unknown number of children; the government ultimately reunited the children with their families. The government did not have a formal policy to offer temporary or permanent residency for foreign victims of trafficking. There were no reports the government punished trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government decreased efforts to prevent trafficking. The inter-ministerial committee responsible for coordinating government efforts to combat trafficking did not convene due to cabinet reshuffles throughout the reporting period. The government made no discernible efforts to raise awareness on trafficking or reduce the demand for forced labor or commercial sex during the reporting period. The government provided Chadian troops human rights training, which included anti-trafficking training, prior to their deployment abroad on international peacekeeping missions, in collaboration with a foreign donor. The government did not provide anti-trafficking training or guidance for its diplomatic personnel.

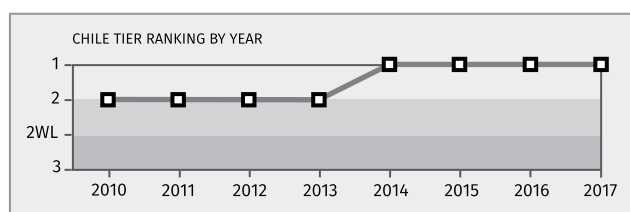
## TRAFFICKING PROFILE

Chad is a source, transit, and destination country for children subjected to forced labor and sex trafficking. The country’s trafficking problem is primarily internal and frequently involves children being entrusted to relatives or intermediaries in return for promises of education, apprenticeship, goods, or money, and subsequently subjected to forced labor in domestic service or herding. Children are subjected to forced labor as beggars and agricultural laborers. Some children who leave their villages to attend traditional Quranic schools are forced into begging,

street vending, or other labor. Child herders, some of whom are victims of forced labor, follow traditional routes for grazing cattle and, at times, cross ill-defined international borders into Cameroon, Central African Republic, Sudan, and Nigeria. Some of these children are sold in markets for use in cattle or camel herding. In some cases, child herders are subjected to forced labor by military or local government officials. Chadian girls travel to larger towns in search of work, where some are subsequently subjected to child sex trafficking or are abused in domestic servitude; child sex trafficking is also a concern among refugees and IDPs in Chad. NGOs report that the Nigerian terrorist groups Boko Haram and its offshoot Islamic State-West Africa are involved in child trafficking. In the Lake Chad area, since May 2015, attacks by Boko Haram and concurrent government military operations increased the number of IDPs, a population vulnerable to trafficking, to 76,225. Vigilante groups in Chad may have recruited and used children in armed conflict.

## CHILE: TIER 1

The Government of Chile fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Chile remained on Tier 1. The government demonstrated serious and sustained efforts by pursuing more prosecutions and obtaining more convictions under the trafficking statute, increasing funding for victim services, assisting a greater number of child sex trafficking victims, and developing a national identification and referral mechanism. Although the government meets the minimum standards, weak sentences for trafficking convictions continued to hamper efforts to deter and hold traffickers accountable. The government continued to prosecute and convict internal child sex trafficking cases under a law that does not prescribe penalties commensurate with other serious crimes.



## RECOMMENDATIONS FOR CHILE

Increase efforts to penalize traffickers with dissuasive sentences proportionate to the severity of the crime; investigate, prosecute, and convict all forms of human trafficking, including internal child sex trafficking, under law 20.507; expand access to specialized shelters for victims, including male victims and victims outside the capital; issue guidance to law enforcement and members of the judiciary clarifying that third-party prostitution of children is sex trafficking; encourage members of the judiciary to order restitution on behalf of all victims of trafficking who request it; strengthen law enforcement's capacity to respond to trafficking victims, including by providing translation services when needed; increase legal representation to victims who wish to seek restitution from their exploiters; develop guidelines for officials to screen for trafficking indicators for children involved in illicit activities; and make efforts to reduce the demand of commercial sex and forced labor.

## PROSECUTION

The government increased prosecution efforts, although imposed penalties for convicted traffickers were inadequate as none of the eight convicted traffickers served prison terms. Law 20.507 prohibits all forms of human trafficking, prescribing penalties ranging from five years and one day to 15 years imprisonment, plus fines, for trafficking offenses. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Chilean officials continued to investigate and prosecute many internal child sex trafficking cases under article 367 of the penal code, which penalizes promoting or facilitating child sex trafficking. Minimum penalties for this crime range from three to five years imprisonment, which is commensurate with those for other serious crimes, such as kidnapping, although well below those for rape. In practice, judges frequently suspended or commuted sentences of individuals convicted of serious offenses, including human trafficking. Anti-trafficking police units opened 23 new investigations in 2016, four for sex trafficking and 19 for labor trafficking, compared with 15 cases in 2015, seven for sex trafficking and eight for labor trafficking. Authorities prosecuted 109 cases, 103 under article 367 for promoting and facilitating child sex trafficking, and six under law 20.507 for trafficking, compared with 94 prosecutions in 2015 (91 under article 367 and three under law 20.507). The government obtained convictions for eight traffickers, three under article 367 and five under law 20.507 (two for sex trafficking and three for labor trafficking), an increase from three under article 367 and none under law 20.507 in 2015. However, none of the traffickers convicted during the reporting period were sentenced to terms of incarceration, although some were in pre-trial detention. Convicted traffickers were sentenced to probation, a penalty inadequate given the severity of the crime. In contrast, in 2015, the government sentenced two of the three convicted traffickers to three years imprisonment and the third trafficker to daily overnight imprisonment. The government obtained its first labor trafficking conviction, handed down by a panel of judges in a bench trial, in a case in which three children from Ecuador were forced to work 12-hour days, seven days a week selling clothes and handicrafts on the street in cold weather and doing domestic work in the home of two Ecuadorian nationals. The children were never paid and had no access to education or medical services. The defendants were found guilty and sentenced to probation. In another labor trafficking case involving one child from Ecuador, defendants provided restitution in the amount of 5 million pesos (\$7,480) as part of a settlement and were sentenced to 5 years probation. The government did not report any prosecutions or convictions of government officials allegedly complicit in human trafficking offenses during 2016. The former deputy police chief who had been investigated for his alleged involvement in the commercial sexual exploitation of children was convicted of sexual abuse after the investigations concluded he had not been a part of the trafficking ring.

The government provided specialized training on trafficking to more than 420 officials in 2016, including law enforcement, prosecutors, justice officials, often in partnership with NGOs and international organizations. The public prosecutor's office maintained an active anti-trafficking working group that provided guidelines for investigating trafficking cases and maintained a human trafficking coordinator in each regional office. The human trafficking coordinator notified and coordinated new cases with specialized units at the national prosecutor's office to ensure assignment of prosecutors with trafficking experience or experience prosecuting other complex or transnational crimes. In December 2016, the public prosecutor's



office created a northern Chile internal working group, including regional prosecutors from three northern provinces, to increase coordination and effectiveness of criminal investigations into organized crime, including trafficking in persons. Authorities increased the staff of the trafficking and smuggling investigative police unit in Santiago to 28 detectives from 24; a similar unit in Iquique had eight detectives. Authorities reported lack of specialized funding for trafficking efforts remained a concern; it limited access to qualified translators and interpretation services for investigations involving foreign victims and specialized legal representation for victims, particularly for those seeking restitution via civil lawsuits. The government participated in an international law enforcement operation of 36 countries that resulted in the detention of 10 traffickers.

## PROTECTION

The government maintained victim protection efforts. Authorities identified 23 trafficking victims during the year including two children, 15 for labor trafficking, and eight for sex trafficking, compared with 65 trafficking victims in 2015 and 16 in 2014. The National Service for Minors (SENAME) assisted 1,341 children who were victims of commercial sexual exploitation in 2016, compared with 1,285 in 2015; authorities did not report how many were victims of trafficking or how many of the children assisted were new in 2016. Provision of victim services remained uneven across the country and NGOs reported funding was inadequate to provide necessary services, especially shelter. The National Service for Women and Gender Equality (SERNAMEG) allocated 92.2 million Chilean pesos (\$137,859) to fund the NGO-operated shelter for women victims of trafficking, smuggled women, and their children, an increase from 85 million pesos (\$127,093). The shelter facilitated health, immigration, and employment services. In 2016, the shelter housed 10 women, including six foreigners from Ecuador, Russia, and Haiti. The shelter was at full occupancy and all other victims were referred to non-specialized shelters for victims of domestic abuse. SENAME provided services to child sex trafficking victims through its national network of 17 NGO-operated programs for children, including boys, subjected to commercial sexual exploitation. There were no shelters for adult male victims or victims outside the capital. SENAME increased funding to 2.717 billion Chilean pesos (\$4.1 million) in 2016, compared with 2.276 billion Chilean pesos (\$3.4 million) in 2015. The Social Action Department of the Ministry of Interior had a separate fund to assist vulnerable migrants that was used for trafficking victim services.

In 2016, the anti-trafficking interagency taskforce published a comprehensive identification and referral guide for public officials, including police officers, immigration officials, health providers, labor, health, and municipal inspectors. According to this guide, 63 percent of trafficking victims in Chile were male, yet specialized assistance for male victims was limited. Law enforcement officials lacked guidelines for dealing with potential trafficking victims detained or placed in protective custody for alleged criminal acts, such as children involved in illicit or illegal activities. The government increased training efforts outside the capital and maintained robust efforts to train first responders, including health workers, public officials, and victims. Reintegration services such as education and job placement assistance were insufficient, and officials reported access to quality mental health services was expensive and limited. Authorities provided training on victim assistance and identification to 275 government officials, including labor inspectors, SENAME staff, and first responders. The

Department of Migration continued to provide no-fee visas for trafficking victims and issued 16 in 2016. The visa is valid for six months, renewable for up to two years. Renewal requires that the victim report the crime to the prosecutor's office. The government did not report if restitution was granted to any victims through civil or criminal cases in 2016; however, in a forced labor case the defense provided 5 million Chilean pesos (\$7,476) to the victim. There were no reports the government penalized trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking.

## PREVENTION

The government maintained prevention efforts. The Ministry of Interior continued to lead the anti-trafficking interagency taskforce—which included government agencies, as well as international organizations and local NGOs—and its three sub-commissions. The taskforce continued to implement the 2015-2018 national action plan. While there was improvement in interagency cross-referencing and sharing of data, more robust coordination was needed. A team of forensic psychologists completed a qualitative study on the nexus between the psychological aspects involved in human trafficking, such as coercion, intimidation, abuse of power, dependency, and the forensic investigatory techniques that can support a criminal investigation. By the end of the reporting period, the results of the study were not published; however, authorities indicated the findings were incorporated into the training offered to the investigative police.

A law enacted last year continued to strengthen protections for domestic workers, including by requiring registration of domestic worker contracts, setting limits on weekly hours, and authorizing labor inspectors to enter employers' homes, with their permission, or to require their appearance at a labor inspection office. The government reported that no victims were identified as a result of the inspections conducted. The government continued the "Blue Campaign," a website to combat human trafficking, and a video campaign to commemorate the UN World Day against Trafficking in Persons. The government continued to conduct awareness efforts, including prevention campaigns focused on reducing demand for commercial sexual exploitation of children. The government did not report efforts to reduce the demand for forced labor or adult commercial sex. Authorities provided anti-trafficking training to Chilean troops prior to their deployment abroad for international peacekeeping missions. The government provided anti-trafficking training to its diplomatic personnel.

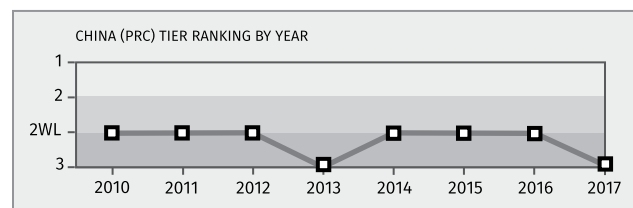
## TRAFFICKING PROFILE

As reported over the past five years, Chile is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Chilean women and children are exploited in sex trafficking within the country, as are women and girls from other Latin American countries and Asia. Some traffickers may recruit children staying in child protection centers. Men, women, and children—primarily from other Latin American countries, as well as Asia—are exploited in forced labor in Chile in mining; agriculture; construction; street vending; the hospitality, restaurant, and garment sectors; and domestic service. Chinese immigrants may be vulnerable to sex trafficking and forced labor and Korean women are subjected to sex trafficking. Chilean authorities identified a significant number of children involved in illicit activities, including drug trafficking and theft; some of these children may have been trafficking victims. Chilean men are subjected to labor

trafficking in Peru and Chilean women are subjected to sex trafficking in Argentina, as well as other countries. Brothels in small towns are often frequented by police officers, dissuading potential trafficking victims from reporting exploitation. In 2016, law enforcement investigations and convictions indicated an increasing number of Ecuadorian men, women, and children are exploited in forced labor and sex trafficking in Chile.

## CHINA: TIER 3

The Government of the People's Republic of China (PRC) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, China was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including increasing cooperation with other countries to investigate cases involving Chinese trafficking victims overseas and by funding awareness campaigns and materials to increase general understanding of the issue. The government continued to provide law enforcement data and reported convicting numerous traffickers; however, it was unclear how many of the cases reported by the government were consistent with the international definition of human trafficking. The government reported operating shelters specifically for trafficking victims, as well as multi-purpose shelters available to accommodate trafficking victims. However, some unverified media and NGOs reports indicated government complicity in forced labor continued, including in some drug rehabilitation facilities where individuals continued to be detained without judicial process. Human rights organizations and media continued to report local officials in Xinjiang coerced Uighur men and women to participate in forced labor in and outside the province, despite the local government issuing a notice in early 2017 the practice had been completely abolished. The government convicted fewer sex and labor traffickers compared to the previous reporting period. Authorities continued to forcibly repatriate North Koreans, where they faced severe punishment including forced labor and execution, without screening them for indicators of trafficking. While the government reported mandating authorities screen for indicators of trafficking among all individuals arrested for prostitution, it was unclear if any were screened, and the government did not report referring any such potential victims to shelters or other care. The law does not fully criminalize all forms of trafficking such as the facilitation of prostitution involving children younger than the age of 18, and defines several crimes as human trafficking that do not fit within international law. The government handled most cases with indicators of forced labor as administrative issues and initiated prosecutions of the traffickers in relatively few cases.



## RECOMMENDATIONS FOR CHINA

End forced labor in government facilities and by government officials outside of the penal process; vigorously investigate, prosecute, and impose prison sentences on perpetrators

of forced labor and sex trafficking, including government officials who facilitate or are complicit in trafficking; update the legal framework to criminalize fully all forms of trafficking, including the facilitation of prostitution involving children younger than the age of 18; expand efforts to institute proactive, formal procedures to systematically identify trafficking victims throughout the country, including labor trafficking victims, Chinese victims returning from abroad, and victims among vulnerable groups, such as migrant workers and foreign and local women and children arrested for prostitution; improve procedures to prevent victims from being punished for acts committed as a direct result of being subjected to trafficking; ensure authorities do not subject trafficking victims to detention, punishment, or forcible repatriation; expand victim protection services, including comprehensive counseling and medical, reintegration, and other rehabilitative assistance for male and female victims of sex and labor trafficking; provide legal alternatives to foreign victims' removal to countries where they would face hardship or retribution, particularly North Korea; increase the transparency of government efforts to combat trafficking and provide disaggregated data on efforts to investigate and prosecute sex and labor trafficking of adults and children and to identify and provide protection services to victims of all forms of trafficking; and continue to provide data on the number of criminal investigations, prosecutions and convictions in cases identified as involving forced labor, including recruiters and employers who facilitate forced labor and debt bondage, both within China and abroad.

## PROSECUTION

The government decreased law enforcement efforts. It reported crimes outside international law's definition of human trafficking, making it difficult to assess appreciable progress from the previous reporting period. Not all statistics were captured by the central government. The criminal code prohibits many forms of trafficking, although it differs from international law on human trafficking. Article 240 of the criminal code prohibits "abducting and trafficking of women or children," which is defined as a series of acts (e.g., abduction, kidnapping, purchasing, selling, sending, receiving) for the purpose of selling women and children. While the acts that comprise the crime are not tied specifically to a purpose of exploitation, as international law defines trafficking in persons, crimes such as forced labor or forced prostitution are addressed in related articles. In addition, a 2016 opinion from the Supreme People's Court (SPC) interpreting article 240, et seq. provides that "selling and buying human beings is banned for any reason. The SPC will penalize crimes of trafficking and purchasing regardless of victims' gender, age, and nationality for whatever purpose according to the law." Crimes under article 240 are punishable by no less than 10 years imprisonment, with life imprisonment or the death penalty possible in particularly serious circumstances. Article 241 criminalizes the purchase of women or children, although like article 240, it does not require that the purchase be done for the purpose of exploitation as international law defines human trafficking. Article 358 criminalizes organizing prostitution and forced prostitution, which is punishable by five to 10 years imprisonment or, with aggravated circumstances, up to life imprisonment. Article 359 makes it a crime to harbor prostitution or seduce or introduce others into prostitution and is subject to a maximum five years sentence and payment of a fine; for the seduction of girls younger than the age of 14 into 'prostitution,' the sentence is five years or more and a fine. Under international law, the inducement of children under the age of 18 to engage in prostitution, without resort to force, fraud, or coercion, and the forced prostitution of adults, are both

forms of sex trafficking. Article 244 makes it a crime to force a person “to work by violence, threat or restriction of personal freedom” and to recruit, transport or otherwise assist in forcing others to labor, punishable by three to 10 years imprisonment and a fine. Prescribed penalties under all these statutes are sufficiently stringent and commensurate with those prescribed for other serious crimes, including rape. In January 2017, SPC issued a widely-publicized formal interpretation regarding the application of the law in cases involving the trafficking of women and children which advised that in certain cases, including when women or children were purchased and then subjected to sexual exploitation or begging, respectively, a person found guilty of trafficking should be convicted “according to the provisions of combined punishment for several crimes,” thereby increasing the penalty for such crimes.

The government continued to provide some law enforcement data; it reported investigating 1,004 trafficking cases (1,414 in 2015) and convicting 1,756 traffickers (2,076 in 2015) in 2016. However, unlike in the previous reporting period, it did not report the number of prosecutions initiated in 2016. In addition, due to China’s definition of human trafficking, which may include human smuggling, child abduction, forced marriage, and fraudulent adoptions, the exact number of trafficking offenses the government investigated, prosecuted, and convicted was unclear. The Ministry of Public Security (MPS) reported investigating 1,004 cases of human trafficking and arresting 2,036 suspects (1,932 in 2015), including 45 suspected cases of forced labor (21 in 2015) involving the arrest of 74 suspects. In one investigation across 13 provinces involving disabled labor trafficking victims, the government arrested 464 suspects. The government reported convicting 435 sex traffickers (642 in 2015) and 19 labor traffickers (72 in 2015) as well as convicting 1,302 offenders in cases in which it was unclear what forms of exploitation occurred. The government did not report the number of investigations, prosecutions, or convictions involving cases of children or disabled persons forced to beg or engage in other illegal activities.

The government handled most cases with indicators of forced labor as administrative issues through the Ministry of Human Resources and Social Services and seldom initiated prosecutions of such cases under anti-trafficking statutes. The government increased law enforcement cooperation with foreign governments, investigating cases of Chinese citizens subjected to trafficking in the United States, Africa and Europe, with some investigations resulting in prosecutions. The government reported funding training in rural areas for court officials and prosecutors; however, it did not provide detailed information on these efforts. In addition, law enforcement officials, prosecutors, and judges attended trainings on trafficking organized by other countries and international organizations; when authorities participated in these trainings, the PRC sometimes provided speakers and venues, and funded lodging, transportation, and meals for some participants. Despite reports of police accepting bribes from sex traffickers, including brothel owners, the government reported few investigations of government employees complicit in human trafficking offenses. Two officials who reportedly solicited child trafficking victims for commercial sex acts were expelled from their political party and positions; however it is unclear if the government subjected these officials to criminal prosecution.

## PROTECTION

The government maintained minimal efforts to protect victims. The government did not report comprehensive data

on how many victims it identified during the reporting period. It did report identifying 432 women and 406 children as a result of law enforcement investigations, in addition to identifying 98 disabled labor trafficking victims. However, it was unclear how many were victims of human trafficking as defined by international law and despite reporting services were available to assist victims, it did not report how many victims it assisted during the reporting period. The government reported maintaining at least 10 shelters specifically dedicated to care for trafficking victims, as well as eight shelters for foreign trafficking victims and more than 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims. The government reported victims could receive shelter, medical care, counseling, and other services. However, the government did not provide victim protection data to ascertain the extent to which trafficking victims in fact accessed these shelters or services. Access to specialized services was dependent upon victims’ location and gender. Rehabilitation services for trafficking victims, especially mental health services, were limited. The impact or effectiveness of the government’s previously reported victim assistance—including border liaison offices, victim funds, hotlines, and government-to-government agreements to assist victims—remained unclear. Foreign embassies in China reportedly provided shelter or protective services to victims.

The government sponsored trainings and provided speakers for trainings organized by an international organization to government officials and civil society on a national referral mechanism and standards for treatment of victims of trafficking. The government detained women during police prostitution raids and detained some of these women while their cases were under investigation; previously, detained women could be held for up to 15 days, however, the government reported a new policy during the reporting period to limit detention to a maximum of 72 hours. While the government reported it mandated screening for trafficking indicators of all individuals arrested for prostitution, it did not report how many victims were identified from this screening and referred to shelters or other care facilities. The Office to Combat Trafficking in Persons continued to disseminate trafficking victim identification procedures to law enforcement officials throughout the country. The government held interagency meetings to establish a national referral mechanism and adopted victim identification guidelines, however, identification procedures varied according to local officials’ training and understanding of trafficking. This variation increased the risk that unidentified trafficking victims were detained or deported following arrest for unlawful acts committed as a direct result of being subjected to human trafficking. The government entered into agreements with neighboring countries and increased training of border officials. The government did not uniformly provide temporary or permanent residence permits to foreign trafficking victims. The government reported cooperating with law enforcement in Spain, France, Malaysia, the United States, and countries in Africa on cases involving Chinese women exploited in sex trafficking; however, most victims chose not to return to China. Chinese law provides victims the right to request criminal prosecution and claim financial restitution by filing civil lawsuits against their traffickers; the government did not report if any victim benefited from this provision. The judicial system did not require victims to testify against their traffickers in court and allowed prosecutors to submit previously recorded statements as evidence. Authorities continued to detain North Korean asylum-seekers and forcibly repatriated some to North Korea where they faced severe punishment or death, including in North Korean forced labor camps. As it was unclear if the government screened these individuals for indicators of



trafficking and there were reports the government forcibly returned some North Korean trafficking victims in previous years, authorities may have forcibly repatriated some North Korean trafficking victims. The government did not report if legal alternatives to repatriation were available for suspected North Korean trafficking victims.

## PREVENTION

The government maintained efforts to prevent trafficking. The government funded a television show, used traditional and social media, and distributed posters and other materials at transportation and community centers to increase general understanding of the issue. The government continued to hold an annual inter-ministerial meeting to coordinate anti-trafficking efforts. MPS continued to coordinate the anti-trafficking interagency process and lead interagency efforts to implement the National Action Plan on Combatting Human Trafficking. In 2016, MPS invested more than 5 million renminbi (RMB) (\$720,250) on handling major cases, conferences, trainings, information system construction, and international law enforcement cooperation, as well as 50 million RMB (\$7.2 million) for a special anti-trafficking fund for local law enforcement. The government reported conducting campaigns to educate vulnerable children on the risks of exploitation and allocated resources to maintain contact with children left in rural communities whose parents have migrated to cities. Academics and experts noted the gender imbalance due to the previous one child policy could contribute to crimes of human trafficking in China. The government's easing of the birth limitation policy may decrease future demand for prostitution and foreign women as brides for Chinese men. Provincial government officials acknowledged most marriages between foreign women and Chinese men, including some forced marriages that may also involve trafficking, had not been legally formalized and examined options to legitimize such marriages and formulate mechanisms to provide residency rights to foreign nationals who married a Chinese citizen. Government officials pointed to a reduction in child abduction cases as an indicator of a reduction in human trafficking crimes; however, it was unclear how many child abduction cases in China are related to exploitation in commercial sex or forced labor.

The government *hukou* (household registration) system continued to contribute to the vulnerability of internal migrants by limiting employment opportunities and reducing access to social services. The government addressed some of these vulnerabilities by requiring local governments to provide a mechanism for migrant workers to obtain residency permits in urban areas. The government reported efforts to reduce forced labor by including language in written agreements with foreign businesses and countries explicitly prohibiting human trafficking. The government attempted to reduce the demand for commercial sex through its crackdown on corruption and high profile arrests of men soliciting or procuring prostitution. Addressing reports of Chinese nationals engaged in child sex tourism, media reports indicated the government issued draft regulations penalizing Chinese tourists engaging in prostitution while abroad; however, it was unclear if these regulations were issued or implemented. The government did not report investigating or prosecuting any Chinese citizens for purchasing commercial sex while abroad. The government provided anti-trafficking training to its troops prior to their deployment abroad as part of international peacekeeping missions and to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, China is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. China's internal migrant population, estimated to exceed 180 million people, is vulnerable to trafficking, with Chinese men, women, and children subjected to forced labor in brick kilns, coal mines and factories, some of which operate illegally and take advantage of lax government enforcement. While the law prohibits employers from withholding property from an employee as a security deposit, previous reports indicated such practices continued, thus making certain workers vulnerable to forced labor. Forced begging by adults and children occurs throughout China. There are reports of traffickers targeting for forced labor and forced begging persons with developmental disabilities as well as children whose parents have migrated to the cities and left them with relatives, estimated at more than 60 million. International media and the ILO report children in some work-study programs supported by local governments and schools are forced to work in factories. African and Asian men are exploited on Chinese vessels, working under conditions indicative of forced labor.

State-sponsored forced labor continued to be an area of concern in China. In 2013, the PRC's National People's Congress ratified a decision to abolish "Re-education through labor" (RTL), a systematic form of forced labor of individuals subjected to extra-judicial detention from which the government reportedly profited. The government closed most RTL facilities by October 2015; however, the government reportedly converted some RTL facilities into state-sponsored drug rehabilitation facilities or administrative detention centers where, according to unverified reports, forced labor continued. Religious and political activists held in legal education facilities previously reported forced labor occurred in pretrial detention and outside of penal sentences. The government previously detained some women for prostitution offenses for up to two years, and subsequently up to 15 days, without due process in "custody and education" centers where they were subjected to forced labor, but it reported changing its official policy in 2016 to limit the time women detained for prostitution could be held in detention facilities to 72 hours. Reports continued of forced labor in and outside Xinjiang, whereby the government forced ethnic Uighurs to perform farm labor as a way of keeping them from getting involved in "illegal activities." On February 4, 2017, the local government issued a notice that rural obligatory labor had been completely abolished throughout Xinjiang; however, it remains unclear if this practice was in fact discontinued. A new law on the management of foreign NGO activities inside mainland China placed foreign NGOs under the supervision of the MPS. As a result of concerns with the law's vaguely worded provisions, an already limited space for civil society, including those able to provide services for trafficking victims and those vulnerable to exploitation, was further constrained.

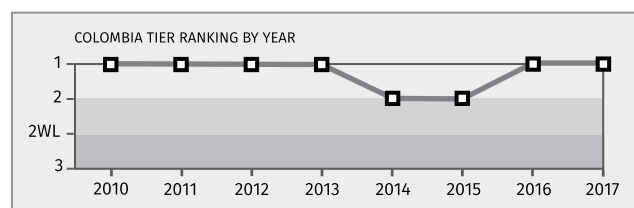
Chinese women and girls are subjected to sex trafficking within China. Traffickers typically recruit them from rural areas and take them to urban centers, using a combination of fraudulent job offers and coercion by imposing large travel fees, confiscating passports, confining victims, or physically and financially threatening victims to compel their engagement in commercial sex. Well-organized criminal syndicates and local gangs play key roles in the trafficking of Chinese women and girls in China, recruiting victims with fraudulent employment opportunities and subsequently forcing them into commercial sex. Chinese men, women, and children are also subjected to forced labor and sex trafficking in at least 19 other countries. Traffickers recruit girls and young women, often from rural areas of China,

and Chinese men and women who are forced to labor in restaurants, shops, agriculture, and factories in overseas Chinese communities. Some are promised jobs abroad and confined to private homes upon arrival overseas, held in conditions indicative of forced labor, and compelled to conduct telephone scams. Chinese men in Africa and South America experience abuse at construction sites, in coal and copper mines, and in other extractive industries where they face conditions indicative of forced labor such as non-payment of wages, restrictions on movement, withholding of passports, and physical abuse. Chinese women and girls are subjected to sexual exploitation throughout the world, including in major cities, construction sites, remote mining and logging camps, and areas with high concentrations of Chinese migrant workers.

Women and children from neighboring Asian countries, Africa, and the Americas are subjected to forced labor and sex trafficking in China. North Korean women are subjected to forced prostitution, forced marriage, and forced labor in agriculture, domestic service, and factories. According to media and a 2015 UN report, North Korean citizens are subjected to forced labor in China by the North Korean government, possibly with the knowledge of Chinese officials. African and South American women are promised legitimate jobs in China and forced into prostitution upon arrival. The Chinese government's birth limitation policy and a cultural preference for sons created a skewed sex ratio of 117 boys to 100 girls in China, which observers assert increases the demand for prostitution and for foreign women as brides for Chinese men—both of which may be procured by force or coercion. Women and girls are kidnapped or recruited through marriage brokers and transported to China, where some are subjected to commercial sex or forced labor.

## COLOMBIA: TIER 1

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Colombia remained on Tier 1. The government demonstrated serious and sustained efforts by removing a legal requirement for victims to file a complaint against their traffickers before receiving assistance, identifying more victims, increasing funding for government agencies providing services, increasing the number of investigations, taking law enforcement action against complicit officials, providing training and developing tools for labor inspectors, and strengthening internal coordination to combat trafficking, including approving the 2016-2018 anti-trafficking strategy. Although the government meets the minimum standards, it failed to fund the national anti-trafficking strategy, it reduced funding for specialized NGOs, and long-term care for trafficking victims remained insufficient.



## RECOMMENDATIONS FOR COLOMBIA

Vigorously prosecute and convict traffickers; in partnership with civil society and through dedicated funding from national and local governments, increase specialized services and shelter available to all trafficking victims; improve access to long-term care for trafficking victims; increase efforts to identify child victims exploited in sex trafficking, forced begging, and within informal sector activities, such as street vending; increase anti-trafficking training for law enforcement officials, prosecutors, judges, and labor inspectors; fully fund the national anti-trafficking strategy; vigorously investigate, prosecute, and convict illegal armed groups or organized crime groups involved in forced child recruitment or forced criminal activity; increase efforts to hold public officials complicit in trafficking criminally accountable; and improve data collection and disaggregation, such as by finalizing and implementing the national trafficking information system.

## PROSECUTION

The government maintained law enforcement efforts. Article 188 A of Law 985 of the penal code prohibits all forms of trafficking and prescribes punishments of 13 to 23 years imprisonment plus fines up to 1,500 times the monthly minimum salary. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 188 B provides aggravating factors, which if present, increase the article 188 A punishment by one-third to one-half, including if the victim is younger than 18 years of age. Article 141 prohibits forced prostitution in situations of armed conflict and prescribes a penalty of 160 to 324 months imprisonment and a fine. Authorities sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping. Police arrested 29 suspects for trafficking or trafficking-related crimes (41 in 2015 and 37 in 2014). In 2016, the government opened 150 investigations for trafficking or trafficking-related crimes (135 in 2015 and 122 in 2014); prosecuted 59 trafficking cases with an unknown number of defendants; and convicted 25 individuals of trafficking and trafficking-related crimes (31 in 2015 and seven in 2014). It was unclear how many convictions were for forced labor or for sex trafficking. Authorities indicated convicted traffickers received an average of 10.5 years imprisonment in 2016. Sixteen of the cases investigated were referred from the anti-trafficking hotline (56 in 2015 and 176 in 2014). Government officials did not consider forced child recruitment or forced criminal activity by illegal armed groups or organized criminal groups to be trafficking in persons, and therefore investigated or prosecuted these cases as other crimes. Social workers and other officials interacting with potential trafficking victims, such as children exploited in sex trafficking or in the worst forms of child labor, did not always refer these cases for criminal investigation. In 2016, the Colombian Child Welfare Institute (ICBF) referred 170 cases of potential forcible recruitment or forcible use of children in the commission of criminal activities; however, it was unclear how many were investigated, prosecuted, or convicted. Authorities collaborated with the several foreign governments on anti-trafficking law enforcement operations and investigations, including an operation in which two U.S. citizens were arrested for allegedly running a child sex tourism business.

Trainings provided to law enforcement, prosecutors, and members of the judiciary decreased, compared with 2015, when authorities trained a variety of officials on human trafficking, often through partnerships with international organizations. The government indicated several cases of alleged official complicity

were open and at different stages of the judicial process. The investigation into the alleged involvement of police officials with criminal gangs that sexually exploited children in Bogota remained open. In February 2016, the director of the national police stepped down after evidence surfaced of an alleged trafficking ring inside a police training facility where young male cadets were sold into prostitution to high-ranking officials and members of the legislature. In October, the investigation of the former director was closed because evidence showed that he was not serving as director of the national police during the time of the incident and did not have command and control of the unit in question. In November, authorities formally charged a retired colonel for his alleged role in this case and a retired police major also faced charges. In May, a judge convicted 12 individuals, including nine immigration officials and two police officers, for their involvement with a criminal network engaged in human trafficking and drug smuggling. Two immigration officials were sentenced of 10 months in prison and ordered to pay a fine of 71 minimum salaries, and all other individuals were awaiting sentencing at the end of the reporting period. During the reporting period, courts convicted an individual in the 2013 case of municipal employees in the department of Antioquia for their involvement in the commercial sexual exploitation of children, two other individuals awaited oral hearings, and one remained under investigation.

## PROTECTION

The government increased protection efforts. The Ministry of Interior (MOI) reported authorities identified 68 trafficking victims (67 in 2015 and 59 in 2014). Of the identified victims, 47 were sex trafficking victims, 10 were forced labor victims, four were victims of forced begging, three were domestic servitude victims, and four were unidentified. The ICBF identified 46 cases of child trafficking, 39 girls and 7 boys (39 girls and 6 boys in 2015). Authorities and an international organization identified at least 167 children who separated from illegal armed groups in 2016 (229 in 2015 and 243 in 2014). In 2016, the recruitment of children by illegal armed groups for armed conflict reached a historic low after the government signed a peace accord with the Revolutionary Armed Forces of Colombia (FARC) to end a more than five-decade conflict. During the reporting period, the FARC had released 57 children from its ranks, all of whom received medical and psychological evaluations from an international organization before referring them to the ICBF for additional reintegration services. The Ministry of Labor (MOL) and an international organization began drafting a protocol for the identification of trafficking victims that will be included in the training manual provided to all labor inspectors. In 2016, the MOL provided anti-trafficking training to 10 officials from the inspection and surveillance unit on developing an identification protocol for labor trafficking victims.

Presidential decree 1069 of 2014, which clarified the implementation of Law 985, mandated the government to provide emergency trafficking victim protection and assistance, which includes medical and psychological assessments and assistance, clothing and hygiene kits, housing, transportation, legal advice, issuance of travel and identity documents, and repatriation; and medium-term assistance, such as educational services, job training and job search assistance, and economic support. Emergency assistance was provided for five calendar days, and could be extended for an additional three calendar days as needed; medium-term assistance was provided for up to six months, and could be extended for an additional three months. Of the 76 identified victims, the government provided 63 with emergency assistance and 37 with medium-

term assistance. In addition, 19 victims received protective measures and 38 received repatriation assistance. All 46 child victims identified by the ICBF received services. In August 2016, the constitutional court invalidated language in article 7 of Law 985 of the penal code, which had required victims to file an official complaint against their traffickers in order to receive assistance. The Interagency Committee for the Fight against Trafficking in Persons (ICFTP), which coordinated the efforts of 16 national entities, created formal instructions for each agency in the committee to standardize reporting, identification of victims, and provision of rapid assistance. NGOs acknowledged improved coordination, but criticized delays in service delivery, the lack of long-term victim assistance, and lack of attention to vulnerable populations. NGOs indicated the absence of formal procedures for engagement with civil society resulted in uncoordinated and limited engagement by the government. The government did not operate specialized shelters dedicated to adult trafficking victims, but it referred victims to NGOs for these services. The ICBF provided shelters for child trafficking victims. Shelter and services for male victims were very limited. NGOs asserted Afro-Colombian, indigenous, LGBTI, and disabled persons received insufficient attention, but the government reported maintaining a shelter for LGBTI victims of violence, an indigenous training center, and policies to assist disabled victims.

Authorities increased budget resources to government agencies responsible for assisting trafficking victims. In 2016, the government appropriated 2.3 billion pesos (\$766,284) for internal trafficking victims and earmarked 222.8 million pesos (\$74,230) to assist Colombian trafficking victims abroad [compared with 596.1 million pesos (\$198,601) in 2015 for internal victims and 200 million pesos (\$66,633) for Colombian victims abroad]. The government also disbursed 15.7 billion pesos (\$5,230,718) to provide services to child victims of sexual violence, including child trafficking victims. The national government ceased funding to specialized NGOs; however, some states continued to provide emergency assistance to victims. Authorities lacked sufficient funding and personnel to provide specialized services, reintegration work with families, and vocational training for children. Decree 1069 makes local governments responsible for providing services beyond emergency care, but most had no funding dedicated to providing specialized services.

The government approved measures to formalize a referral mechanism to provide protection for victims who assist in the penal process. During the reporting period, the government assisted five victims, witnesses, and family members through the victim and witness protection program. Some victims were reluctant to report their exploitation or testify against their traffickers due to fear of reprisals or lack of trust in the justice system. There were no reports that victims were detained, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. The government again did not provide updates on the 2014 media report alleging a trafficking victim was incarcerated due to testimony of another victim's father, who alleged she was a recruiter in a trafficking ring. Authorities could provide foreign trafficking victims with temporary permission to remain in the country during the investigative process on a case-by-case basis; however, authorities have never reported doing so. In July, a civil court upheld a settlement for back wages and benefits for a forced labor victim, but there were no reports on the number of trafficking victims who received restitution to which they were entitled under articles 102 and 103 of the criminal procedure code.



## PREVENTION

The government maintained prevention efforts. The government treated different forms of trafficking as distinct crimes subject to different government entities' jurisdiction, which resulted in uneven interagency coordination of anti-trafficking efforts. The ICFTP continued to hold monthly formal meetings, and in June, the government approved the 2016-2018 anti-trafficking strategy. NGOs reported increased government coordination with civil society following the adoption of the national anti-trafficking strategy. The government did not fund the national anti-trafficking strategy and NGOs indicated insufficient funding for the plan created assistance gaps, leading to inadequate services for victims. Civil society reported that there was inconsistent coordination and engagement with NGOs. NGOs and international organizations noted the absence of a national trafficking information system hindered monitoring, research, and evaluation of the impact of trafficking in persons in Colombia; however, authorities reported progress in developing this system. Members of civil society continued to file petitions to obtain statistical information from the ICFTP and the MOI. Authorities maintained an interagency commission for the prevention of child recruitment by armed groups and a separate committee on child sexual exploitation. During the reporting period, the MOI advised departments on ways to include an anti-trafficking strategy in their annual development plans and on procedures to request funding from the national government. Consequently, increasing local government coordination on anti-trafficking initiatives, leading five departments to allocate budgets to combat trafficking and 21 departments to include an anti-trafficking strategy in their development plans. The MOI consulted periodically with anti-trafficking committees in the 32 departments, but NGOs indicated the committees lacked expertise and funding. Colombia's anti-trafficking operations center's toll-free 24-hour hotline received 1,320 calls, including 16 suspected trafficking cases, which were under investigation. Authorities continued several interrelated trafficking awareness campaigns, commemorated World Day Against Human Trafficking in July in various parts of the country, and conducted other prevention efforts, often in partnership with an international organization and NGOs. The government, working with an international organization, designed a strategy and campaign to prevent fraudulent recruiting, which can lead to forced labor, and distributed materials at a public event; however, it did not report efforts to reduce the demand for forced labor. Authorities conducted investigations for child sex tourism and reported the arrest of one person for this crime. The government provided anti-trafficking training for its diplomatic personnel.

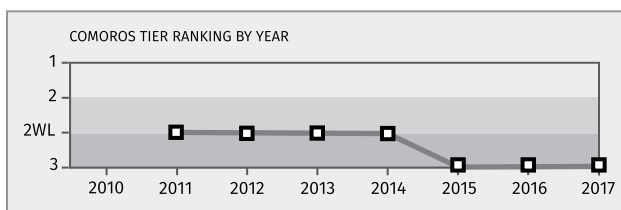
## TRAFFICKING PROFILE

As reported over the past five years, Colombia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor in Colombia and in Asia, the Caribbean, Europe, Mexico, and Central and South America. Groups at high risk for trafficking include internally displaced persons, Afro-Colombians, Colombians with disabilities, indigenous Colombians, and Colombians in areas where armed criminal groups are active. Sex trafficking of Colombian women and children occurs within the country and around the world, particularly in Latin America, the Caribbean, and Asia. Authorities reported high rates of children exploited in sex trafficking in areas with tourism and large extractive industries. Sex trafficking in mining areas sometimes involves organized criminal groups. Transgender Colombians and Colombian men in prostitution are vulnerable to sex trafficking within Colombia and in Europe. Colombian labor trafficking

victims are found in mining, agriculture, and domestic service. Colombian children working in the informal sector, including as street vendors, are vulnerable to labor trafficking. Colombian children and adults are exploited in forced begging in urban areas. Illegal armed groups forcibly recruit children to serve as combatants and informants, cultivate illegal narcotics, and exploit them in sex trafficking. Children and adolescents who separate from the ranks of illegal armed groups are vulnerable to trafficking. Organized criminal groups and other individuals force vulnerable Colombians, including displaced persons, into prostitution and criminal activity—particularly to sell and transport illegal narcotics and serve as lookouts and assassins. Such groups use false job opportunities and feigned friendship or romance to recruit victims and threats to maintain control over them. Colombia is a destination for foreign child sex tourists, primarily from North America and Europe.

## COMOROS: TIER 3

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Comoros remained on Tier 3. Despite the lack of significant efforts, the newly elected government took some steps to address trafficking, including adopting a National Policy for the Protection of Children in Comoros to combat child sex and labor trafficking. However, the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes, including of complicit officials. It did not identify and protect any victims and lacked formal procedures to do so. It did not provide adequate resources to law enforcement officials, including the Morals and Minors Brigade, the office charged with investigating child abuse and exploitation. The extensive use of financial settlements in lieu of investigation and prosecution of crimes, and the use of mediation, resulting in the return of children to their alleged exploiters, continued to be serious concerns.



## RECOMMENDATIONS FOR COMOROS

Revise and enact draft amendments to the penal code related to trafficking and address potential contradictions of those provisions with the child labor law and other relevant laws; in cooperation with NGOs and international organizations, increase the availability of protection services, including counseling and psychological care, for adult and child trafficking victims; develop procedures to identify and refer trafficking victims to care; investigate, prosecute, and convict traffickers, including allegedly complicit officials; end the practice of returning children to their exploiters through arbitration; increase work with international partners to implement recommendations from the forthcoming study on the forms and extent of the trafficking problem in Comoros; undertake efforts to engage Mayotte officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte; expand anti-trafficking public awareness campaigns; and accede to the 2000 UIN TIP Protocol.

## PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law does not prohibit all forms of human trafficking. Article 310 of the penal code prohibits aiding or assisting in the prostitution of others, prescribing penalties of six months to three years imprisonment and fines. Article 311 prescribes increased penalties, ranging from two to 10 years imprisonment, for aggravating factors related to article 310. Article 323 prohibits the facilitation of child prostitution and prescribes sufficiently stringent punishments of two to five years imprisonment and fines; however, these penalties are not commensurate with those for other serious crimes, such as rape. Existing laws do not criminalize the forced prostitution of adults. Article 2 of the labor code prohibits forced and bonded labor, prescribing insufficiently stringent penalties of three months to three years imprisonment or fines. The Law Countering Child Labor and Trafficking in Children (child labor law), which went into effect in January 2015, criminalizes slavery or similar practices, such as the sale and trafficking of children, bonded labor, and debt bondage—as well as forced or compulsory labor—including the forced or compulsory recruitment of children for use in armed conflicts in article 6 and prescribes an insufficiently stringent penalty of five months to 10 years imprisonment. There appears to be an overlap between provisions of the child labor law, the labor code and the penal code that could add to the challenge of prosecuting traffickers in Comoros. Despite parliamentary approval in 2014, the president did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. It did not report investigating, prosecuting, or convicting traffickers during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government did not provide further information on the previously reported investigation of a magistrate allegedly responsible for the domestic servitude of a 14-year-old girl. Corruption at all levels of government, law enforcement, and the judiciary remained a significant concern in Comoros and hindered law enforcement efforts, including efforts to address trafficking. Judges were known to have negotiated agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Families or village elders settled many allegations of sexual violence, including sex trafficking, informally through traditional means, without recourse to the formal court system.

The Morals and Minors Brigade investigated an unknown number of cases of child abuse and exploitation nationwide through July 2016, which may have included child trafficking; its investigative efforts were hampered by a lack of government funds during the reporting period. Some police reportedly returned sexually abused children to their exploiters. NGO-run listening centers, supported by an international organization to provide assistance to abused and neglected children, reported 24 cases of sexual abuse on Anjouan, and 18 arrests from 27 cases of sexual violence against minors on Moheli, some of which may have involved trafficking crimes.

The police lacked basic resources, including vehicles, fuel, and equipment, and often relied on victims to provide funds for transport or communication. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. The Ministry of Labor's four labor inspectors—responsible for

implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the law and did not receive operational resources to conduct labor inspections of informal work sites, where children are especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period.

## PROTECTION

The government maintained minimal protection efforts. The government did not provide direct assistance or services for victims and provided minimal support to NGOs doing so. There were no government shelters for adults or child victims of abuse or human trafficking, and the quality of care in NGO-operated shelters remained poor. In the absence of adequate funding, NGO staff sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians. In 2016, the government continued to provide the salaries of two employees and donated office space for the NGO-run and international-organization-supported listening centers for abused and neglected children. The morals and minors brigade lacked facilities to shelter child victims, even temporarily, and few of its staff had training in interviewing child victims of crime. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. There were no reports of the government penalizing victims for crimes committed as a direct result of being subjected to trafficking; however, victims may have remained unidentified in the law enforcement and immigration systems.

## PREVENTION

The government made minimal efforts to prevent trafficking. The government's interagency monitoring group—comprised of representatives of relevant government agencies, NGOs, and international organizations—began drafting an updated national action plan. Government efforts to work with an international partner to conduct a study on the forms and extent of the trafficking problem in Comoros stalled. While the labor ministry signed an agreement with some labor recruitment agencies to facilitate review of transnational recruitment processes and to monitor advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment, the effort lacked tangible results. The Ministry of Health adopted a National Policy for the Protection of Children in Comoros in partnership with other government institutions in November 2016; this policy included actions to combat child labor and child trafficking. The government continued to fund a toll-free emergency line for reporting crimes to assist in the identification of victims of child abuse and exploitation. The government did not make efforts to reduce demand for commercial sex acts or forced labor. Comoros is not a party to the 2000 UN TIP Protocol.

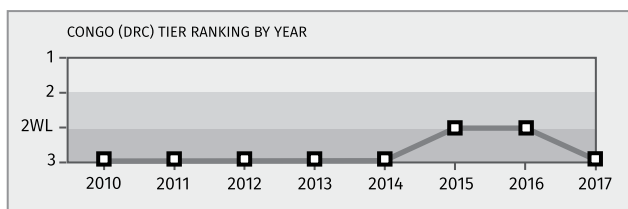
## TRAFFICKING PROFILE

As reported over the past five years, Comoros is a source country for children subjected to forced labor and sex trafficking within the country; Comorian women and children are subjected to forced labor in Mayotte. Comorian women and Malagasy women who transit Comoros may be subjected to forced labor in the Middle East. Children on Anjouan, some of whom were abandoned by parents who left to seek economic opportunities in other countries, are subjected to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. On Anjouan and Moheli, poor

rural families frequently place children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; some of these children are subjected to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some up to age 14) study at informal neighborhood Koranic schools headed by private instructors, where some are exploited as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. Women and girls are reportedly subjected to sex trafficking in Comoros. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in human smuggling. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte are especially vulnerable to domestic servitude and sex trafficking.

## CONGO, DEMOCRATIC REPUBLIC OF THE: TIER 3

The Government of the Democratic Republic of the Congo (DRC) does not fully meet the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so; therefore, the DRC was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including measures to end the recruitment and use of child soldiers, holding officials complicit in child soldiering accountable, and cooperating with international organizations and NGOs to identify and demobilize child soldiers. The government also continued efforts to combat sexual exploitation and certify mines to prevent the use of forced and child labor. The government provided modest protection services to some trafficking victims, and some officials, in partnership with NGOs and international organizations, referred potential trafficking victims to protection services. However, authorities continued to arrest and detain some victims, including child soldiers. Recent reports allege the Congolese National Police (PNC) and the Congolese National Army (FARDC) executed unarmed children who were allegedly associated with the Nsapu armed group and that the FARDC supported and broadly collaborated with various proxy militias that recruit and use children. The government made negligible efforts to investigate, prosecute, or convict offenders of sex trafficking, as distinct from other sexual crimes, or labor trafficking. Lack of an anti-trafficking framework, capacity, funding, and widespread corruption continued to hinder efforts to combat all forms of human trafficking throughout the country.



## RECOMMENDATIONS FOR THE DEMOCRATIC REPUBLIC OF THE CONGO

Develop legislation to comprehensively address all forms of trafficking, consistent with international law; cease collaboration, financial, and in-kind support to groups recruiting and using

children; continue measures to end the unlawful recruitment and use of child soldiers by the FARDC and other armed groups, and continue to cooperate with international organizations and NGOs to identify, remove, demobilize, and refer all children associated with armed groups to appropriate care; in partnership with civil society, take concrete steps to provide comprehensive protection services to victims of all forms of trafficking, and ensure trafficking victims, including child soldiers, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; use existing legislation to investigate, prosecute, convict, and adequately sentence traffickers, and continue to investigate and prosecute government officials complicit in the unlawful recruitment and use of child soldiers; create an inter-ministerial anti-trafficking committee to support development of anti-trafficking legislation and adopt an action plan to combat all forms of trafficking; provide training and develop procedures for officials to proactively identify trafficking victims among vulnerable groups, including women and children in prostitution, street children, and men, women, and children in artisanal mining, and to refer victims to NGO-run protection services; develop procedures for collecting and reporting data on cases of sex trafficking as distinct from other sexual violence crimes; improve training for law enforcement and judicial officials on combating all forms of human trafficking; and raise awareness about human trafficking among the general public.

## PROSECUTION

The government maintained efforts to investigate and prosecute officials and armed group leaders complicit in child soldiering and sexual exploitation, but made negligible efforts to combat other forms of trafficking throughout the country. The DRC does not have an anti-trafficking law, nor do existing laws criminalize all forms of human trafficking; the lack of a legal framework continued to contribute to officials' lack of understanding of trafficking and their conflation of it with other crimes, such as illegal international adoption. Adult forced labor is not criminalized under Congolese law, although the Constitution prohibits involuntary servitude. The 2006 sexual violence statute (Law 6/018) prohibits sexual slavery, sex trafficking, and child and forced prostitution and prescribes penalties ranging from five to 20 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Child Protection Law 09/001 prohibits forced child labor, child prostitution, and the use of children in illicit activities, and prescribes penalties of 10 to 20 years imprisonment for sexual slavery; these penalties are sufficiently stringent and commensurate with other serious crimes. Forced child labor, debt bondage, and child commercial sexual exploitation carry penalties of one to three years imprisonment, which are not sufficiently stringent. The enlistment of persons younger than 18 years old into the armed forces and the police carries penalties of 10 to 20 years imprisonment. Corruption remained a hindrance to adequately punishing trafficking offenders.

The government investigated, prosecuted, and convicted trafficking suspects, including several officials, of child soldiering and sexual violence, which may have included sex trafficking; however, it did not make vigorous law enforcement efforts directly targeting sex or labor trafficking offenses. The government did not report comprehensive data on investigations, prosecutions, and convictions as there is no centralized database for trafficking information. In 2016, the government investigated three FARDC officials and an armed group leader, from *Mouvement Populaire d'Auto-Defense* for



child recruitment; these cases remained ongoing at the end of the reporting period. The government reportedly charged 319 FARDC officials, 135 PNC officials, and 18 civilians or members of armed groups in military courts for crimes of sexual violence; however, it was unclear if these cases involved sex trafficking crimes, how many were convicted, or what the penalties were. The government convicted and sentenced a FARDC colonel in June 2016 to seven years imprisonment for rape of a minor; and in May 2016, the government reportedly arrested and charged in military court 90 persons, including a provincial Member of Parliament, for abduction, rape and genital mutilation in Kavumu, South Kivu province. An international organization reported that the government convicted 41 offenders, including several officials, in military court and one FARDC officer in 2016; however, it was unclear what the individuals were charged for or what sentences were imposed. The government demonstrated increased efforts to address and improve its data collection on sexual violence, which may have included sex trafficking crimes. Such efforts appeared to fulfill the 2015 commitment by FARDC commanders to combat sexual violence by soldiers, including sexual slavery, through prosecution of perpetrators and protection of victims, witnesses, and judicial actors involved in addressing these crimes. The government provided limited training to some police and military personnel on preventing child soldiering, protecting human rights, and preventing sexual violence, but it did not provide training to officials on all forms of human trafficking.

## PROTECTION

The government continued efforts to identify and refer child soldiers to international organizations for assistance. As part of its national Disarmament, Demobilization, and Reintegration (DDR) Plan, the government continued to cooperate with an international organization and NGO child protection partners to identify and remove child soldiers from illegal armed groups operating in eastern DRC. The government worked with an international organization, and reported identification of at least 1,662 children in 2016, who were consequently separated from illegal armed groups; once identified, there was a procedure in place to send the victims for specialized care. The government identified one child soldier from Rwanda and 16 from Burundi being transported through eastern DRC to participate in an armed conflict in Burundi. The government of Uganda reported eight Ugandan children were separated from the Allied Democratic Front armed group in the DRC, and remained in the DRC due to difficulties with family tracing. Other than identifying child soldiers during the reporting period, the government did not make appreciable efforts to identify victims of sex and labor trafficking among other vulnerable groups, such as street children, women and children in prostitution, and men, women, and children in artisanal mining, even though the scope of these problems was significant. However, some NGOs in eastern DRC reported police and security officials identified and referred an unknown number of potential victims to NGOs for care on an ad hoc basis in 2016.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. In partnership with NGOs, the Ministry of Social Affairs and the Office of the President's Representative on Sexual Violence and Child Recruitment assisted an unknown number of victims of sexual violence, possibly including trafficking victims, during the reporting period. Housing for up to three months, attempts at family reunification, and support for socio-economic integration were services reported to be available from the government;

however, it is unclear whether any of these services were provided to trafficking victims during the reporting period. Several NGOs also provided services to survivors of sexual violence, including trafficking victims, as well as children separated from armed groups; services included access to medical and psychological services, legal assistance, and reintegration services including literacy and vocational training. The Ministry of Social Affairs worked with local NGOs to reintegrate street children—some of whom may have been trafficking victims—and child soldiers into their communities and to reunify them with their families. Trafficking victims could file cases against their traffickers in civil courts. The government consistently allowed for the safe repatriation of foreign child soldiers in cooperation with an international organization. Despite these efforts, some trafficking victims, including child soldiers, continued to be subject to detention for unlawful acts committed as a direct result of being subjected to human trafficking. An international organization identified 174 children in detention centers, who were detained for their alleged association with armed groups, an increase from the previous reporting period.

## PREVENTION

The government continued efforts to prevent the recruitment and use of children into the FARDC, sexual exploitation, and forced labor in mining, but it did not make tangible efforts to prevent other forms of trafficking. During the reporting period, the government continued to implement a national action plan—supported by an international organization—to end the recruitment and use of child soldiers and remove them from armed groups, through the Joint Technical Working Group, which comprised of government ministries, NGOs, and international organizations. The working group met regularly throughout the reporting period and in addition to newly created groups in Bunia, Beni, and Lubumbashi, the government established groups in the Tanganyika and North Kivu provinces. There were no confirmed cases of child soldier recruitment by the FARDC for the second consecutive year. In partnership with NGOs, the government screened more than 7,500 new FARDC recruits to verify their ages. The government drafted UN-approved standard operating procedures for use in methodically verifying the age of potential enlistees. Through the screening process, the government prevented more than 191 children from joining the FARDC in 2016. However, there were multiple reports of the FARDC's broad collaboration with and provision of arms, ammunition, and funding to proxy militias that recruit and use children, including various Mai Mai groups. There are currently no measures in the national action plan to address the termination of these proxy relationships.

Due in part to capacity and security constraints, the government did not have an inter-ministerial anti-trafficking committee to address all forms of trafficking. The government did not initiate anti-trafficking public awareness campaigns during the reporting period; however, a local NGO conducted an awareness campaign in Kinshasa, which included community theater, television programming, and collaboration with local churches, youth groups, schools, and universities. The government did not make efforts to reduce the demand for commercial sex acts. The government continued to make efforts to reduce the demand for forced labor in artisanal mining, but did not do so in other sectors. In 2016, the government continued its efforts in cooperation with an international organization to validate and certify approximately 285 artisanal mining sites in eastern DRC as conflict-free and child labor-free, a significant increase from 215 in the previous year. The Ministry of Labor, responsible for inspecting worksites for child labor, remained understaffed

and had limited resources to conduct inspections for child labor violations, including trafficking violations, throughout the country. Furthermore, the government's committee to address child labor lacked funding and did not meet in 2016, nor did the government adopt a draft national action plan to combat the worst forms of child labor. Following reports of sex trafficking and domestic servitude of several women from DRC in Lebanon and Kuwait, the government reportedly prohibited travel to Lebanon for young women; however, it is unclear if the government undertook any proactive efforts to regulate foreign labor recruitment and train or raise awareness among intending Congolese migrant workers. The government did not provide anti-trafficking training for FARDC members deployed abroad in peacekeeping operations; in January 2016, an international organization reported allegations that peacekeepers from the DRC committed sexual abuse crimes in the Central African Republic, but it was unclear if any of these crimes amounted to sex trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

### TRAFFICKING PROFILE

As reported over the past five years, the DRC is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. In 2016, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants and in support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; women and girls were forced to marry or serve as sex slaves for members of some armed groups. As reported in 2015, some children were also forced to commit crimes for their captors, such as looting and extortion. In 2016, an international organization reported 184 confirmed cases of children who were forcibly recruited and used by armed groups, while 1,662 children were separated or escaped from armed groups. In 2016, abductions for recruitment by the Lord's Resistance Army increased slightly, and 16 Burundian child soldiers and one Rwandan child soldier, some recruited from refugee camps, transited the DRC to fight in armed groups in Burundi. Child soldiers who were separated from armed groups and reintegrated into society remain vulnerable to re-recruitment, as adequate rehabilitation services did not exist for children suffering severe psychological trauma, stigmatization may interfere with community reintegration, and armed groups continue to recruit children.

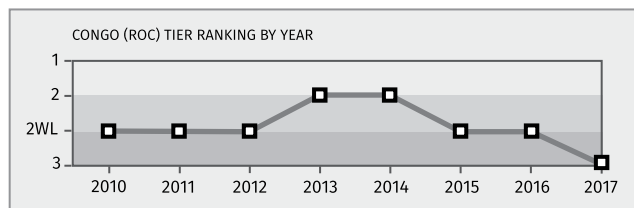
For a second consecutive year, international observers reported there were no cases of child recruitment by the FARDC in 2016. However, there were multiple reports of the FARDC's broad collaboration with and provision of arms, ammunition, and funding to proxy militias that recruit and use children, including various Mai Mai groups. In particular, an international organization reported ongoing collaboration between the FARDC and Mai Mai Guidon, also known as Nduma Defense of Congo Renove (NDC-R)—to coordinate battlefield tactics and capture of territory from a foreign illegal armed group with ammunition and support from senior Congolese army officials—which recruited and used at least 27 children during the reporting period.

Some men, women, and children working in artisanal mines in eastern DRC are subjected to forced labor, including debt bondage, by mining bosses, other miners, family members, government officials, and armed groups. Some children are subjected to forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals. In January 2016, an international

organization reported widespread abuse, including forced labor, of some children in artisanal cobalt mines in southern DRC; some children reported extremely long working hours and physical abuse by security guards employed by the state mining company. Children are also vulnerable to forced labor in small-scale agriculture, domestic work, street begging, vending, and portering. Some street children are suspected to be forced to participate in illicit drug transactions and exploited in sex trafficking. An NGO reported some families send their children to Kinshasa, after being promised educational opportunities for the children; however, upon arrival, the children are subjected to forced labor and sex trafficking. Children from the Republic of the Congo may transit through the DRC en route to Angola or South Africa, where they may be subjected to domestic servitude. Some Congolese women and girls subjected to forced marriage are highly vulnerable to domestic servitude or sex trafficking. Congolese women and children migrate to other countries in Africa, the Middle East, and Europe, where some are exploited in sex trafficking, domestic servitude, or forced labor in agriculture and diamond mines. Some women may be fraudulently recruited and forced into domestic servitude abroad through false promises of education or employment opportunities. Some Angolans who enter the DRC illegally to work in Bas Congo province are vulnerable to forced labor.

### CONGO, REPUBLIC OF THE: TIER 3

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, the Republic of the Congo was downgraded to Tier 3. Despite the lack of significant efforts, the government investigated and prosecuted five suspected traffickers during the reporting period. However, the government did not fund or take any steps to implement the 2014-2017 national action plan, nor did it provide funding to the Trafficking in Persons Coordinating Committee in Pointe-Noire. The government has never convicted any traffickers; several cases in prosecution have been pending for up to six years. Harassment of anti-trafficking activists, reportedly including police, inhibited their work. The lack of an inter-ministerial coordinating body and low understanding of anti-trafficking laws among government officials continued to hinder countrywide efforts to address internal trafficking and sex trafficking from the Democratic Republic of the Congo and other countries.



### RECOMMENDATIONS FOR THE REPUBLIC OF THE CONGO

Enact comprehensive anti-trafficking legislation that prohibits adult trafficking; fund the Trafficking in Persons Coordinating Committee, the national action plan, and protective services such as the foster care system; expedite hearings to address the trafficking case backlog or consider prosecuting trafficking cases in the low court in the interim; increase efforts to investigate and prosecute trafficking offenses and to convict and punish

traffickers, including complicit government officials; increase outreach, victim identification, and law enforcement efforts on sex trafficking and internal trafficking beyond Pointe-Noire and Brazzaville, with specific attention to the trafficking of adults and indigenous persons; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution, and train social workers and law enforcement officials on these procedures; provide adequate security and supervision for victims placed in foster families and anti-trafficking activists and partners; establish a national body that includes all relevant ministries to increase coordination of countrywide anti-trafficking efforts; bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and DRC; and accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts and still has not secured any trafficking convictions. Article 60, chapter 2 of the 2010 Child Protection Code prohibits the trafficking, sale, trading, and exploitation of children, for which article 115 prescribes penalties of hard labor for an undefined period of time and a fine. Article 68 prohibits the worst forms of child labor, for which article 121 prescribes penalties between three and five years of imprisonment or fines of 1 million to 10 million African Financial Community (CFA) francs (\$1,608 to \$16,084) for child sexual exploitation, and article 122 prescribes penalties between three months and one year of imprisonment or fines of 50,000 to 500,000 CFA francs (\$80 to \$804) for forced child labor. Article 4 of the country's labor code prohibits and penalizes forced or compulsory labor, but there are no penalties defined in the law. None of these penalties are sufficiently stringent, and the penalties prescribed for sex trafficking are not commensurate with those prescribed for other serious crimes, such as rape. Article 131 of the penal code prohibits forced prostitution and carried penalties between two and five years of imprisonment and fines between 1,000,000 and 10,000,000 CFA francs (\$1,608 to \$16,084). Although Congolese law prohibits some forms of trafficking of adults, it does not outlaw bonded labor or the recruitment, harboring, transport, or provision of a person for the purposes of forced labor. Draft anti-trafficking legislation, completed in partnership with an international organization in 2014, remained in draft for the third consecutive year; after adoption of a new constitution in 2015, officials returned the draft legislation to the Ministry of Justice to facilitate a second review by government stakeholders.

The government initiated the investigation and prosecution of one case involving five suspects during the reporting period, compared to four investigations and no prosecutions in 2015. The government has never convicted any traffickers. Officials charged one of the suspects for kidnapping, one for falsifying documents for the purpose of trafficking of a minor; and the other three for rape of a minor; Officials referred the falsification of documents case to the high court, where it remained awaiting trial. Many cases continued to languish, some without progress for up to six years, partly because of a significant backlog in the high court, which has never convened to hear a trafficking case.

The government did not provide any anti-trafficking training for law enforcement during the reporting period due to a lack of funding. Limited understanding of the child anti-trafficking law among law enforcement officials, judges, and labor inspectors continued to hinder the anti-trafficking law

enforcement efforts. There was a widespread perception of corruption throughout the government, but the government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses. Human trafficking activists reportedly faced harassment and threats from government officials, including police, which discouraged some civil society members and government officials from reporting trafficking cases.

## PROTECTION

The government maintained minimal protection efforts. The government did not employ systematic procedures to identify victims among vulnerable groups or refer victims for assistance, relying instead on NGOs and international organizations to identify victims. During the reporting period, an NGO identified 16 foreign trafficking victims ranging in age from seven to 23, including 14 in Pointe-Noire and two in Brazzaville, compared to 15 identified in the previous reporting period. The NGO reported all of those identified were victims of forced labor in either domestic service or market vending and two were also sex trafficking victims. Fourteen victims originated from Benin, one from Togo, and one from Senegal. The Trafficking in Persons Coordinating Committee in Pointe-Noire, which aids in assigning identified child trafficking victims to foster homes and conducts family tracing, referred no children to foster families; however, a local NGO referred an unknown number of child victims to such homes. The government did not provide an operating budget for the Coordinating Committee during the reporting period. The government did not provide care to any victims during the reporting period, but relied on partnerships with NGOs and foster families to enable victims in Pointe-Noire to receive access to care; however, it did not fund these entities or any victim assistance programs during the reporting period. Five foster care families were available, but only one reported receiving victims during the reporting period due to a lack of government funding. The government did not facilitate NGO partnerships to provide protective services elsewhere in the country. During the reporting period, the government facilitated, but did not fund, the repatriation of 13 victims to their countries of origin and the local reintegration of one victim. Congolese officials cooperated with Beninese officials on these repatriations and in three cases, the Committee in Pointe-Noire facilitated payment from the traffickers for the victims' return flight to Benin.

During the reporting period, there were no reports of victims jailed or prosecuted for crimes committed as a result of their having been subjected to trafficking; however, inadequate identification efforts may have left victims unidentified in the law enforcement system. Officials encouraged victims to assist in the prosecution of their traffickers, but child victims were not expected to testify in court. The government did not deport foreign victims, but it did not issue temporary or permanent residency status to victims and had no legal alternatives to removal to countries in which victims would face retribution or hardship. For the fifth consecutive year, the government did not carry out joint investigations or extraditions of charged traffickers under its bilateral agreement with the Government of Benin.

## PREVENTION

The government decreased efforts to prevent trafficking. The Trafficking in Persons Coordinating Committee met three times during the reporting period, primarily to facilitate repatriation of foreign victims. However, it did not conduct awareness-



raising campaigns as it had done during the previous reporting year. The government-funded neither the implementation of the 2014-2017 action plan, which remained behind schedule, nor the efforts of the Committee. It did not establish an inter-ministerial coordinating body to guide national anti-trafficking efforts. The government did not take discernible measures to reduce demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. The government has signed but has not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol. With support from a foreign donor, the government provided its troops with anti-trafficking training, prior to their deployment abroad on international peacekeeping missions.

## TRAFFICKING PROFILE

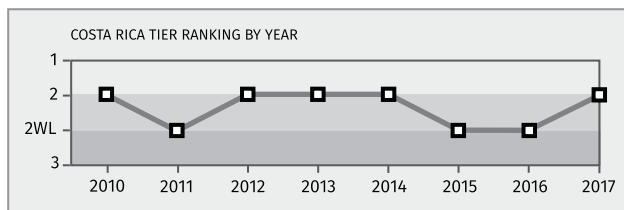
As reported over the past five years, the Republic of the Congo is a source and destination country for children, men, and women subjected to forced labor and sex trafficking. According to a study released by an international organization in 2013, most trafficking victims in the Congo originate from Benin and the DRC, and to a lesser extent from other neighboring countries. Most foreign victims are subjected to forced labor in domestic service and market vending. Women and girls from Benin, ages 7 to 19, constituted the majority of identified trafficking victims in 2016, all of which endured forced labor. Both adults and children are victims of sex trafficking in the Congo, with most between the ages of 9 and 11. Girls and women from both the Republic of the Congo and the DRC are subjected to sex trafficking, with clients from among Chinese and Malaysian construction workers building a highway near the cities of Nkayi and Pointe-Noire.

Internal trafficking involves recruitment from rural areas for exploitation in cities. The indigenous population is especially vulnerable to forced labor in agriculture. NGOs in Bambama, Sibiti, and Dolisie reported the majority population, called Bantus, often forced adult indigenous people to harvest manioc and other crops without pay and under the threat of physical abuse or death. Most children subjected to trafficking within the country migrate from rural to urban areas to serve as domestic workers for relatives or family friends. Some child trafficking victims are also subjected to forced labor in bakeries, and the fishing and agricultural sectors, including in cocoa fields in Sangha department, sugar cane fields in the Bouenza department, and, among indigenous populations, harvesting manioc in the Lekoumou department.

## COSTA RICA: TIER 2

The Government of Costa Rica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Costa Rica was upgraded to Tier 2. The government demonstrated increasing efforts by disbursing funds from its national anti-trafficking and smuggling fund to key government agencies for the first time; providing funds and technical support to open a second emergency shelter; addressing complicity by indicting a former mayor and four suspected accomplices on charges of establishing a trafficking network; identifying more trafficking victims than in the previous year; and improving public awareness-raising activities about forced labor. However,

the government did not meet the minimum standards in several key areas. Prosecution efforts remained weak and publicly funded victim services remained insufficient to care for the number of victims identified.



## RECOMMENDATIONS FOR COSTA RICA

Intensify efforts to investigate and prosecute trafficking offenses, including labor trafficking and cases not involving movement under trafficking-related criminal code provisions, and convict and punish traffickers; amend legislation to define human trafficking consistent with international law; increase the disbursement of funds for victim services and provide specialized shelter and services for trafficking victims, including men, in partnership with civil society organizations; improve victim identification and referral, and investigations and prosecutions, particularly in cases occurring outside of the capital; improve screening of individuals in prostitution for indicators of trafficking, including during raids; conduct thorough and transparent criminal investigations of alleged government complicity in trafficking offenses and prosecute, convict and punish complicit officials; increase efforts to investigate, prosecute, and convict child sex tourists and others who purchase commercial sex acts from child trafficking victims; increase anti-trafficking training for police, prosecutors, and judges; and improve data collection on law enforcement and victim protection efforts.

## PROSECUTION

The government maintained law enforcement efforts. Article 172 of the criminal code criminalizes the acts of promoting, facilitating, or assisting in the movement of persons across borders for sexual or labor exploitation, slavery or practices similar to slavery, forced labor or services, or forced begging, and prescribes penalties of four to 20 years imprisonment; these penalties are sufficiently stringent and commensurate with other serious crimes. The definition of trafficking in the law is inconsistent with international law in that it requires that a victim be internationally transported; and also criminalizes these acts for the purpose of illegal adoption and labor exploitation that does not amount to forced labor. In addition to article 172, officials used trafficking-related offenses, including prohibiting holding a person in servitude (article 189) or aggravated pimping (article 170) or coerced pimping (article 171) to prosecute cases. These articles prescribe penalties ranging from two to 10 years imprisonment; these penalties are sufficiently stringent and commensurate with other serious crimes. The government and national assembly introduced an amendment to the law in 2016, under review by the national assembly's human rights committee, which would improve the current law by removing the requirement of movement and establishing force, fraud, or coercion as essential elements of the crime.

The Attorney General's Office reported investigating 26 new cases of movement-based trafficking (article 172) and aggravated pimping (article 170) compared to 31 new cases of movement-based trafficking in 2015. The government initiated 39 new

prosecutions—27 movement-based trafficking prosecutions (article 172) and 12 aggravated and coerced pimping prosecutions (articles 170-171); brought one movement-based trafficking case to trial; and convicted one trafficker of movement-based trafficking under article 172. Prosecutors appealed three acquittals from 2014 in a case of suspected labor trafficking involving Asian fishermen on boats in Costa Rican waters, but the appellate court declined to accept the case. The government designated funding for 2017 to increase investigative and prosecutorial capacity in rural areas and cities outside the central valley. Observers noted the judicial system had a significant backlog of criminal cases, including trafficking cases, which slowed prosecutions. The government provided anti-trafficking training to law enforcement, the judicial sector, and child welfare officials; and civil society members. The government indicted a former mayor and four suspected accomplices on charges of establishing a trafficking network, aggravated rape, and giving illicit narcotics to minors in a case opened in 2011; the case was awaiting a court date at the close of the reporting period. The court dismissed a case against a government official who was previously investigated for using an official vehicle for unauthorized personal use; this official was visiting an establishment where, according to media reports, sex trafficking occurred. The government did not convict any officials complicit in human trafficking or trafficking-related offenses.

## PROTECTION

The government increased victim protection efforts. The government identified and verified 17 trafficking victims in 2016 under the existing trafficking law (12 sex trafficking and five labor trafficking), compared to three sex trafficking victims in 2015 under the same law, and 23 victims (13 sex trafficking and ten labor trafficking) in 2014. However, the government provided shelter and health, legal, and psychological services to 53 potential victims during the reporting period, including 44 women, two men, six girls, and one boy. Potential victims received immediate services, but not all 53 were “verified” as trafficking victims under Costa Rican protocols. Law enforcement authorities used written procedures for identifying victims among vulnerable groups, such as migrants and individuals in prostitution, and referred identified victims to the government’s interagency anti-trafficking body, the National Coalition against Migrant Smuggling and Trafficking in Persons (CONATT) to coordinate service provision.

The 2013 law mandates CONATT to coordinate assistance to trafficking victims, which includes emergency, short-term, and long-term assistance. The government updated its protocol for officials on the immediate response team responsible for certifying victims and updated its protocol for coordinating among various agencies and NGOs to provide victim services, which could include food, lodging, and health, financial, and psychological support. Authorities had the discretion to refer victims to services on a case-by-case basis; not all victims received the same level of protection. Civil society organizations reported referral mechanisms were not always implemented in an effective or timely manner. The government acknowledged it was challenged in using the referral mechanism by large increases in migrants in the country in 2016. The government, through the National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT), disbursed 122 million colons (\$223,443) to fund trafficking victim services in 2016, the first time it had used the fund. Separately, through its child welfare agency, the government provided direct funding to an NGO-run shelter for child victims, a per-victim subsidy for victims it and

the NGO identified, and directed 91 million colons (\$166,667) in lottery funds to NGOs providing services to trafficking victims. Remaining services were funded and provided by NGOs. The government does not provide dedicated shelters or specialized services to male victims, although the emergency shelter and safe houses can be used for male or female victims. The government provided medical and psychological services, legal services, and support for victims assisting criminal proceedings.

The government granted temporary residency status, with permission to work or study, to 17 foreign victims in 2016. The government worked with two foreign governments to repatriate four Costa Rican trafficking victims in 2016. There were no reports that the government penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased prevention efforts. CONATT continued to meet quarterly and coordinate the government’s anti-trafficking activities and funded an international organization to develop a new national action plan for 2017-2020. In 2016, the government obligated \$1.15 million of the total \$1.8 million available in 2016 for programming from the FONATT to public awareness raising and the establishment of a headquarters for CONATT, which will house the immediate response team and a 24-hour emergency short-term shelter for victims. Authorities financed a national public awareness campaign, distributed brochures and posters, publicized the 9-1-1 hotline with anti-trafficking messages on national lottery tickets, and held public events to warn about the dangers of trafficking. The government made efforts to reduce the demand for commercial sex acts and forced labor. The government worked to reduce the vulnerability of children of migrant indigenous workers in the coffee sector by expanding the availability of child care centers. The government educated labor recruiters for international and domestic businesses about the consequences of violating the anti-trafficking regulations, but did not report investigating or penalizing any labor recruiters for illegal practices that contribute to trafficking. A quasi-governmental agency continued conducting trainings on combating child sex tourism for members of the tourism industry. The government convicted an individual for promoting Costa Rica as a child sex tourism destination and imposed a sentence of five years imprisonment for the first time in November 2016. The government continued to investigate and prosecute individuals that paid child trafficking victims for commercial sex, resulting in 35 investigations and at least one conviction in 2016. Working in collaboration with international partners, the government reported denying entry to 71 foreign registered sex offenders attempting to travel to Costa Rica as tourists in 2016, compared to 53 in 2015. The government and NGOs provided anti-trafficking training to its diplomatic personnel.

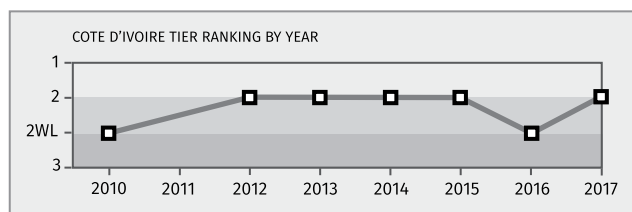
## TRAFFICKING PROFILE

As reported over the past five years, Costa Rica is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Costa Rican women and children are subjected to sex trafficking within the country, with those living in the north and central Pacific coastal zones being particularly vulnerable. Authorities have identified adults using children to transport or sell drugs; some of these children may be trafficking victims. Migrants en route to the United States, primarily from Haiti and Cuba,

remained vulnerable to trafficking. The significant numbers of transgender Costa Ricans in the commercial sex industry are vulnerable to sex trafficking. Costa Ricans are subjected to sex and labor trafficking in the Bahamas and Guatemala. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude. Child sex tourism is a serious problem, with child sex tourists arriving mostly from the United States and Europe. Men and children from other Central American countries are subjected to forced labor in Costa Rica, particularly in the agriculture, construction, fishing, and commercial sectors. Nicaraguan men and women transit Costa Rica en route to Panama, where some are subjected to forced labor or sex trafficking. Indigenous Panamanians are also reportedly vulnerable to forced labor in agriculture in Costa Rica.

## COTE D'IVOIRE: TIER 2

The Government of Cote d'Ivoire does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Cote d'Ivoire was upgraded to Tier 2. The government demonstrated significant efforts by prohibiting human trafficking in its new constitution, passing a comprehensive anti-trafficking law—the first to penalize the trafficking of both children and adults, reporting more prosecutions and convictions than in the previous reporting period, and adopting a 2016-2020 anti trafficking action plan. However, the government did not meet the minimum standards in several key areas. Despite allocations for victim protection in its 2016-2020 national action plan, the government continued to rely on NGOs to provide nearly all victim assistance without adequate government support. The government also remained without formal mechanisms to identify adult trafficking victims or refer trafficking victims to NGOs for care. During the majority of the reporting period, the government lacked coordination and a clear delegation among ministries of responsibilities for combating trafficking, which impaired implementation of the national action plan and impeded overall progress. The government did not provide sufficient funding or resources to enable law enforcement to investigate trafficking crimes nationwide and did not provide any data regarding cases of adult forced labor.



## RECOMMENDATIONS FOR COTE D'IVOIRE

Increase funding to NGOs to expand shelter and services for trafficking victims, and establish victim shelters as indicated in the national action plan; allocate more staff, funding, and resources to the police anti-trafficking unit to facilitate investigation of trafficking crimes nationwide; vigorously investigate, prosecute, and convict traffickers, including allegedly complicit officials and others who commit sex and

labor trafficking offenses against adults, and apply sufficiently stringent penalties; train prosecutors and judges on the 2016 anti-trafficking law; clearly delineate responsibilities among stakeholders for activities outlined in the 2016-2020 national action plan, and enhance interagency coordination to effectively implement the plan; establish a standardized victim referral mechanism across ministries to ensure all trafficking victims receive services, and train law enforcement and front-line responders on such protocols; revise the existing procedures used to identify potential trafficking victims to include adults and victims among vulnerable populations, such as those working in domestic service and street vending, and incorporate those changes into existing victim identification trainings; train child labor and human rights hotline operators on the procedures for referring reports of trafficking to regional authorities; actively monitor agencies and middlemen that recruit Ivoirians for work abroad, and investigate agencies if allegations of fraudulent recruitment arise; improve efforts to collect data on anti-trafficking actions across all ministries, including cases of adult trafficking; increase efforts to collect information on the scope of trafficking in Cote d'Ivoire and among Ivoirian nationals abroad; and remove smuggling as a form of exploitation from the definition of human trafficking under Ivoirian law to more closely align with the definition in the 2000 UN TIP Protocol.

## PROSECUTION

The government made increased law enforcement efforts. In December 2016, the president promulgated Law No. 2016-111 on the Fight Against Trafficking in Persons, the first law to prohibit both adult and child trafficking in the country. The law prohibits sex trafficking and forced labor and prescribes penalties of five to 10 years imprisonment and a fine of five to 10 million West African CFA francs (FCFA) (\$7,998-\$15,996). These penalties are sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. With regards to trafficking, the law includes in its definition of "exploitation" migrant smuggling, which is a different crime than trafficking. The new law explicitly allows the courts to reduce the sentences imposed for those who attempt to engage in trafficking but instead alert the authorities, prevent the offense from taking place, or identify accomplices. During the reporting period, Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor remained the primary law used to prosecute child trafficking. The law prohibits compelling children into or offering them for prostitution and prescribes penalties of five to 20 years imprisonment and a fine of 500,000 to 50 million FCFA (\$800 to \$79,982); penalties can increase to life imprisonment with aggravating circumstances. These penalties are sufficiently stringent and commensurate with those prescribed for rape. The penalties for subjecting a child to forced labor or situations akin to bondage or slavery are 10 to 20 years imprisonment and a fine, which are sufficiently stringent. Penal code articles 335 and 336 prohibit pimping and exploitation of adults and children in prostitution by means of force, violence, or abuse. Article 378 prohibits the forced labor of adults and children, prescribing sufficiently stringent penalties of one to five years imprisonment and a fine.

The government did not have a mechanism to collect and share data between ministries, so it did not gather comprehensive data on anti-trafficking law enforcement efforts. The Ministry of Justice solicited trafficking case data from all 31 departments. In trafficking case data from Abidjan and eight departments, the government reported investigating at least 35 alleged traffickers in 28 cases, prosecuting 19 suspects in 18 cases, and convicting eight traffickers in five cases, an increase from 27



investigations, one prosecution, and one conviction the previous reporting period, with data from Abidjan and 13 regions. The government investigated 16 alleged child traffickers under the 2010 law and 19 alleged sex traffickers under the penal code's pimping statute. Eleven prosecutions involving seven suspects remained ongoing at the end of the reporting period, and it was unclear if the judiciary continued to investigate or had dismissed eight investigations of 15 alleged sex traffickers. Four of the eight convicted traffickers received sentences of 20 years imprisonment under the penal code's forced prostitution statute. Judges convicted two individuals of child trafficking under the 2010 child trafficking law, sentencing one offender to three years imprisonment and 500,000 FCFA (\$800) in damages to the victim and the second to 10 months imprisonment, a five million FCFA (\$7,998) fine, and 250,000 FCFA (\$400) in damages to the victim. In another case, the judge sentenced a trafficker who was intercepted while transporting Togolese children to Abidjan with the intent to exploit them in forced labor to 12 months imprisonment for child smuggling. Judges acquitted five suspected traffickers. Law enforcement continued to investigate six of 12 alleged child traffickers arrested the previous reporting period; there was no information available about investigations into the other six suspects. Authorities recorded seven cases of pimping involving at least 11 suspects that might have amounted to sex trafficking. The government did not provide any data regarding cases of adult forced labor.

Limited funding and resources for law enforcement created serious gaps in the government's ability to address human trafficking. The national police's 13-person anti-trafficking unit bore primary responsibility for enforcing anti-trafficking laws throughout the country, although it only had staff in Abidjan. The unit had a budget of approximately \$4,592 in 2016. Although the unit liaised with regional police on child trafficking cases, limited funding hampered its overall ability to investigate trafficking offenses, especially outside Abidjan. Resource limitations also constrained the Brigade Mondaine—the police unit charged with investigating prostitution and sex trafficking—to Abidjan and a few regional precincts, rendering the two primary anti-trafficking units unable to cover the majority of the country. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Anecdotal, an international organization reported the government transferred to other units police officers who proactively attempted to investigate cases of child domestic servitude in the northern regions, which indicates the presence of official complicity in trafficking crimes.

## PROTECTION

The government maintained efforts to identify and protect victims. Although it did not compile comprehensive victim identification statistics, the government improved its data collection efforts and reported identification of 106 trafficking victims and 62 potential trafficking victims during the reporting period, compared with 48 potential victims identified in the previous reporting period. Victims included children from Mali, Guinea, Nigeria, and Burkina Faso exploited in forced labor; Togolese boys intercepted en route to exploitation in domestic service and street vending; and Nigerian and Ghanaian female sex trafficking victims. The government did not operate any victim shelters or any formal care centers exclusively for trafficking victims and relied on NGOs to provide almost all care. The police anti-trafficking unit referred 66 vulnerable children, including potential trafficking victims, to an NGO for shelter and services; however, it provided only limited material support

to this NGO that assisted the majority of potential trafficking victims identified and referred during the year. Nonetheless, the government provided 20 million FCFA (\$31,993) in material and financial support to 30 NGOs, some of which cared for potential trafficking victims; compared to 30 million FCFA (\$47,989) provided to these NGOs in 2015. Government social services continued to provide income-generating assistance to the families of 41 child labor and trafficking victims identified the previous reporting period.

The government did not have a formal mechanism to identify adult trafficking victims or refer trafficking victims to NGOs for care, and government ministries responsible for referring victims to services lacked coordination, hindering the provision of services. Operational procedures encouraged officials to refer victims to government-run social centers for a psycho-social examination, and the government reported referring an unknown number of foreign and domestic child trafficking victims for this care during the reporting period. The severely inadequate shelter system—especially for adults—and lack of reintegration assistance rendered many victims vulnerable to re-victimization. During the reporting period, the government provided logistical support for NGO construction of three shelters for child labor and child trafficking victims. To improve victim referrals, the Ministries of Family and Solidarity, with international technical and financial support, began mapping shelters and transit centers that assist trafficking victims throughout the country.

Foreign and domestic victims reportedly had the same access to care. During the reporting period, the government coordinated with NGOs to provide short-term shelter for at least six foreign trafficking victims, provided psycho-social support to some foreign victims before repatriation, and reported collaborating with source country embassies to repatriate or locally integrate at least 59 trafficking victims. The government reported providing repatriation and reintegration support to Ivoirian victims of crime identified abroad during the reporting period, including an unknown number of trafficking victims; such assistance reportedly included placement in a transit center, food, and some financial support. An international organization countered that the government's response was limited to the issuance of laissez-passer cards to enable victims to return home, while victims' families paid for return tickets, and international organizations and NGOs provided shelter and services during the repatriation process.

In 2016, the police anti-trafficking unit trained 144 police and *gendarmes* on child protection, including child trafficking. The 2016 anti-trafficking law, passed in December, provides for protection and assistance to victims who participate in investigations or trials against their traffickers; however, the government did not report whether any victims supported any judicial proceedings during the reporting period. There was no mechanism for victims to obtain restitution or file civil suits against their traffickers. In 2016, the government revised the National Solidarity Fund to allow trafficking victims to be included as beneficiaries of government assistance; authorities began establishing a mechanism to enable victims to actually receive this assistance. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, the lack of formal identification procedures for adult trafficking victims and victims among vulnerable populations may have resulted in some victims remaining unidentified in the law enforcement system.

## PREVENTION

The government modestly increased efforts to create national anti-trafficking measures but reported minimal efforts to implement those measures. The National Monitoring Committee and the Inter-Ministerial Committee continued to coordinate child labor and child trafficking issues during the reporting period, and for most of the reporting period there was no structure dedicated to coordinating comprehensive anti-trafficking efforts, including adult trafficking. In January 2017, however, the Ministry of Family merged with the Ministry of Solidarity, and the newly combined Ministry of Solidarity, along with the Ministry of Justice, assumed the lead in overseeing the government's anti-trafficking efforts. The 2016 law mandated the creation of a new anti-trafficking committee, and in February 2017 the government drafted the implementation decree to establish this committee. Due to poor communication and coordination among ministries on anti-trafficking efforts throughout most of the reporting period, implementing agencies did not have a clear understanding of their role in combating trafficking or who had the lead in such efforts. Nevertheless, in April 2016 the government adopted a 2016-2020 anti-trafficking national action plan—the first anti-trafficking plan to address both child and adult trafficking—and implemented some portions of the plan. However, the government did not report disbursing any of the 1.94 billion FCFA (\$3.1 million) that it had committed towards implementation of the plan. The government initiated and signed bilateral accords with the first ladies of Burkina Faso and Ghana to combat cross-border child labor and trafficking. The government continued to run a hotline for children in distress and reported receiving 6,766 phone calls; however, it was unclear how many, if any, were related to trafficking. It reactivated a hotline to report human rights violations, which received six reports of trafficking; the judiciary initiated one investigation. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. The government did not report providing anti-trafficking training for its diplomatic personnel.

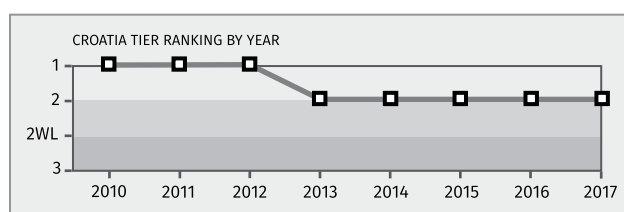
## TRAFFICKING PROFILE

As reported over the past five years, Cote d'Ivoire is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficking within the country is more prevalent than transnational trafficking, and the majority of identified victims are children. Due to a stronger emphasis on combating internal child trafficking, the prevalence of adult trafficking may be underreported. Some Ivoirian women and girls are subjected to forced labor in domestic service and restaurants in Cote d'Ivoire and exploited in sex trafficking. There are reports suggesting involvement of women and forcing of children to participate in drug trafficking in Western Cote d'Ivoire. Ivoirian boys are often subjected to forced labor in the agricultural and service industries, especially cocoa production. West African boys may be forced to labor in agriculture (on cocoa, coffee, pineapple, and rubber plantations and in animal breeding) and in mining, carpentry, construction, and begging in Cote d'Ivoire. Traffickers often operate in well-established networks, making it difficult for law enforcement to detect. An increasing number of corrupt *marabouts*, or religious instructors, exploit Ivoirian, Burkinabe, Malian, and Nigerien boys in forced begging in Quranic schools in the northern regions. Some Beninese and Togolese workers who migrate to Cote d'Ivoire for construction and carpentry work bring children, whom they exploit in domestic servitude. Some West African girls recruited for work as domestic servants and street vendors are subjected to forced labor. Some women and girls recruited from Ghana and Nigeria for jobs as waitresses are

subjected to sex trafficking. Nigerian traffickers increasingly exploit Nigerian women and girls in sex trafficking in Cote d'Ivoire's northern and western mining regions, including near gold mines in Tengrela. Other Nigerians transit Cote d'Ivoire en route to sex trafficking in Asia, the United Arab Emirates, and North Africa. Female Nigerian traffickers bring Nigerian children to northern Cote d'Ivoire for exploitation in domestic servitude. Ivoirian community and religious leaders, possibly working in concert with others abroad, recruit Ivoirian women and girls for work in the Middle East and Europe but subject them to forced labor in Europe; North Africa; and the Gulf, primarily Saudi Arabia, Morocco, Lebanon, and Tunisia. In previous reporting periods, authorities identified Ivoirian trafficking victims in Cyprus, France, and Morocco. Illegal Ivoirian migrants in Algeria are vulnerable to trafficking due to their irregular status.

## CROATIA: TIER 2

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Croatia remained on Tier 2. The government demonstrated increasing efforts by working with NGOs to strengthen proactive victim identification efforts for first responders among large migrant flows and identifying more victims of labor trafficking, male victims, and foreign victims within migrant flows. The government increased funding for trafficking prevention efforts and continued to provide comprehensive services to victims. However, the government did not meet the minimum standards in several key areas. Judges continued to issue light sentences for forced labor and sex trafficking, and often dismissed victim testimony as unreliable due to a lack of understanding of trafficking. The national committee to coordinate anti-trafficking activities did not meet in 2016 and a national action plan remained in development.



## RECOMMENDATIONS FOR CROATIA

Vigorously investigate and prosecute suspected traffickers; punish offenders with sentences commensurate with the severity of the crime, particularly labor traffickers; train judges to ensure the judiciary understands the severity of the crime when issuing sentences and sensitize judges about secondary trauma in sex trafficking testimony; increase efforts to identify victims among vulnerable populations, including street children, migrants, refugees, asylum-seekers, and Roma; allocate adequate funding for NGO-run shelters and victim protection efforts; finalize and adopt a national action plan; integrate the labor inspectorate into anti-trafficking efforts; inform all identified victims of their right to pursue compensation and encourage them to do so; and increase capacity of border police to screen irregular migrants for trafficking indicators.

## PROSECUTION

The government maintained law enforcement efforts. Articles 105 and 106 of the criminal code criminalize all forms of trafficking and prescribe penalties of one to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated seven trafficking cases, the same number investigated in 2015, involving 11 alleged perpetrators. The government prosecuted 11 defendants (five for child sex trafficking, two for sex trafficking, and four for forced labor), compared to four defendants in 2015. Courts convicted seven traffickers (eight in 2015), five of which were appealable verdicts and two were final verdicts with sentences of one year of community service for a forced labor case and six years imprisonment for a sex trafficking case. As in past years, sentences for labor traffickers remained lower than the prescribed minimum of one year imprisonment. Government officials reported difficulties in receiving information on final verdicts due to a lack of formal procedures, electronic case management systems, and standardized databases.

The government continued to organize counter-trafficking trainings for police, mobile teams, social workers, NGOs, labor association officials, and workers from the tourism industry. The government maintained law enforcement cooperation with foreign governments, EUROPOL, INTERPOL, and the Southeast Law Enforcement Center. Experts reported that some Croatian judges lacked an understanding of the impact of psychological trauma on victims' ability to consistently and clearly relate the circumstances of their exploitation and inappropriately dismissed as unreliable victim testimony. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained victim protection efforts. Police identified 30 trafficking victims (13 forced labor victims, 16 sex trafficking victims, and one victim of both), compared to 38 sex trafficking victims in 2015. However, the government made efforts to identify more victims among demographics for which it had been lacking in the past: nine victims were male, compared to zero in 2015; eight victims were foreign victims, compared to three in 2015; 11 victims were children, compared to four in 2015. The Ministry of Demography, Family, Youth and Social Policy (MDFYSP) spent approximately 400,000 kunas (\$56,740) to support two shelters and provide monthly stipends for victims, compared to 446,541 kunas (\$63,340) in 2015. The government provided shelter for one child, two females, and one male.

Croatian law enforcement and social service personnel followed a standard operating procedure for identifying and referring victims to services, which included instructions on activating the national referral mechanism when indicators of trafficking were present. Regional mobile teams consisting of social workers and NGO and Red Cross representatives traveled to meet the victims in person and coordinate victim care and placement. The Office for Human Rights and Rights of the National Minorities (OHRRNM) and the Croatian Red Cross organized two two-day regional seminars for relevant institutions involved in the national referral mechanism. Observers reported the need to continue strengthening coordination between social workers and law enforcement when approaching victims. NGOs involved in the mobile unit reported two years of training was required to join the mobile team and needed more funding to train staff in a shorter amount of time.

Croatian law entitles trafficking victims to safe accommodation, medical and psychological support, and legal aid. The government, in cooperation with NGOs, provided psychological and financial support and guardianship for children. Shelters operated in cooperation with professionals from MDFYSP and NGOs. One shelter accommodated adult trafficking victims with the capacity for five victims with separate rooms for women and men and service staff who were available 24 hours a day, seven days a week. OHRRNM created a roster of pro bono legal counsel available for victims. Foreign victims are entitled to receive a renewable residence permit for a year. The government reported no trafficking victims filed for compensation but all victims were informed of their right to compensation; however, observers reported the government did not proactively inform victims on compensation measures. The Office of the Chief State Prosecutor issued written instructions that victims not be prosecuted for crimes committed as a result of being subjected to trafficking. The government informed victims of their rights and had the option to testify via video link; cooperation was not a precondition to obtain services and temporary residence permits.

Authorities continued to screen migrants during the 2015-2016 migration wave for possible traffickers and victims, but authorities reported difficulties during the screening process as a significant portion of migrants did not possess valid travel and identification documents. The government, in cooperation with an NGO, developed indicators for identifying potential victims amongst migrants in transit and asylum-seekers and trained first responders on the indicators. NGOs reported first responders often encountered migrants and asylum-seekers who displayed multiple indicators of trafficking including debt bondage and labor exploitation.

## PREVENTION

The government maintained prevention efforts. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee did not meet in 2016 due to political instability at the highest levels of the Croatian government. The committee's working-level operational team was supposed to meet monthly; however, NGOs reported the operational team only met seven times during 2016. The labor inspectorate was not included in the national committee or the operational team despite its potential role in detecting victims of human trafficking. The government increased funding for prevention efforts to 197,000 kunas (\$27,940), compared to 78,600 kunas (\$11,150). The government did not adopt a new national action plan, but worked on finalizing a national action plan for 2017-2020. NGOs reported the government did not provide adequate financial support for the NGO-run hotline, which can only operate from 10am to 6pm due to the lack of funds. The government systematically monitored its anti-trafficking efforts and posted information on ministries' websites. The Ministry of the Interior has a specific unit for prevention activities consisting of 80 prevention officers and continued outreach programs for students and the service sector. The government continued to implement an awareness building campaign targeted towards Roma. The Ministry of Education certified the Croatian Red Cross to train teachers on indicators of trafficking. OHRRNM continued a campaign sensitizing the public, including potential customers, to the reality that persons engaged in prostitution may be trafficking victims. The government did not make efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic personnel.

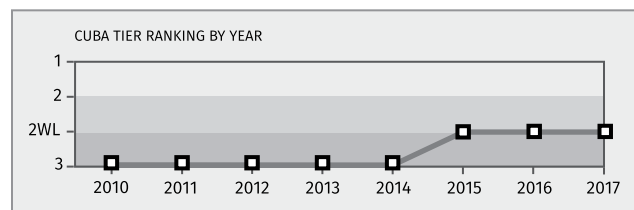


## TRAFFICKING PROFILE

As reported over the past five years, Croatia is a destination, source, and transit country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor. In 2016, identified victims included more from Asia, male victims, and victims exploited for labor than previous years. Migrants in transit, particularly from Afghanistan and Pakistan, are forced into debt bondage by their smugglers to pay off smuggling fees. Croatian women and girls, some of whom respond to false job offers online, are exploited in sex trafficking within the country and elsewhere in Europe. Economically marginalized Romani children from Croatia are at particular risk of forced begging in Croatia and throughout Europe. In previous years, traffickers target Croatian girls in state institutions and subjected them to sex trafficking. Croatian, Bosnian, and Romanian women and men have been subjected to forced labor in the Croatian agricultural sector. Women and girls from the Balkans and Central Europe are subjected to sex trafficking in Croatia.

## CUBA: TIER 2 WATCH LIST

The Government of Cuba does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by prosecuting and convicting sex traffickers; providing services to sex trafficking victims; releasing a written report on its anti-trafficking efforts; and coordinating anti-trafficking efforts across government ministries. In addition, the government investigated indicators of trafficking exhibited by foreign labor brokers recruiting Cuban citizens. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The penal code does not criminalize all forms of human trafficking. The government did not prohibit forced labor, report efforts to prevent forced labor domestically, or recognize forced labor as a possible issue affecting its nationals in medical missions abroad. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Cuba was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Cuba is placed on Tier 2 Watch List for the third consecutive year.



## RECOMMENDATIONS FOR CUBA

Draft and enact a comprehensive anti-trafficking law that prohibits and sufficiently punishes all forms of human trafficking, including forced labor, sex trafficking of children ages 16 and 17, and the full range of trafficking "acts" (recruiting, transporting, transferring, harboring, or receiving persons); vigorously investigate and prosecute both sex trafficking and forced labor offenses; provide specialized training for managers in state-owned or -controlled enterprises on identifying and

referring victims of forced labor for services; implement policies to prohibit force, fraud, or coercion in recruiting and retaining employees in such enterprises; train those responsible for enforcing the labor code to screen for trafficking indicators and educate workers about trafficking indicators and where to report trafficking-related violations; implement the 2017-2020 national anti-trafficking action plan in partnership with international organizations; implement formal policies and procedures on the identification of all trafficking victims and their referral to appropriate services, and train officials, including first responders, in their use; and adopt policies that provide trafficking-specific, specialized assistance for male and female trafficking victims, including measures to ensure identified sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to sex trafficking or forced labor.

## PROSECUTION

The government maintained law enforcement efforts by prosecuting and convicting sex traffickers, but took no new action to address forced labor. The penal code does not criminalize all forms of trafficking, in particular forced labor and sex trafficking of children ages 16 and 17. In January 2017, the government reported it continued its work to amend the criminal code to address trafficking as defined in international law, but it had not amended the criminal code by the end of the reporting period. Cuba prohibits some forms of trafficking in its penal code provisions, including article 302 (procuring and trafficking in persons); article 310.1 (corruption of minors younger than 16 for sexual purposes); article 312.1 (corruption of minors younger than 16 for begging); and article 316.1 (sale and trafficking of a child younger than 16). The penal code's definition of sex trafficking conflates sex trafficking with prostitution and pimping. The law criminalizes inducement to or benefiting from prostitution, but treats force, coercion, and abuse of power or vulnerability as aggravating factors rather than an integral part of the crime. These provisions prescribe penalties ranging from four to 10 years imprisonment with more severe penalties for complicit government officials, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Legal provisions addressing "corruption of minors" criminalize many forms of child sex trafficking but define a child as an individual younger than 16 years of age, below the age set in international trafficking law, which is 18. Forced prostitution is illegal irrespective of the victim's age, and the penal code enables the government to prosecute individuals benefiting from sex trafficking. Provisions for adult and child sex trafficking do not explicitly criminalize the acts of recruitment, transport, and receipt of persons for these purposes. Article 346.1 of the criminal code mandates sentences of five to 12 years imprisonment for various crimes, including for laundering funds obtained from trafficking in persons. The penal code prohibits the deprivation of freedom (article 279.1), coercion (article 286.1), extortion (article 331), and arbitrary exercise of rights (article 159.1). Labor code article 116 prohibits entities from directly establishing labor relations with adolescents younger than age 17. However, Cuban law does not prohibit forced labor as defined in international law.

In January 2017, the government publicly presented official data on prosecutions and convictions of sex traffickers during calendar year 2015, the most recent data available. Authorities reported 10 prosecutions and 17 convictions of sex traffickers, compared with 13 prosecutions and 18 convictions in 2014. At least six convictions in 2015 involved suspects accused of subjecting children to trafficking within Cuba, including the

facilitation of child sex tourism in Cuba. The average sentence was 12 years imprisonment, compared to seven years in 2014. The government investigated 37 cases and prosecuted four cases of Cubans and foreign nationals recruiting and transporting women with false promises of employment and fraudulent work contracts to subject the victims to debt bondage and forced prostitution. The government did not report any domestic labor trafficking investigations, prosecutions, or convictions.

Students at the Ministry of Interior academy and police assigned to tourist centers reportedly received specific training in anti-trafficking and victim assistance. The government maintained bilateral cooperation agreements and extradition agreements with more than 15 countries demonstrating its willingness to cooperate with other governments on criminal investigations; however, these agreements are not specific to trafficking. The Cuban government cooperated with foreign law enforcement in investigating foreign citizens suspected of sexual crimes against children, including child sex trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking in 2015.

## PROTECTION

The government maintained efforts to identify and protect sex trafficking victims, but did not make efforts to identify or protect victims of forced labor. Authorities identified at least seven child sex trafficking victims and four adult sex trafficking victims in 2015, compared to 11 and four, respectively, in 2014. The government did not identify any labor trafficking victims or male sex trafficking victims inside Cuba. The government reported it provided assistance to the 11 identified sex trafficking victims but did not provide detailed information on assistance provided. The government reported having procedures to proactively identify sex trafficking victims; police and medical professionals identified and evaluated potential sex trafficking victims and referred them to other professionals for medical, psychological, psychiatric, educational, family, or social services. Other government-organized NGOs, like the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, and the Committees for the Defense of the Revolution, referred trafficking victims to state authorities and provided victim services. Independent members of civil society expressed concern about the government's anti-trafficking efforts and limited information on the scope of sex trafficking and forced labor in Cuba given sparse independent monitoring by NGOs and international organizations.

The government did not report having procedures to identify victims of forced labor. In 2015, Cuba reinstituted restrictions on travel for specialized doctors and some medical personnel, requiring them to obtain an exit permit from their superiors before leaving the country. On September 9, 2015, the government agreed to reinstate medical personnel who had left their positions while abroad. As of April 1, 2016, the Cuban authorities claimed that 274 medical professionals who returned to Cuba and were rehired at the same salary and level of responsibility they had before leaving. More recent data was not available.

The government provided funding for child protection centers and guidance centers for women and families, which serve all crime victims, including trafficking victims. These centers had the ability to screen cases, make referrals to law enforcement, assist with arranging cooperation with law enforcement in preparation for prosecution, and provide victim services. The FMC continued to receive funding from international

organizations and operated centers for women and families nationwide to assist individuals harmed by violence, including victims of sex trafficking. These centers provided services such as psychological treatment, health care, skills training, and assistance in finding employment. The government developed a process to refer trafficking victims to law enforcement to secure evidence for prosecutions and provide victim services and follow-on care. Neither the government nor the government-organized NGOs operated shelters or provided services specifically for male trafficking victims. Police encouraged child sex trafficking victims under the age of 16 to assist in prosecutions of traffickers by gathering testimony through psychologist-led videotaped interviewing, usually removing the need for children to appear in court. There were no reports of the government punishing sex trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government reported some foreign sex trafficking victims in Cuba, but did not report whether it offered these victims repatriation or services.

## PREVENTION

The government maintained prevention efforts to combat sex trafficking; however, authorities did not make efforts to prevent or address the demand for forced labor. The government worked across the ministries of justice, information and communications, health, education, tourism, and the attorney general's office to combat trafficking and for the fourth consecutive year published an annual report of its efforts in the areas of prosecution, protection, prevention, and partnerships. The government and the FMC continued to operate a 24-hour telephone line for individuals needing legal assistance, including sex trafficking victims, but did not report whether any calls related to potential trafficking cases in 2015 led to investigations or identifying victims. State media continued to produce newspaper articles and television and radio programs to raise public awareness about sex trafficking. Authorities maintained an office within the Ministry of Tourism charged with monitoring Cuba's image as a tourism destination, combating sex tourism, and addressing the demand for commercial sex acts; that office also trained law enforcement officials assigned to the tourism sector on trafficking indicators. Under Cuban law, authorities may deny entry to suspected sex tourists and expel known sex offenders, but reported no related convictions in 2015. The government did not report providing anti-trafficking training for its diplomatic personnel. In March 2015, authorities invited the UN special rapporteur on trafficking in persons to visit, and the visit took place in April 2017, after the conclusion of the reporting period. The government did not report specialized training for labor inspectors to screen for indicators of potential forced labor.

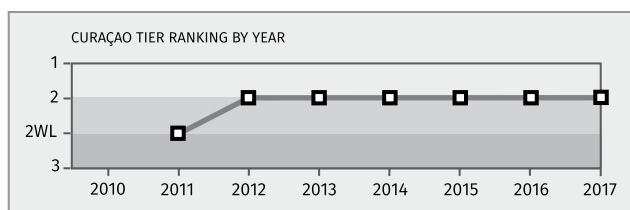
## TRAFFICKING PROFILE

As reported over the past five years, Cuba is a source and destination country for adults and children subjected to sex trafficking and forced labor. Child sex trafficking and child sex tourism occur within Cuba. Cuban authorities report people from ages 13 to 20 are most vulnerable to human trafficking in the country. Traffickers also subject Cuban citizens to sex trafficking and forced labor in South America, the Caribbean, and the United States. Traffickers recruit Cuban citizens through promises of work abroad, providing fraudulent contracts and immigration documents for a fee, and subsequently coercing these individuals into prostitution to pay off these debts. The government reported foreign national sex trafficking victims in Cuba. The government is the primary employer in the

Cuban economy, including in foreign medical missions that employ more than 84,000 workers in more than 67 countries, including Bolivia, Brazil, Colombia, and Venezuela. These medical missions constitute a significant source of Cuban government income. Some participants in foreign medical missions as well as other sources allege that Cuban officials force or coerce participation in the program; the government has stated the postings are voluntary, and some participants also have stated the postings are voluntary and well paid compared to jobs within Cuba. The Cuban government acknowledges that it withholds passports of overseas medical personnel in Venezuela due to security concerns; the government provided ID cards to such personnel in place of passports. There are also claims about substandard working and living conditions in some countries. In the past, there have been claims that Cuban authorities coerced participants to remain in the program, including by allegedly withholding their passports, restricting their movement, using “minders” to monitor participants outside of work, or threatening to revoke their medical licenses or retaliate against their family members in Cuba if participants leave the program. The government uses some high school students in rural areas to harvest crops and does not pay them for their work but claims this work is not coerced.

## CURAÇAO: TIER 2

The Government of Curaçao does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Curaçao remained on Tier 2. The government demonstrated increasing efforts by initiating more trafficking investigations, one of which involved three allegedly complicit police officers, and providing assistance and care to increasing numbers of trafficking victims. However, the government did not meet the minimum standards in several key areas. It did not prosecute or convict any traffickers for the second consecutive year; did not finalize standard operating procedures on victim identification; and did not address sex trafficking within the unregulated commercial sex industry.



## RECOMMENDATIONS FOR CURAÇAO

Increase efforts to identify and assist potential victims of sex trafficking and forced labor, including in the unregulated commercial sex industry; vigorously prosecute trafficking offenses and convict and punish traffickers, including any government officials complicit in human trafficking; finalize formal victim identification, referral, and protection measures to guide officials, including health workers, on assisting victims of forced labor and sex trafficking; complete and implement the new national anti-trafficking action plan; provide targeted training and resources to local officials to conduct outreach in migrant communities; raise awareness among migrant workers about their rights, trafficking indicators, and available resources; continue to implement multilingual public awareness

campaigns directed at vulnerable groups, the general public, and potential buyers of commercial sex acts; provide specialized care and assistance for victims of trafficking; and allocate an independent budget to the National Taskforce to Combat Trafficking In Persons and Human Smuggling to improve anti-trafficking efforts.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Article 2:239 of the criminal code prohibits all forms of trafficking in persons, which prescribes penalties ranging from nine to 24 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated two sex trafficking cases, compared to none in 2015, but for the second consecutive year, did not initiate any prosecutions or convict traffickers. In November 2016, the government initiated an investigation of one case involving five suspects, including three police officers, for the sex trafficking of a Venezuelan woman fraudulently recruited for a restaurant job; the officers remained on suspension at the close of the reporting period as the investigation was ongoing. Beyond this case, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In March 2017, the government initiated an investigation of a Venezuelan woman allegedly running an illegal brothel and facilitating the sex trafficking of women, predominantly from Venezuela. The government trained approximately 20 police officers with a focus on the investigation and prosecution of sex trafficking offenses, and trained 30 officials on victim identification and the special needs of trafficking victims.

## PROTECTION

The government maintained efforts to identify and assist trafficking victims. It reported identification of four trafficking victims and six potential victims intercepted transiting Curaçao en route to France; this is compared to zero identified in 2015 and seven in 2014. During the reporting period, the national taskforce drafted but did not finalize standard operating procedures on victim identification for all front-line responders. In the interim, it maintained informal agreements to coordinate ad hoc victim referral among community-based organizations and government departments. Various divisions of the Curaçao Police Force, such as the immigration department, the organized crime department, and the Department of Intelligence identified victims and, on an ad hoc basis, referred victims to the Bureau for Victim Assistance for care. While the government did not operate any specialized shelters for trafficking victims, it had capacity to host trafficking victims in shelters for domestic violence victims, which restricted victims' movements if their safety was at risk. There were no specialized shelters for male victims; however, the Bureau for Victim Assistance funded shelter for victims in private accommodations. It also partnered with NGOs to provide victims with wide-ranging and comprehensive care and assistance, which included legal assistance, shelter, food, clothing, medical care, and counseling among other services; four victims of trafficking received care and assistance. The government had a policy to protect victims from being punished for crimes committed as a direct result of being subjected to human trafficking and reportedly allowed foreign victims to temporarily remain in the country to assist in law enforcement investigations. Victims could provide written testimony in court proceedings. Should victims choose not to assist, they were still provided protections and support to depart the country; the government provided legal assistance



to three victims in an ongoing investigation. Trafficking victims could seek restitution from the government and file civil suits against traffickers; however, there were no reported cases of them doing so in 2016.

## PREVENTION

The government maintained efforts to prevent trafficking. While the interagency taskforce lacked sufficient funds and resources to combat trafficking, it continued to coordinate national anti-trafficking efforts and implement the Administrative Report on Trafficking in Persons, its existing anti-trafficking action plan; it completed a revised draft for 2016-2017, which now awaits approval by the Minister of Justice. The government operated a trafficking tip hotline, although no tips were received during the reporting period. The government did not report new efforts to reduce demand for forced labor, or commercial sex.

In Curacao, prostitution is legal but underage prostitution is not. The government continued to keep an official register of individuals in prostitution working in Campo Alegre. These individuals, whose ages range from 18-50, are allowed a three-month residence permit and are restricted to working in Campo Alegre. The government reported no registered cases of underage prostitution. The Ministries of Justice and of Social Development, Labor, and Welfare continued cooperation in conducting full review of all work permit applications and jointly managing issuance of work and residence permits. The Ministry of Labor allowed foreign migrant laborers to request residence permits independent of their employers to ensure employees had better knowledge regarding the terms of work within contracts. The government provided anti-trafficking training for its diplomatic personnel.

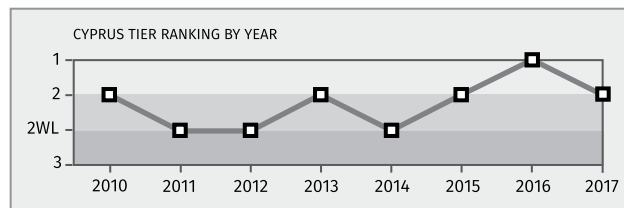
## TRAFFICKING PROFILE

As reported over the past five years, Curaçao is a source and destination country for women, children, and men subjected to sex trafficking and forced labor. Vulnerable populations include women and girls in the unregulated commercial sex industry; foreign women from South America and other Caribbean countries in the regulated commercial sex industry; and migrant workers, including from other Caribbean countries, South America, India, and China in the dry dock, construction, landscaping, minimarket, retail, and restaurant industries. Media accounts indicate an increase in the number of Venezuelan women who work illegally at roadside bars ("snacks") and are subjected to prostitution in both legal and illegal brothels in Curacao. These women, who may be engaged in prostitution or overstay their visas while in Curaçao and become undocumented, are vulnerable to human trafficking.

## CYPRUS: TIER 2

The Government of the Republic of Cyprus does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made significant efforts to meet the minimum standards during the reporting period by developing protocols of cooperation to formalize NGOs into the national referral mechanism in areas of housing and general support and increasing funds to an NGO-run shelter. The government improved efforts to assist victims including by streamlining the process to disperse financial support to victims, providing foreign victims residence permits and the right to work, and paying travel

and accommodation expenses for a victim to testify in the first civil case against a trafficker. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. The government convicted fewer traffickers, initiated fewer prosecutions, and identified fewer victims. A police officer employed interview tactics that may have re-traumatized victims. Three NGOs withdrew from the Multidisciplinary Coordinating Group (MCG) due to the non-substantive role of NGOs and infrequent meetings. Therefore, Cyprus was downgraded to Tier 2.



## RECOMMENDATIONS FOR CYPRUS

Vigorously investigate, prosecute, and convict traffickers under law 60(I) and train judges and prosecutors on its application; provide specialized training for law enforcement, including best practices for interviewing trafficking victims; proactively investigate potential labor trafficking of domestic workers and individuals in agriculture; train staff at the government-run shelter to increase the quality of support services available to victims, particularly psychological support; proactively identify victims among vulnerable populations, including among domestic and agricultural workers; reduce delays in court proceedings; and ensure cooperation of all relevant actors, including NGOs, in the MCG.

## PROSECUTION

The government decreased law enforcement efforts. Law 60(I) of 2014 prohibits all forms of trafficking and prescribes penalties of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. The government investigated 26 suspected traffickers, compared to 31 suspected traffickers in 2015; authorities investigated 13 suspects for sex trafficking and 13 for forced labor (seven for sex trafficking and 24 for forced labor in 2015). The government also investigated 113 suspects for forced marriage in 2016, which authorities considered to be trafficking under their law. The government initiated prosecutions against 10 defendants (30 defendants in 2015). Thirty-seven prosecutions remained pending at the end of the reporting period. Courts convicted one trafficker, compared to 31 in 2015, nine in 2014, and two in 2013. The trafficker received a sentence of one year imprisonment, which was suspended for three years. Observers reported key witnesses left the country before trial due to long delays, hindering prosecution efforts. In previous years, authorities did not investigate potential trafficking cases among domestic workers or individuals in agriculture because officials perceived all such cases to be labor disputes. The government trained first responders on a wide range of trafficking issues, including 40 first responders on labor trafficking within agriculture. The police academy trained police officers on trafficking issues, including financial investigations to combat trafficking and a refresher training for police officers working in detention centers. The government, together with an international organization, conducted training for immigration officials on identifying potential victims

at airports. The government extradited four traffickers from Romania to stand trial for trafficking. It did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government increased victim protection efforts, but identified fewer victims. The government identified 21 trafficking victims, compared to 40 in 2015. Of these, 10 women were subjected to sex trafficking, three men to forced labor, and seven women and one man to forced criminality (16 men and six women to forced labor, 13 women to sex trafficking, two children and a woman to forced criminality, and two children to forced begging in 2015). The government allocated €254,560 (\$268,240), compared to €133,750 (\$140,940) in financial assistance to victims through a public benefit scheme known as guaranteed minimum income created to gradually replace most forms of public assistance. The government provided an additional €14,325 (\$15,090), compared to €116,988 (\$123,280) in the form of public assistance to victims. The government spent €294,941 (\$310,790), compared to €269,900 (\$284,400) to operate the trafficking shelter.

A multi-disciplinary national referral mechanism, established in the previous reporting period, provided standard operating procedures for identifying and referring victims to services. First responders carried out the preliminary identification of potential victims and contacted Social Welfare Services (SWS). SWS officers provided potential victims with information and notified the police anti-trafficking unit, who officially identified victims. SWS referred 169 potential victims to the police; of these, NGOs identified 52 potential victims and the government identified 117 potential victims. Specialized personnel in the police anti-trafficking unit, including a forensic psychologist, conducted interviews with potential and identified victims before taking an official statement. Observers reported some of the police officers within the anti-trafficking unit conducted insensitive interviews that may have re-traumatized victims. In previous years, observers reported interpreters used in the interview process did not have sufficient knowledge of local dialects, particularly for Francophone African countries, and made translation mistakes, which made victims' testimony appear inconsistent. In 2016, however, police reported replacing the translators, as well as requiring victims' consent for use of the translator and giving victims the right to choose the translator's gender. The government provided police officers with identification manuals and operation guides to assist with the identification and referral procedures. Police and immigration officials interviewed arriving domestic and agricultural workers and ensured they possessed a contract and informed workers of their rights. Observers reported many potential forced labor victims remained undetected due to an inadequate number of labor inspectors.

SWS evaluated the needs of victims and potential victims and referred them to the appropriate government agencies and NGOs for assistance. SWS operated a specialized shelter for sex trafficking victims and victims of forced marriage; the SWS-run shelter accommodated 53 official and potential victims during the reporting period. Victims may stay for one month or longer, as appropriate, in the shelter for a reflection period. The government provided a rent subsidy and a monthly allowance for female sex trafficking victims who chose not to stay in the SWS-run shelter as well as to female labor trafficking victims and all male victims, as there were no specialized facilities for these victims. The government

developed protocols of cooperation to formalize NGOs into the national referral mechanism in areas of housing and general support. The government allocated €15,000 (\$15,810) to an NGO-run shelter to accommodate these victims and informally partnered with other NGOs to place them in apartments. Shelters allowed adult victims to voluntarily leave the shelter. As a matter of law, victims are entitled to psycho-social services, health care, translation and interpretation services, education, vocational training, and financial assistance. Experts reported SWS and the labor office exhibited greatly improved service quality for victims; however, observers reported staff at the government-run shelter were not adequately trained to provide the necessary psychological support to victims. Employment counselors trained to handle sensitive cases sought suitable employment for each victim; however, finding employment for victims remained a challenge. Benefits to victims were not, as in previous years, automatically discontinued if a victim refused a job offer; rather, an employment counselor and a SWS officer examined each case. The government provided education and specialized medical and psycho-social care for child victims. The government streamlined the process for providing financial support to victims and prioritized public benefit applications from trafficking victims. NGOs confirmed all identified victims received a monthly allowance and delays in receiving allowances were rare. SWS reported victims received emergency financial assistance in cases of delayed distribution of monthly allowances.

The government voluntarily repatriated or granted residence permits and work authorization to foreign victims including those who decided after their reflection period not to cooperate with the police. The government extended the residence and work permit for four victims and subsequently granted asylum to three of the victims. Fourteen victims assisted in investigations and six victims chose not to cooperate. The government permitted victims to leave Cyprus and return for trial, and police remained in contact with victims while they were abroad. Victims can receive restitution through civil suits; the government covered travel and accommodation expenses for a victim to testify in the first civil case against a trafficker. There were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government maintained prevention efforts. The government adopted the 2016-2018 national action plan (NAP). The MCG to combat trafficking, comprises relevant government agencies and NGOs, met twice during the reporting period and coordinated and monitored the implementation of the NAP; however, three of the four NGOs in the MCG withdrew because NGOs were not given a substantive role and meetings were infrequent. Police signed protocols of cooperation with 12 NGOs on a wide range issues including trafficking. The government continued to print and distribute brochures in 11 languages aimed at potential victims on their rights and assistance available to them. Cypriot diplomatic and consular missions distributed the booklets to visa applicants. The government-funded the publication of an anti-trafficking poster in newspapers and magazines and co-funded an anti-trafficking campaign in Nicosia and a social media campaign. The Ministry of Labor (MOL) inspected 117 employment agencies and revoked the licenses of nine employment agencies' for labor violations. The government did not report efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Cyprus is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims identified in Cyprus were primarily from India, Latvia, Bangladesh, Dominican Republic, China, Bulgaria, Turkey, Romania, Philippines, Cameroon, Cote d'Ivoire, Slovakia, Togo, Paraguay, and Czechia. Women, primarily from Eastern Europe, Vietnam, India, and sub-Saharan Africa, are subjected to sex trafficking. Sex trafficking occurs in private apartments and hotels, on the street, and within commercial sex outlets in Cyprus including bars, pubs, coffee shops, and cabarets. Some female sex trafficking victims are recruited with false promises of marriage or work as barmaids or hostesses. Foreign migrant workers—primarily from South and Southeast Asia—are subjected to forced labor in agriculture. Migrant workers subjected to labor trafficking are recruited by employment agencies and enter the country on short-term work permits; after the permits expire, they are often subjected to debt bondage, threats, and withholding of pay and documents. Asylum-seekers from South East Asia, Africa, and Eastern Europe are subjected to forced labor in agriculture and domestic work. Unaccompanied children, children of migrants, Romani, and asylum-seekers are especially vulnerable to sex trafficking and forced labor. Romani children are vulnerable to forced begging.

### AREA ADMINISTERED BY TURKISH CYPRIOTS

The northern area of Cyprus is administered by Turkish Cypriots. In 1983, the Turkish Cypriots proclaimed the area the independent "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. The area administered by Turkish Cypriots continues to be a zone of impunity for human trafficking. The area is increasingly a destination for women from Central Asia, Eastern Europe, and Africa who are subjected to forced prostitution in nightclubs licensed and regulated by the Turkish Cypriot administration. Nightclubs provide a significant source of tax revenue for the Turkish Cypriot administration; media reports estimated nightclub owners pay between 20 and 30 million Turkish lira (\$5.7-8.5 million) in taxes annually. This presents a conflict of interest and a deterrent to increased political will to combat trafficking. Men and women are subjected to forced labor in industrial, construction, agriculture, domestic work, restaurant, and retail sectors. Victims of labor trafficking are controlled through debt bondage, threats of deportation, restriction of movement, and inhumane living and working conditions. Labor trafficking victims originate from China, Pakistan, Philippines, Turkey, Turkmenistan, and Vietnam. Migrants, especially those who cross into the Turkish Cypriot community after their work permits in the Republic of Cyprus have expired, are vulnerable to labor trafficking. Romani children and Turkish seasonal workers and their families are also vulnerable to labor exploitation. Women issued permits for domestic work are vulnerable to forced labor. As in previous years, NGOs reported a number of women entered the "TRNC" on three-month tourist or student visas and engaged in prostitution in apartments in north Nicosia, Kyrenia, and Famagusta; some may be trafficking victims. Migrants, asylum-seekers, refugees, and their children are also at risk for sexual exploitation.

If the "TRNC" were assigned a formal ranking in this report, it would be Tier 3. Turkish Cypriot authorities do not fully meet the minimum standards for the elimination of trafficking and are not making significant efforts to do so. The area administered by the Turkish Cypriots lacked an anti-trafficking "law." Turkish Cypriots did not keep statistics on law enforcement efforts

against trafficking offenders. The area administered by Turkish Cypriots lacked shelters for victims and social, economic, and psychological services for victims. Local observers reported authorities were complicit in facilitating trafficking, and police continued to retain passports upon arrival of women working in night clubs.

Turkish Cypriots do not have a "law" that specifically prohibits trafficking in persons. Were there any trafficking-related cases, they would be tried under the "TRNC criminal code," which prohibits living off the earnings of prostitution or encouraging prostitution and forced labor. The "Nightclubs and Similar Places of Entertainment Law of 2000" provides the most relevant legal framework vis-à-vis trafficking and stipulates that nightclubs may only provide entertainment such as dance performances. Turkish Cypriots did not enforce this law, nor did the "TRNC" prosecute nightclub owners, bodyguards, or clients during the reporting period. The authorities made no efforts to punish labor recruiters or brokers involved in the recruitment of workers through knowingly fraudulent employment offers or excessive fees for migration or job placement. There was no "law" that punished traffickers who confiscate workers' passports or documents, change contracts, or withhold wages to subject workers to servitude. Turkish Cypriots did not provide any specialized training on how to investigate or prosecute human trafficking cases.

Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts, police were not trained to identify victims, and authorities provided no protection to victims. Police confiscated passports of foreign women working in nightclubs and issued them identity cards, reportedly to protect them from abuse by nightclub owners who confiscated passports. NGOs reported women preferred to keep their passports but police convinced them to render passports to police to avoid deportation. Foreign victims who voiced discontent about the treatment they received were routinely deported. Trafficking victims serving as material witnesses against a former employer were not entitled to find new employment and resided in temporary accommodation arranged by the police; experts reported women were accommodated at nightclubs. The Turkish Cypriot authorities did not encourage victims to assist in prosecutions against traffickers, and all foreign victims were deported. If the police requested a victim to stay to serve as a witness, the police were required to provide temporary accommodation. The only shelter accepting trafficking victims closed in July 2016.

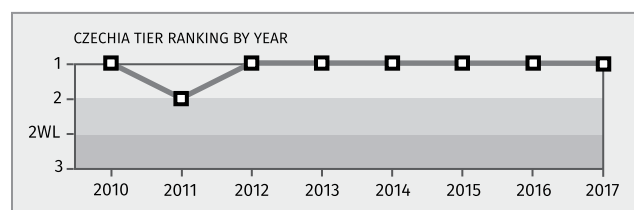
During the reporting period, "TRNC" authorities issued 1,314 six-month "hostess" and "barmaid" work permits for individuals working in nightclubs and two pubs operating in the north. During the reporting period, 351 women worked under such permits. Nightclub owners hired female college students during the reporting period to bypass the cap on the number of employees legally permitted in each club and avoid taxes and monitoring. An NGO reported authorities did not consistently document the arrival of women intending to work in nightclubs. Most permit holders came from Moldova, Morocco, and Ukraine, while others came from Belarus, Kazakhstan, Kenya, Kyrgyzstan, Paraguay, Russia, Tajikistan, Tanzania, and Uzbekistan. Reportedly some "parliament" members were clientele of the nightclubs. Women were not permitted to change location once under contract with a nightclub, and Turkish Cypriot authorities deported 445 women who curtailed their contracts without screening for trafficking. While prostitution is illegal, female nightclub employees were required to submit to weekly health checks for sexually transmitted infection



screening, suggesting recognition and tacit approval of the prostitution industry. Victims reported bodyguards at the night clubs accompanied them to health and police checks, ensuring they did not share details of their exploitation with law enforcement or doctors. Turkish Cypriots made no efforts to reduce demand for commercial sex acts or forced labor. The “law” that governed nightclubs prohibited foreign women from living at their place of employment; however, most women lived in group dormitories adjacent to the nightclubs or in other accommodations arranged by the establishment owner. The “Nightclub Commission,” comprises “police” and “government officials” who regulate nightclubs, prepared brochures on employee rights and distributed them to foreign women upon entry. The “Nightclub Commission” met monthly and made recommendations to the “Ministry of Interior” regarding operating licenses, changes to employee quotas, and the need for intervention at a particular establishment. The “Social Services Department” in the “Ministry of Labor” continued to run a hotline for trafficking victims; however, it is inadequately staffed by one operator who had not received any training on trafficking. A total of 30 women were repatriated during the reporting period. An expert reported trafficking victims were afraid to call the hotline because they believed it was linked to authorities. During the reporting period, the TRNC issued 2383 work permits to domestic workers.

## CZECHIA: TIER 1

The Government of the Czechia, or Czech Republic, fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Czechia remained on Tier 1. The government demonstrated serious and sustained efforts by approving a new action plan, providing comprehensive care for victims, obtaining victim cooperation with law enforcement, and implementing a multitude of public awareness campaigns, particularly in areas with vulnerable populations. Although the government meets the minimum standards, judges and prosecutors continued to enforce trafficking legislation unevenly. While progress was shown, in a minority of cases, the courts suspended the sentences of convicted traffickers weakening the deterrent effect of the penalties. The government did not have sufficient collaboration and coordination between labor inspectors and police, or training to improve victim identification and evidence gathering in labor trafficking cases.



## RECOMMENDATIONS FOR CZECHIA

Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking, using the anti-trafficking statute; sensitize judges to the severity of this crime to ensure convictions result in proportionate and dissuasive sentences; increase training for prosecutors and judges on applying the anti-trafficking statute; enhance collaboration between the labor inspectorate and police on investigating potential labor

trafficking cases; improve victims’ ability to access court-ordered restitution; train first responders, including labor inspectors, police, and state contracting officers, on labor trafficking victim identification criteria and evolving trends in labor trafficking; disaggregate sex and labor trafficking data in both law enforcement and victim protection efforts and consider the creation of a central database for trafficking data.

## PROSECUTION

The government improved its law enforcement efforts. Section 168 of the criminal code criminalizes all forms of trafficking and prescribes punishments of up to 16 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, police initiated 22 investigations into suspected trafficking cases, compared with 18 cases in 2015. Authorities prosecuted 19 defendants for trafficking crimes under Section 168 of the penal code in 2016, compared with 12 in 2015 and six in 2014. In 2016, eight cases resulted in convictions (19 in 2015 and six in 2014). Of the eight convictions in 2016, courts sentenced six individuals to prison time: four received sentences of five to 15 years, and two received five-year sentences. In two cases, judges fully suspended the sentences of two convicted traffickers. This is an improvement from the last reporting period when more than one-third of convicted traffickers received suspended prison sentences. The government did not disaggregate sex and labor trafficking data. The government seized 150,000 koruna (\$5,989) and land valued at 580,000 koruna (\$23,158) from suspected traffickers; this was a decrease from 36,673,000 koruna (\$1,464,284) in assets seized in 2015. Authorities collaborated with foreign governments on three transnational investigations.

The organized crime branch of the police was the lead law enforcement investigative agency for trafficking; regional police were responsible for smaller-scale cases. The government trained more than 200 law enforcement officials, labor inspectors, and prosecutors involved in investigating and prosecuting human trafficking crimes, on par with training efforts in 2015. Authorities reported the need for better collaboration between the police and labor inspectors, as well as enhanced training for inspectors on labor trafficking indicators. Observers reported prosecutors and judges pursued trafficking cases unevenly due to lack of familiarity with the law, unfamiliarity with labor trafficking, and a preference to prosecute traffickers for non-trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained victim protection efforts. Police identified 38 victims during the reporting period, one man and 37 women (92 victims in 2015 and 67 in 2014). Authorities referred all victims to services. Of the victims identified in this reporting period, 14 chose to cooperate with law enforcement and entered the Ministry of Interior’s (MOI) program for victim services (four victims entered the program in 2015 and 43 in 2014). In 2016, government-funded NGOs provided services to 139 newly identified potential victims, of which 125 victims were identified by NGOs; this compared to 171 newly identified potential victims in 2015, 79 of whom were directly identified by NGOs.

The MOI program for victim services was available to both foreign and Czech adult victims of sex and labor trafficking regardless of their country of origin or legal status. There

was a different national referral mechanism for children and youth, in which identified child victims received care outside of the MOI's program through publicly funded NGOs that provided shelter, food, clothing, and medical and psychological counseling. Those victims who enter the MOI program must cooperate with law enforcement; all victims are encouraged to cooperate with Czech authorities. Authorities provided victims with a 60-day reflection period, in which victims received care and determined whether to cooperate with law enforcement; victims with a medically recognized disability, including trauma, received an additional 30 days. Under the law, a victim cannot be deported during this period. Victims unwilling to cooperate with law enforcement were still eligible to receive services via NGOs, but these were located outside of the MOI's victim services program. However, to be eligible for these alternative short-term victim services, trafficking victims must reside legally in Czechia; victims not participating in the MOI program were ineligible for long-term assistance. The government provided medical care, psychological and crisis counseling, housing, legal representation, vocational training, and other specialized services to victims. Victims could voluntarily withdraw from victim services at any time.

The MOI funded the costs for the victim assistance program, and the Ministry of Labor and Social Affairs (MLSA) provided additional funding for actual day-to-day social services provided by NGOs. In 2016, the MOI allocated approximately 1.2 million koruna (\$47,914), comparable to the 1.18 million koruna (\$47,115) allocated in 2015. An international organization also received additional funding from the MOI for repatriation costs. Some experts noted a lack of funding for victim housing, especially female victims with more than one child, and a lack of expertise among counselors providing services. In 2016, the MOI changed how it provided services to victims. Rather than granting funds to multiple NGOs to provide services, the MOI released a tender inviting NGOs to submit bids; one NGO was selected to serve as the prime agent to manage victim services. NGOs and government stakeholders reported this new funding mechanism worked well.

During legal proceedings, victims were eligible to receive free legal aid. A witness protection law allows the government to conceal the identity of the witness, provides a new identity to the victim, and can assign bodyguards. Foreign victims who cooperated with investigators could receive temporary residence and work visas for the duration of the relevant legal proceedings. Upon conclusion of court proceedings, victims could apply for permanent residency; one victim received permanent residency in 2016, compared with no victims in 2015, and one in 2014. Victims had the legal option of seeking court-ordered compensation from their traffickers in both civil and criminal proceedings, although such restitution was rare as victims often feared retribution from their traffickers during criminal cases and could not afford attorney fees for a civil suit. To seek civil damages, the law requires a finding of criminal misconduct against the defendant. The government did not report any victims received compensation during the reporting period. There were no reports the government penalized identified victims for unlawful acts committed as a direct result of being subjected to trafficking. The MLSA created working groups focused on forced labor. The government-funded anti-trafficking training to 70 health practitioners and to 20 members of an international organization.

## PREVENTION

The government maintained prevention efforts. The MOI chaired

an inter-ministerial body that coordinated national efforts and approved the 2016-2019 national strategy in April 2016. A unit in the MOI served as the national rapporteur and prepared a comprehensive annual report on patterns and programs, which it released publicly. The government continued to fund an NGO-run hotline to identify victims of trafficking and domestic violence, which received approximately 600 calls in 2016. The law did not criminalize confiscation of workers' passports. MOI funding was also available to support trafficking prevention campaigns; the government-funded NGOs to conduct 60 public awareness and prevention campaigns across regions in Czechia. The new national action plan approved in April 2016 included a new focus on gathering data on trafficking vulnerabilities and, based upon the data, developing a list of recommendations to eliminate these risks. The government did not maintain a central database that would allow it to better analyze data about traffickers and victims. To increase foreign workers' awareness regarding their rights, the MLSA and the State Labor Inspection Office published information on its website in multiple languages about laws governing the employment of foreigners. The government did not make any efforts to reduce the demand for commercial sex acts or forced labor during the reporting period. The government provided anti-trafficking training for its consular and diplomatic staff, and military personnel participating in international peacekeeping efforts.

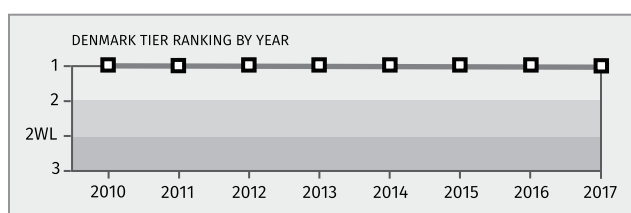
## TRAFFICKING PROFILE

As reported over the past five years, Czechia is a source, transit, and destination country for women and children subjected to sex trafficking and a source, transit, and destination country for men and women subjected to forced labor. Women, girls, and boys from Czechia, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam are subjected to sex trafficking in Czechia and also transit through Czechia to other European countries where they are subjected to sex trafficking. Men and women from Czechia, Ukraine, Romania, Bulgaria, Moldova, Mongolia, the Philippines, Russia, and Vietnam are subjected to forced labor in Czechia, typically through debt bondage, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work. They may also transit through Czechia to other countries in Europe where they are exploited. Most identified victims in the country are Czech, although law enforcement reported an increase in European Union victims. Romani women from Czechia are subjected to forced prostitution and forced labor internally and in destination countries, including the UK. Most traffickers are Czech citizens, and foreign traffickers often recruit victims from their own home countries and work in cooperation with a local Czech citizen; women comprise a large percentage of sex trafficking perpetrators. Law enforcement have seen an increase in "marriages of convenience" among Czech women that involve sex trafficking. Private, unregistered labor agencies often used deceptive practices to recruit workers from abroad as well as from inside the country.

## DENMARK: TIER 1

The Government of Denmark fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Denmark remained on Tier 1. The government demonstrated serious and sustained efforts by continuing to implement its 2015-2018 national action plan

against human trafficking and passing a spending resolution that increased funding through 2020 for counter-trafficking efforts. For the first time, the government offered trafficking victims temporary residence under section 9(c) of the Danish Aliens Act, which gives authorities the ability to stay deportation for victims to assist in an investigation. The government identified more trafficking victims and continued to fund victim service providers. Although the government meets the minimum standards, it continued to focus on foreign trafficking victims' illegal immigrant status, often incarcerating them while pending review of their status and repatriating non-EU resident victims to their countries of origin without proper screening. This impeded the ability of law enforcement to pursue traffickers and left victims vulnerable. Victim identification methods were convoluted and involved NGO partners too late in the process. In the last five years, only four victims had been granted asylum, despite the government officially identifying more than 400 victims; no victims were granted asylum during the reporting period.



## RECOMMENDATIONS FOR DENMARK

Increase incentives for victims to cooperate in the prosecution of traffickers, including by permitting temporary residency for victims while they assist law enforcement; more vigorously prosecute trafficking offenses and convict sex and labor traffickers; sentence traffickers in accordance with the gravity of the offense; cease penalization of victims for crimes committed as a direct result of being subjected to trafficking, such as migration offenses, including assessing if new guidelines concerning withdrawal of charges against trafficking victims prevent their penalization and detention; strengthen and streamline victim identification procedures, including expanding law enforcement efforts to proactively identify and expeditiously transfer potential trafficking victims, especially those without legal status, from police or immigration custody to crisis centers or care providers to facilitate trust among this vulnerable group.

## PROSECUTION

The government maintained law enforcement efforts. Section 262(a) of the criminal code prohibits all forms of trafficking and prescribes punishments of up to 10 years imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 25 trafficking cases in 2016, an increase from three in 2015. The government initiated prosecutions of three trafficking suspects, compared with 58 in 2015, when the Danish National Police conducted two major anti-trafficking operations. The government reassigned a large number of police units to border security duties due to the refugee crisis, which hindered the number of officers available to conduct trafficking investigations. Courts convicted 17 traffickers in 2016 (16 in 2015), all of whom received the full prison sentences permitted by law. Sentences ranged from 3 years to 7 years, 11 months imprisonment. Experts reported few trafficking cases were brought to trial because of the lack of incentives for victims to participate in the investigation of their traffickers,

such as residence permits for victims. In 2016, however, the government offered a family of two trafficking victims (one adult and one minor) temporary residence under section 9(c) of the Danish Aliens Act, which the victims accepted. This was the first time the government implemented the 2013 amendment to the Aliens Act, allowing authorities to issue temporary residency to trafficking victims without legal status in Denmark assisting law enforcement and testifying in a trial. Authorities cooperated in one transnational investigation and began extradition proceedings against three individuals wanted for human trafficking violations in Romania. In February 2015, authorities arrested 26 individuals during a nationwide human trafficking sting. Ongoing investigations and court cases continued through the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Police received instruction on trafficking at the police academy and again after their first year on the job.

## PROTECTION

The government maintained efforts to protect victims. Authorities identified 121 trafficking victims in 2016, compared with 93 victims in 2015. Eight of the identified victims were minors (five of sex trafficking, one of forced criminal activity, and two trafficked for "other" purposes), compared with six in 2015. Authorities did not identify any Danish trafficking victims in 2016. The government provided a list of indicators for police to reference for initial identification and procedures to guide officials in proactive victim identification. When police suspected they had a victim in custody, they called government anti-trafficking experts to assist in questioning and explain the victim's rights; each police district appointed a trafficking expert. NGOs noted the onus of victim identification remained on trafficking victims rather than officials' proactive identification. Government guidelines for identifying victims required shuffling victims between law enforcement and government agencies before referring them to NGOs. NGOs stated victim identification methods were convoluted and involved NGO partners too late in the process. NGOs contended authorities primarily treated trafficking victims as illegal immigrants subject to the justice system. The Danish Institute for Human Rights stated victims had been incarcerated pending review of their immigration status and as part of the process for identifying their traffickers. According to NGOs, the current laws and identification process incentivized police officers to treat victims as illegal immigrants. A third-party audit of the identification process revealed the government did not effectively disseminate current statistics and reports or manage its long-term planning.

Government-funded, NGO-operated facilities provided trafficking victims care services, including medical, psychological, and legal assistance; these facilities were dedicated to trafficking victims. The Danish Red Cross assisted unaccompanied children and child victims in another facility partially funded by the government. Victims could apply for compensation through a state fund and through civil suits against their traffickers; however, no victims pursued these in 2016. To help prevent trafficking victims from being penalized for crimes committed as a result of being subjected to trafficking, the director of public prosecutions distributed guidelines on the identification of victims and the withdrawal of charges against them to the police and prosecution service. Some observers reported increased willingness by prosecutors to drop charges against trafficking victims. The government did not implement efforts to provide alternatives to victims' removal, resulting in few protections for victims.



While the government reported asylum or humanitarian residence permits could be used as alternatives to removal for victims who lacked legal status in Denmark, trafficking victims could not qualify for these provisions or receive these protections solely on the basis of being subjected to trafficking crimes. The government required victims to prove they were persecuted in their home countries on the basis of Refugee Convention grounds. In 2016, the government offered a family of two trafficking victims (one adult and one minor) temporary residence under section 9(c) of the Danish Aliens Act, which the victims accepted. The government continued to offer trafficking victims a 120-day “extended time limit for departure” as part of its prepared return program for trafficking victims ordered to leave Denmark; the prepared return gave victims a specified period of time to receive services before their eventual deportation. Regional anti-trafficking experts, including the Council of Europe, emphasized this period does not refer to a period of reflection and recovery necessary to determine whether victims will cooperate in the investigation of their cases; rather it is a period of time the victims have to cooperate in their repatriation. During 2016, the Council of Europe criticized Denmark for failing to honor the required 120-day period of recovery and reflection prior to deportation of trafficking victims. In 2016, 12 trafficking victims accepted a prepared return (43 in 2015). Authorities deported victims without legal residency who did not accept a prepared return unless they were assisting in the prosecution of a trafficker. Some victims chose not to participate in the program, reportedly based on the perception it was merely a preparation for deportation. Victims’ debt bondage to their traffickers and lack of protection in their home countries served as significant deterrents from accepting the prepared return. The effective lack of alternatives to removal impeded the ability of law enforcement to pursue traffickers and left victims vulnerable to re-trafficking.

## PREVENTION

The government increased prevention efforts. The government allotted 88.3 million Danish Kroner (\$12.5 million) for its 2015-2018 national action plan for trafficking protection and prevention programs. In addition, parliament passed an omnibus social spending resolution in November 2016, which allocated 9.4 million Danish Kroner (\$1.33 million) to counter-trafficking efforts through 2020; this initiative included provisions for identification, outreach, and shelter. As part of the 2015-2018 national action plan, the government provided anti-trafficking training to police, diplomats, and other government personnel. The government conducted training for health service providers at clinics, shelters, and hospitals on how to identify trafficking victims and notify authorities. In May 2016, a government-assisted NGO launched a public exhibit focused on human trafficking and forced prostitution. Authorities posted guidelines for the hospitality sector to assist employers in the prevention of labor exploitation. Authorities conducted public information campaigns aimed at curbing demand for trafficking, provided public education about the signs of possible trafficking, and publicized through social media a hotline for reporting trafficking cases. Authorities continued to train tax and labor inspectors on labor trafficking indicators. The government did not take measures to reduce the demand for commercial sex.

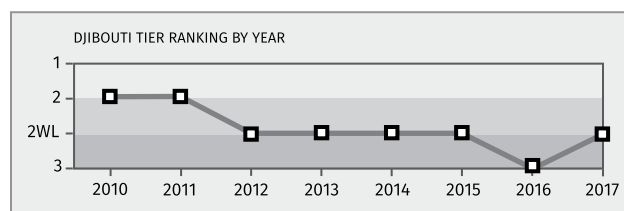
## TRAFFICKING PROFILE

As reported over the past five years, Denmark is primarily a destination and transit country for men, women, and children subjected to forced labor and sex trafficking from Eastern Europe,

Africa, Southeast Asia, and Latin America. Migrants are subjected to labor trafficking in agriculture, domestic service, restaurants, hotels, and factories through debt bondage, withheld wages, abuse, and threats of deportation. Unaccompanied migrant children are vulnerable to sex trafficking and forced labor, including theft and other forced criminality. Since 2009, 33 children have been identified as trafficking victims in Denmark: nine forced into pickpocketing, three into cleaning restaurants, six into forced criminal activity, 13 into sex trafficking, and two trafficking for uncategorized purposes. Copenhagen’s relatively small red-light district represents only a portion of the country’s larger commercial sex industry, which includes sex trafficking in brothels, bars, strip clubs, and private apartments. The rise in migrants, asylum-seekers, and refugees entering and transiting Denmark has increased the size of the population vulnerable to human trafficking.

## DJIBOUTI: TIER 2 WATCH LIST

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Djibouti was upgraded to Tier 2 Watch List. These achievements included increased investigations and prosecutions of trafficking cases and expanded trainings for law enforcement, prosecutorial, and judicial officials primarily on the 2016 anti-trafficking law. Officials partnered with an international organization to assist trafficking victims. Additionally, the government implemented a national identification and referral mechanism during the year—developed by an international organization—and continued to partner collaboratively with civil society stakeholders to organize diverse anti-trafficking awareness raising events throughout the year. The anti-trafficking working group met more than ten times during the year under the direction of the newly appointed national coordinator for anti-trafficking and anti-smuggling efforts. Despite these achievements, the government did not amend its anti-trafficking law, which does not incorporate the international law definition of trafficking, nor did it convict any traffickers after passing the law in March 2016. In addition, the government’s identification of potential victims remained sporadic and protective services largely insufficient. The government did not fully operationalize its national action plan to combat trafficking for the second consecutive year and the general lack of capacity and coordination among relevant government agencies continued to hinder progress in national anti-trafficking efforts.



## RECOMMENDATIONS FOR DJIBOUTI

Strictly enforce the anti-trafficking law through investigations and prosecutions of trafficking offenders; widely implement standardized procedures for government personnel to proactively identify potential victims and transfer them to care; expand protective services for victims, through partnerships

with NGOs or international organizations, and implement the protections mandated by the anti-trafficking law; amend the anti-trafficking law to comport with the international law definition, specifically to remove the requirement that the government prove that force, fraud, or coercion were used in cases of child sex trafficking, and repeal contrary provisions of existing laws; expand training for judges, prosecutors, and police on the distinctions between trafficking and migrant smuggling; compile and publicize data on convictions and sentences of trafficking offenders; implement the extended national action plan; institute a module on human trafficking as a standard component of the mandatory training program for new police and border guards; and develop and launch a nationwide anti-trafficking awareness campaign.

## PROSECUTION

The government modestly increased law enforcement efforts to combat trafficking, although some provisions of its anti-trafficking law remained inconsistent with international law. The 2016 Law No. 133, On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, criminalizes all forms of trafficking; it prescribes penalties of five to 10 years imprisonment, and 20 when aggravating factors are present, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. However, contrary to the international definition, Law No. 133 requires the government prove that force, fraud, or coercion were used when children are subjected to sex trafficking. Law No. 111, Regarding the Fight Against Terrorism and Other Serious Crimes of 2011, remains in effect and also prohibits all forms of trafficking with the same problem regarding child sex trafficking, and prescribes penalties of 10 to 15 years imprisonment, which are also sufficiently stringent and commensurate with the penalty for other serious crimes. These two similar laws have some divergent definitions and penalties, which risk generating confusion and raising legal issues, making it difficult for law enforcement, prosecutorial, and judicial officials to effectively prosecute human traffickers.

During the reporting year, the government investigated nine trafficking cases, an increase from none the previous year. While the government reported prosecution of 10 suspected traffickers in seven cases, judges convicted all defendants for smuggling crimes due to insufficient evidence of exploitation. It did not initiate trafficking prosecutions or secure convictions in 2015. Two prosecutions, one of which commenced in 2012, remained ongoing from previous reporting periods. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2016. In 2014, the government arrested five military officials for alleged trafficking crimes. However, the government reported they subsequently returned to their jobs and never appeared when summoned to court in 2015; this case was dismissed without criminal action during the reporting period.

To better delineate between trafficking and smuggling, more than 300 national police personnel attended an open discussion organized by Djibouti's National Police Chief in Djibouti's National Police academy and led by local experts on the differences between these crimes. During the reporting period, the Ministry of Justice (MOJ) coordinated a roundtable for approximately 80 officials and civil society stakeholders to socialize the 2016 anti-trafficking law and mechanisms to investigate potential trafficking crimes; for this event the government paid for promotional materials, the event facility, refreshments, and 300 printed booklets containing the anti-

trafficking law. In the bi-annual MOJ general assembly, the president of the Court of First Instance and State Prosecutor discussed effective application of the anti-trafficking law with judges and prosecutors. In collaboration with an international organization, the centrally-appointed regional governors of Tadjourah, Dikhil, and Obock hosted three separate trainings in their respective regions and each provided a venue for training sessions for roughly 40 participants from civil society and law enforcement focusing on the anti-trafficking law. In addition, the government provided in-kind contributions to support anti-trafficking trainings facilitated and funded by international organizations.

## PROTECTION

The government took steps to strengthen its victim protection infrastructure, but efforts to identify and provide protective services for trafficking victims were conducted on an ad hoc basis and remained largely insufficient. In December 2016, the government implemented a national identification and referral mechanism developed and funded by an international organization; however, it did not enact or routinely implement this mechanism during the reporting year, which likely left some individuals vulnerable to exploitation and potential re-victimization. Furthermore, the government granted authority to another international organization to conduct trafficking screenings of all transiting migrants. It partnered with this entity to provide water, food, and temporary shelter for an unknown number of potential trafficking victims in more than 200 cases reportedly involving indicators of trafficking; in 2015, the government did not identify or provide protective services to victims. Separately, an international organization referred nine potential victims to the national police; while investigations were ongoing, the victims remained under direct care of the organization. The *gendarmerie* continued its coordination with an international organization to transfer migrants, including potential trafficking victims, on an ad hoc basis to either medical facilities or the Migrant Response Center (MRC) in Obock—an office staffed and operated by an international organization along the route most heavily traversed by migrants from Somalia and Ethiopia en route to Yemen. In October 2016, the Ministry of the Interior provided this international organization with a building to create a second MRC after unprecedented migrant arrivals in Obock, a population vulnerable to trafficking. Djibouti remains without a shelter in which to house trafficking victims. The government also allocated an unspecified funding amount to local Djiboutian NGOs, which operated counseling centers and other programs that may have assisted trafficking victims during the year. The 2016 anti-trafficking law's provisions for establishment of victim assistance programs for trafficking victims, funded through asset seizure, remained unimplemented for the second consecutive year.

The 2016 anti-trafficking law established provisions allowing trafficking victims temporary residency during judicial proceedings and permanent residency as necessary as legal alternatives to removal to countries where they may face hardship or retribution; however, these provisions were not employed during the reporting year. Additionally, the 2016 law directs that necessary legal assistance and an interpreter be provided to victims; the government did not report providing such assistance during the reporting period. The government agency that assists refugee and disaster victims, the Ministry of Interior, the national *gendarmes* and police force, the Coast Guard, the Ethiopian embassy in Djibouti, and an international organization coordinated efforts to facilitate more than 1,000 voluntary returns of migrants, mainly Ethiopians, including 388

unaccompanied minors and 54 women, to their countries of origin in 2016. Some of these individuals reportedly encountered violence, coercion, or exploitation during their travels through multiple countries and, thus, may have been exploited in trafficking.

## PREVENTION

The government increased efforts to prevent trafficking. During the reporting year, the government extended its 2015 national action plan to combat trafficking through 2020 but did not fully operationalize it. The anti-trafficking working group met more than ten times during the year under the direction of the newly appointed national coordinator for anti-trafficking and anti-smuggling efforts; however, the general lack of capacity and coordination among relevant government agencies continued to hinder progress in national anti-trafficking efforts. The government-sponsored newspaper included numerous articles on trafficking and groups vulnerable to trafficking such as street children and refugees. In coordination with the government, an international organization sponsored a documentary and panel discussion on trafficking; various civil society organizations and officials from several ministries attended. In addition, the government and a local charity co-conducted anti-trafficking awareness raising activities in refugee camps across Djibouti. As part of the World Day against Trafficking, the government produced a three-part newspaper series on street children to raise awareness among the public about the plight of this vulnerable group. The government did not undertake significant efforts to reduce the demand for commercial sex acts. Through a train-the-trainer program, international experts provided Djiboutian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. English and Amharic language teachers at the Ministry of Foreign Affairs' training center for diplomatic personnel included information on trafficking and domestic servitude in their course material.

## TRAFFICKING PROFILE

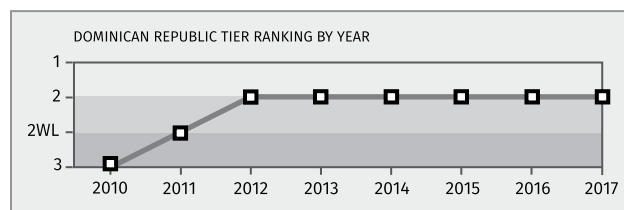
As reported over the past five years, Djibouti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking, although limited data on trafficking cases has complicated efforts to determine the full scope of the phenomenon. Men, women, and children, primarily from Ethiopia and Somalia, and to a lesser extent from Eritrea, transit Djibouti voluntarily en route to Yemen and other locations in the Middle East, particularly Saudi Arabia, to seek work. An unknown number of these migrants are subjected to forced labor and sex trafficking in their intended destinations. In 2016, more than 117,000 people embarked on the sea crossing from the Horn of Africa to Yemen, marking the highest annual total of the past decade. In addition to this unprecedented influx of migrants, the 2015 crisis in Yemen created a reverse flow of persons from Yemen to Djibouti. The government allowed over 30,000 people of diverse nationalities to enter freely and take refuge; some of them had endured various types of exploitation, possibly including trafficking, before their arrival in Djibouti. Given instability in Ethiopia's Oromia region that commenced in November 2015, more Ethiopians journeyed on foot from Ethiopia to Djibouti to either claim asylum with their families or continue onward to destination countries in the Gulf, thereby causing an uptick in refugee camp population; austere conditions in refugee camps made this group highly vulnerable to trafficking.

Djiboutian and migrant women and street children are vulnerable to domestic servitude or sex trafficking in Djibouti

City, the Ethiopia-Djibouti trucking corridor, and Obock, the main departure point for Yemen. Some migrants intending to be smuggled may be transported or detained against their will and subsequently subjected to trafficking and other forms of abuse in Djibouti. Smuggling networks, some of whose members are likely Djiboutian, sometimes charge exorbitantly high rents or kidnap and hold migrants, including children, for ransom in countries neighboring Djibouti. In addition, some migrant women reportedly were subjected to domestic servitude and forced prostitution in Djibouti. Traffickers based in Yemen or Saudi Arabia, who reportedly intend to exploit migrants or sell women into prostitution or domestic servitude upon their arrival there, sometimes pay these ransoms. Parents sometimes compel their children to beg on the streets as a source of familial income; children may also travel from foreign countries—including Ethiopia and Somalia—for begging in Djibouti. Children are also vulnerable to forced labor as domestic servants and, at times, coerced to commit petty crimes, such as theft.

## DOMINICAN REPUBLIC: TIER 2

The Government of the Dominican Republic does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, the Dominican Republic remained on Tier 2. The government demonstrated increasing efforts by prosecuting traffickers—including an allegedly complicit official, convicting traffickers, identifying victims, and launching a national anti-trafficking awareness campaign, which increased calls to the government hotline. However, the government did not meet the minimum standards in several key areas. The government did not report any new prosecutions or convictions for forced labor. It did not provide sufficient funds, training, or equipment to conduct law enforcement efforts or provide adequate victim protection or specialized services. It also did not take action to remedy gaps in law enforcement efforts identified by the attorney general's office review of 2010-2014 trafficking cases.



## RECOMMENDATIONS FOR THE DOMINICAN REPUBLIC

Vigorously prosecute and convict traffickers involved in forced labor and sex trafficking, including complicit government officials; fully implement protocols to identify adult and child trafficking victims, including in commercial sex, domestic servitude, and the agriculture and construction sectors, and refer them to protective services; adequately fund and train law enforcement, including on how to better identify victims of forced labor; amend the 2014 anti-trafficking law to remove the requirement to prove force, fraud, and coercion of sex trafficking victims under 18 years of age and consistent with international law; adequately fund and coordinate specialized services for adult and child trafficking victims; work with NGOs to provide adequate shelter and services to adult and child victims; address



the gaps identified in the attorney general's office review of 2010-2014 trafficking cases; screen for trafficking indicators among working children and undocumented or stateless persons at risk of deportation, including those of Haitian descent to identify victims and prevent re-trafficking; and conduct forced labor and sex trafficking awareness campaigns in Spanish and Creole.

## PROSECUTION

The government maintained law enforcement efforts by investigating, prosecuting, and convicting sex traffickers, but did not investigate, prosecute, or convict any labor traffickers. The 2003 Law on Human Smuggling and Trafficking (Law 137-03) prohibits most forms of trafficking in persons and prescribes penalties of 15 to 20 years imprisonment and fines—penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition of trafficking in persons, the law requires prosecutors to prove that a trafficker used the means of force, fraud, or coercion for sex trafficking of individuals under 18 years of age. It also defines trafficking more broadly to include forced marriage and illegal adoption without requiring that either marriage or adoption have exploitation as a purpose. Prostitution is legal, but promoting the prostitution of others is prohibited by article 334 of the penal code, which prescribes penalties of six months to three years imprisonment and fines. Article 25 of the Child Protection Code of 2003 prohibits the offering, delivering, or accepting, without regard to means used, anyone under 18 years of age for the purpose of sexual exploitation, forced labor, or any other purpose that demeans the individual, for remuneration or any other consideration, and prescribes a penalty of 20 to 30 years imprisonment and a fine. Prosecutors may use these provisions to charge and prosecute sex traffickers in addition to or instead of Law 137-03.

In 2016, the government initiated 25 investigations—23 for sex trafficking and two for forced begging—and prosecuted 40 alleged traffickers, compared with 15 investigations and prosecutions of 49 alleged traffickers in 2015. The government secured convictions of 13 defendants in seven cases, compared to 20 defendants convicted in seven cases in 2015; sentences ranged from five to 20 years imprisonment. The national police anti-trafficking unit, in cooperation with an NGO, planned and conducted investigations, which resulted in the arrest of six traffickers and identification of eight victims. The government, in cooperation with a foreign government, conducted two major operations resulting in the identification of 61 victims and the arrest of nine alleged traffickers, including an army official. Observers and prosecutors reported human and financial resource shortages impeded law enforcement efforts.

An attorney general's office review of 2010-2014 trafficking cases, conducted during the prior reporting period, revealed a number of gaps in law enforcement efforts: inadequate investigation resulting in a lack of evidence to prosecute; insufficient efforts to secure the cooperation of victims and families; and cases prosecuted under inappropriate provisions of the law. The government prosecuted a police officer for participating in a sex trafficking ring that involved child victims, but the officer was acquitted. The government cooperated with governments in the Caribbean, Europe, and Central and South America on investigations of transnational trafficking cases. The government offered anti-trafficking courses at the National Defense Institute, Police Institute, School of Justice, School of Public Ministry, Intelligence School of the Navy, and Judiciary School. Police recruits, prosecutors, judges, and court staff participated in trainings offered by NGOs.

## PROTECTION

The government increased slightly the identification of trafficking victims, but decreased other victim protection efforts and services. Authorities identified 157 sex trafficking victims—137 female and 20 male; 83 children and 74 adults—compared with 101 victims in 2015. The Attorney General's Anti-Trafficking Unit (ATU) coordinated with other government agencies, international organizations, and NGOs that provided trafficking victims temporary accommodation in shelters, psychological and legal assistance, reintegration, medical services, and support for higher education. However, NGOs reported these services were ad hoc, not well coordinated or specialized, and the government often returned child victims to their families without follow-up care or education about the risks of re-trafficking. The Ministry of Women through its Center for Orientation and Comprehensive Investigation provided victims shelter, limited legal services, and psychological assistance. The government provided short-term services to the 157 identified trafficking victims.

Government officials reported having protocols to identify and assist adult and child trafficking victims; however, authorities did not fully implement the protocols across all levels of government nationwide. The government encouraged victims to participate in investigation and prosecution efforts by offering all victims lodging and security in the courtroom and immigration relief for foreign victims. The ATU opened a shelter twice in 2016 to house 60 foreign national victims identified during law enforcement operations, but closed the shelter once the cases concluded due to a lack of long-term funding. The government lacked funding, trained personnel, and equipment to provide adequate victim protection. The anti-trafficking law contains victim protection provisions, including restitution; however, no victims obtained restitution in 2016, compared to at least one trafficking victim obtaining restitution in 2015. The government offered foreign victims identified in cases investigated during the reporting period the same services available to Dominican victims; however, most victims chose to return to their own countries, and only one victim accepted temporary residency in the country in 2016 before returning to her home country. There were no reports of victims being punished for unlawful acts committed as a direct result of being subjected to trafficking. Undocumented Haitian victims faced deportation and other penalties resulting from their irregular immigration status, increasing vulnerability to trafficking.

## PREVENTION

The government increased prevention efforts. The inter-institutional anti-trafficking and anti-smuggling commission met periodically to discuss ongoing commitments. The government published an annual report of its efforts under the 2009-2014 plan, which remained in effect. NGOs assessed government implementation efforts were uncoordinated and underfunded. In partnership with and with funding from an international organization, the government completed but will not publish a baseline study of the judicial system's handling of child sex trafficking cases. The government began to develop a new national anti-trafficking action plan. The government, in cooperation with an international organization, launched a national campaign to raise awareness of child sexual exploitation, including sex trafficking. NGOs reported prevention efforts did not target youth and students or Creole speakers, key vulnerable groups, and did not target social media often used by traffickers to recruit victims. The government operated a national hotline, which received 176 calls before the start of the national campaign and 324 after the campaign

launched; 493 of the 550 calls were trafficking-related, 61 of which led to new investigations. The government did not gather comprehensive data or statistics to help it gauge the effectiveness of anti-trafficking efforts.

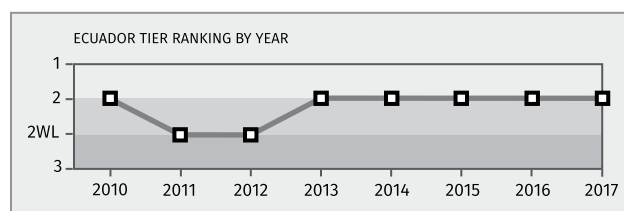
During the reporting period, the government extended the benefits of the National Regularization Plan to offer an additional year of legal residency status to approximately 240,000 beneficiaries. In addition, the government approved 55,000 birth certificates for documented individuals born in the country to immigrant parents and reissued about 20,000 birth certificates for those individuals. The government planned to offer permanent residency to 8,755 of the individuals who had not obtained birth certificates. These actions reduced the recipients' risk of statelessness and deportation and their vulnerability to trafficking. The government made efforts to reduce the demand for forced commercial sex by charging two tourists—an American and a Canadian—with child sexual exploitation and improved monitoring of tourist areas. The government maintained a national plan to reduce child sex tourism and a detection system for foreign travelers who are registered sex offenders in their countries. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, the Dominican Republic is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Large numbers of Dominican women and children are subjected to sex trafficking in the Dominican Republic, the Caribbean, Europe, South and Central America, the Middle East, Asia, and the United States. Foreign national victims from the Caribbean, Asia, and South America are subjected to trafficking in the Dominican Republic. Commercial sexual exploitation of Dominican children by foreign tourists from the United States, Canada, and Europe, and by Dominican residents persists, particularly in coastal resort areas of the Dominican Republic. NGO research indicates sex trafficking of 15- to 17-year-old girls occurs in streets, in parks, and on beaches. Government officials and NGOs report an increase in Colombian and Venezuelan women brought to the country to dance in strip clubs who are subjected to forced prostitution. Traffickers lure Dominican women to work in night clubs in the Middle East, the Caribbean, and Latin America and subject them to sex trafficking. Dominican officials and NGOs documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics. There are reports of forced labor of adults in construction, agricultural, and service sectors. Populations vulnerable to trafficking include women and girls, working children and street children, migrant workers, and undocumented or stateless persons of Haitian descent. Haitian women report smugglers often become traffickers for the purpose of sexual exploitation along the border, and observers note traffickers operate along the border with impunity and sometimes with the assistance of corrupt government officials who accept bribes to allow undocumented crossings. Unofficial border crossings remain unmonitored and porous leaving migrants, including children recruited to work in the agricultural and construction sectors, vulnerable to trafficking. NGOs report police complicity in areas known for child sex trafficking.

## ECUADOR: TIER 2

The Government of Ecuador does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous period; therefore, Ecuador remained on Tier 2. The government demonstrated increasing efforts by conducting more anti-trafficking law enforcement operations leading to an increased number of convictions, and by enacting a law to enhance assistance and protection efforts for trafficking victims and those vulnerable among migrant populations. However, the government did not meet the minimum standards in several key areas. Specialized services for victims were unavailable in most of the country and official complicity remained a challenge. For the fourth year in a row, authorities failed to approve the revised anti-trafficking plan, and government agencies lacked adequate resources to implement anti-trafficking efforts.



## RECOMMENDATIONS FOR ECUADOR

Strengthen the provision of specialized services for trafficking victims, including for adults, and increase funding for services, including for those provided by civil society organizations; increase efforts to hold criminally accountable public officials complicit in trafficking; amend anti-trafficking statutes for consistency with the international definition of trafficking and to make the prescribed penalties commensurate with other serious crimes such as rape and kidnapping; increase use of the national protocol for protection and assistance to trafficking victims, including identifying trafficking victims among vulnerable populations, such as LGBTI individuals, irregular migrants, and individuals in prostitution; increase anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification; enhance data collection and interagency coordination; partner with civil society to finalize, resource, and implement the national anti-trafficking action plan; and take steps to retain expertise among members of the anti-trafficking unit such as extending their rotation period.

## PROSECUTION

The government increased law enforcement efforts. Article 91 of Ecuador's 2014 criminal code prohibits all forms of trafficking and prescribes penalties ranging from 13 to 16 years imprisonment. These penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. Article 91 does not require the means of force, fraud, or coercion for sex trafficking of adults or for forced labor, and it includes all labor exploitation, child labor, illegal adoption, servile marriage, and the sale of tissues, fluids, and genetic materials of living persons. The criminal code allows for additional investigation techniques for trafficking, such as undercover investigations and wiretapping, and penalizes those who contract with workers using knowingly fraudulent or

deceptive offers with a penalty of 10 to 13 years imprisonment. The criminal code also separately penalizes sexual exploitation (article 100), forced prostitution (article 101), sexual tourism (article 102), and forced labor and other forms of exploitative labor (article 105), including all labor of children younger than 15 years of age. Penalties under articles 101 and 102 are 13 to 16 years imprisonment, while penalties for forced labor under article 105 are 10 to 13 years imprisonment—less than the penalties for forced labor under article 91. The definitions used in these laws to prohibit trafficking may cause confusion for officials charging and prosecuting such offenses and may hinder efforts to hold perpetrators accountable. The Children and Adolescents Code contains definitions of child sexual exploitation (article 69), child labor exploitation (article 81), and child smuggling (article 70); however, the latter conflates smuggling and trafficking, which may cause confusion for officials implementing this code. In particular, the definition of child sexual exploitation is not consistent with the definition of sexual exploitation in article 91.

The anti-trafficking and human smuggling police unit (ATU) reported arresting 56 suspected traffickers and conducting 52 anti-trafficking operations in 2016, an increase from 10 anti-trafficking operations in 2015 and 19 in 2014. Authorities reportedly prosecuted 18 cases of trafficking and convicted 40 traffickers, compared with 64 prosecutions and 31 convictions in 2015 and 95 prosecutions and 20 convictions in 2014. In 2016, the average sentence for trafficking crimes was 16 years. The ATU in Quito focused on cases involving adult victims, while police units for crimes against children investigated cases of child trafficking, sometimes in coordination with the specialized anti-trafficking police. The national organized crime prosecutorial unit in Quito handled trafficking cases in partnership with local prosecutors across the country. Limited resources, limited presence in parts of the country, inadequate victim services, bureaucratic delays, and the frequent rotation of specialized police hampered law enforcement efforts during the reporting period. Authorities did not report any new investigations into government complicity; however, NGOs indicated that corruption and official complicity of government officials in trafficking crimes continued and impacted victims and witnesses' willingness to report cases. Most complicity cases from prior years remained open, including the 2015 prosecution of a police officer for sex trafficking, the case of the three civil registry officials for falsifying and altering documents used by international traffickers, the 2013 prosecution of two active and two former police officers for their involvement in sex trafficking, and the 2012 investigation of a judge for trafficking-related complicity. Authorities provided 17 training events reaching 537 government officials, including staff from the attorney general's office and members of the public. An NGO and an international organization with foreign donor funding provided specialized training to law enforcement officials in the province of Sucumbios and Esmeraldas. The Ministry of Interior (MOI) provided mandatory specialized training as part of basic curriculum for all ATU officers; however, frequent rotations impede the development and retention of expertise.

## PROTECTION

The government decreased protection efforts. The government used the "National Unified Protocol for Integral Protection and Assistance to Victims of Trafficking" to refer victims. Authorities regularly referred victims to one of five government ministries responsible for victim assistance and referral, as well as NGOs who provided shelter and assistance. The government identified

and assisted 75 potential trafficking victims, a decrease from 117 potential child trafficking victims in 2015. NGOs identified and assisted an additional 75 potential trafficking victims, compared to 63 in 2015. It was unclear how many government- and NGO-identified cases involved trafficking as defined in international law given the overlapping trafficking-related criminal offenses. During the reporting period, observers reported authorities charged two trafficking victims as criminals rather than identify them as victims.

Authorities, in partnership with NGOs, continued to provide emergency services to trafficking victims, including legal, psychological, and educational support, in addition to shelter for underage female victims. Lack of specialized shelters, especially for adult victims of trafficking, continued to be a concern. Male victims had limited options for services through care centers providing ambulatory services. Police reported challenges finding shelters for trafficking victims, particularly outside the capital; as a result, police sometimes placed victims in non-specialized shelters. The government provided an unspecified amount of funding for shelters and services for trafficking victims. NGOs reported government funding decreased in 2016 compared to the year before. An NGO reported assisting a transgender victim from Colombia who was mistreated by police on both sides of the border and unable to find shelter until the NGO helped her return to Colombia.

The Office of the Prosecutor General continued to support a formal witness protection program (SPAVT) and provided immediate support to victims. During the reporting period, the SPAVT program assisted 47 victims, a decrease from 72 victims in 2015 and 66 victims and dependents in 2014. The government granted a 30-day reflection period allowing victims to receive SPAVT protection while deciding whether to participate in the penal process against their traffickers. Many victims chose not to participate in investigations due to fear of threats, inadequate protections in the SPAVT program, or lack of faith in the judicial system. It was unclear how many victims participated during the reporting period. NGOs reported victims often sought NGO-provided or private legal assistance due to the public defender providing limited and poor quality legal assistance to victims. Foreign victims were entitled by law to the same services as domestic victims, but in practice, NGOs reported the government treated foreign victims as irregular migrants violating immigration law rather than as crime victims. Young foreign victims lacking personal identification documents can be considered minors and therefore have access to specialized state care, shelters, and psychological and legal assistance. NGOs reported a lack of specialized health professionals and denial of medical services to victims without legal presence in the country. The MOI reported it had mechanisms to repatriate trafficking victims and Ecuadorian diplomatic and consular missions abroad had funding to provide food, lodging, and airplane tickets to Ecuadorian victims seeking repatriation; however, the government did not use these mechanisms during the reporting period. According to authorities, financial restitution was not available for trafficking victims. In January 2016, the government enacted the Human Mobility Law, which guaranteed the non-return of people to countries where their lives or relatives are at risk, including foreign victims of trafficking. Authorities reported they could grant temporary or permanent residency to foreign victims, but did not report how many foreign victims received residency in 2016. The mobility law prevented re-victimization and penalization of victims by establishing a registry of identified trafficking victims and assigning responsibilities to state agencies to provide protection



and reintegration in addition to prevention education. It was unclear if any of these requirements were implemented during the reporting period.

## PREVENTION

The government decreased prevention efforts. The MOI anti-trafficking sub-directorate coordinated anti-trafficking efforts, although civil society organizations continued to note a lack of coordination among government actors. During the reporting period, the government did not approve the revised version of the 2013-2017 national action plan and the interagency committee could not provide funding until its approval. Government agencies were required to dedicate their own resources for the implementation of the plan, which hindered anti-trafficking efforts. National authorities conducted awareness campaigns in public schools, including one in public schools reaching over 2,000 students. The criminal code prohibits sex tourism, but the government did not provide information on investigations, prosecutions, or convictions of child sex tourists in 2016. The mobility law requires the Ministry of Labor to register all cases of job placement abroad. Travel agencies were required to complete an online course on detecting trafficking victims in order to obtain a working license from the Ministry of Tourism. The government did not make efforts to reduce the demand for commercial sex. In July, the MOI and a university hosted a seminar on human trafficking trends and using social media to improve victim assistance. In September, authorities from Peru and Ecuador held a bi-national dialogue on human trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

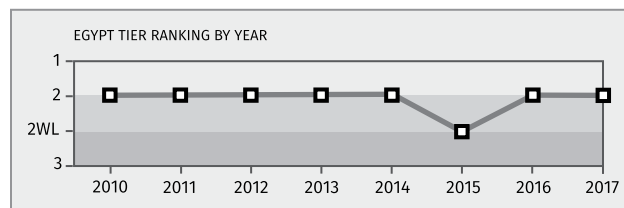
## TRAFFICKING PROFILE

As reported over the past five years, Ecuador is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Ecuadorian men, women, and children are exploited in sex trafficking and forced labor within the country, including in domestic servitude, forced begging, on banana and palm plantations, in floriculture, shrimp farming, sweatshops, street vending, mining, and in other areas of the informal economy. Indigenous and Afro-Ecuadorians, as well as Colombian refugees and migrants, are particularly vulnerable to human trafficking. Women, children, refugees, and migrants continued to be the most vulnerable to sex trafficking; however LGBTI individuals remain vulnerable to sex trafficking. Smugglers promising a better life confiscate documents, impose debts, and threaten or force into prostitution nationals of Cuba, Ghana, Cameroon, Nigeria, Chad, China, Pakistan, the Dominican Republic, Peru, Colombia, Venezuela and Haiti, in Ecuador. Ecuador is also a destination for Colombian, Peruvian, Dominican, Venezuelan, Mexican, Haitian, Paraguayan, and Cuban women and girls exploited in sex trafficking, domestic servitude, and forced begging. Haitians migrate through Brazil into Ecuador to seek jobs on banana plantations, where they are vulnerable to forced labor. Traffickers use Ecuador as a transit route for trafficking victims from Colombia, Cuba, Haiti, and the Dominican Republic. Traffickers recruit children from impoverished indigenous families under false promises of employment and subject them to forced labor in begging, domestic servitude, in sweatshops, or as street and commercial vendors in Ecuador or in other South American countries. Ecuadorian children are subjected to forced labor in criminal activity, such as drug trafficking and robbery. Traffickers threaten these children's families. Ecuadorian men, women and children are exploited in forced labor and sex trafficking abroad, including in the United States, Europe

and in other South American countries, particularly in Chile. Some Ecuadorian trafficking victims are initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. Allegedly, corrupt Ecuadorian officials have alerted traffickers prior to some law enforcement operations, and some local authorities assisted traffickers to get falsified identity documents, which resulted in victims' lack of confidence in the police and a reluctance to report potential cases.

## EGYPT: TIER 2

The Government of Egypt does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Egypt remained on Tier 2. The government demonstrated increasing efforts by creating three specialized courts to prosecute human trafficking cases, prosecuting a government official for alleged complicity in trafficking crimes, adopting a new national anti-trafficking action plan, and conducting several trafficking awareness campaigns and training programs that addressed various forms of trafficking. However, the government did not meet the minimum standards in several key areas. The government did not report what services, if any, it provided to the majority of the victims it identified. It did not provide shelter services specifically for trafficking victims. The government developed guidance on victim identification and referral procedures, but it did not begin to implement such procedures, and as a result, authorities continued to punish unidentified victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration violations.



## RECOMMENDATIONS FOR EGYPT

Improve efforts to proactively identify victims of all forms of trafficking and implement standard operating procedures (SOPs) for officials to use the national victim referral mechanism to identify and refer to protection services trafficking victims among vulnerable groups; ensure trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; provide and allocate adequate resources for protection services—including shelter—for victims of all forms of trafficking, including both Egyptian and foreign victims; increase investigations, prosecutions, and convictions of all forms of trafficking and adequately punish offenders, including complicit officials; increase training for all government officials, including judges in the specialized trafficking courts, on implementation of the anti-trafficking law and victim identification and referral procedures; provide a clear legal basis for NGOs to provide victim services; further extend employment protections to cover domestic workers; raise awareness of the specialized trafficking courts among judicial and law enforcement officials; encourage trafficking victims to

assist in investigations and prosecutions of their traffickers; and increase ongoing nationwide awareness campaigns.

## PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. The 2010 anti-trafficking law prohibits all forms of human trafficking and prescribes penalties from three to 15 years' imprisonment and fines, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The child law prohibits sex trafficking and forced labor of children and prescribes sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Articles 80 and 89 of the constitution prohibit sex trafficking, compulsory exploitation, and forced labor. In May and June 2016, the government created three specialized courts within existing appellate courts to prosecute human trafficking cases; however, the government did not report if any trafficking cases were tried in these courts during the reporting period. The government continued to conduct a nationwide data call to gather information on trafficking cases in 2016.

In 2016, the government investigated 23 cases of potential forced child labor, sex trafficking, and domestic servitude crimes, some of which were referred for prosecution; however, these cases also included perpetrators suspected of other crimes such as illegal adoption and organ trafficking, it was unclear how many of the 23 cases actually involved trafficking. This compares to 21 prosecutions in 2015. The government cooperated with the Jordanian government on a potential trafficking case involving the extradition of an Egyptian national; the case was pending at the end of the reporting period. The government reported convicting five Egyptians for trafficking crimes in 2016—compared to three traffickers convicted in 2015. All convicted in 2016 were sentenced to life imprisonment. Three other prosecutions ended in acquittal during the reporting period. The government reported the investigation and prosecution of a government employee complicit in human trafficking offenses. In December 2016, the Public Prosecutor referred to criminal court an Egyptian law enforcement official working in passport control at Cairo International Airport for his involvement with two Saudi Arabian nationals who allegedly operated a gang that fraudulently recruited Indonesian domestic workers to be exploited in Egypt; the three individuals were charged for human trafficking and bribery, and the case remained pending at the end of the reporting period. Some trafficking cases were settled out of court, resulting in a lack of adequate punishment for trafficking offenders. The Ministry of Justice's Center for Judiciary Studies continued to provide compulsory training on human trafficking for newly appointed prosecutors as a part of its curricula; the center also provided training for 84 judicial officials, in collaboration with an NGO. During the reporting period, the government provided 23 anti-trafficking trainings for 331 law enforcement, judicial, and military officials, an increase from 222 personnel trained in the previous reporting period. Additionally, the government provided in-kind support to an NGO that conducted a trafficking workshop in May 2016 for 31 judges covering international trafficking protocols and measures to combat trafficking, strategies to interview trafficking suspects and witnesses, and international cooperation to combat trafficking.

## PROTECTION

The government did not improve its weak protection services. The government's national anti-trafficking strategy, adopted

in October 2016, provides policy guidance to formalize SOPs to guide officials on proactive victim identification and protection, as well as guidance on operationalizing a National Victim Referral Mechanism. In December 2016, the General Prosecutor's Office began developing guidelines to train its staff on implementation of the SOPs. The national strategy and accompanying law on combating irregular migration includes guidance for officials to protect, rather than treat as criminals, irregular migrant children, a population vulnerable to trafficking. Through the government's anti-trafficking hotline, it identified 65 potential trafficking cases in 2016 among reported cases of child exploitation, organized begging, sexual exploitation, and summer marriages, a decrease from the 173 it identified in 2014 which is the government's most accurate victim identification figure in the last two years. Of the 65 identified victims, the National Council for Childhood and Motherhood (NCCM)—the government agency leading anti-trafficking efforts—referred eight victims to an unspecified government-run shelter or other protective service providers and 16 cases to the Prosecutor General for investigation, but it was unclear if these victims received protection services. The government did not report what protection services—if any—it provided to the other 41 identified victims. The government repatriated 453 Egyptian nationals from Italy in 2016, an unidentified number of which were identified as trafficking victims. Although Ministry of Manpower inspectors were trained to investigate employers suspected of child labor or trafficking crimes, it did not report identifying any potential trafficking victims or cases during routine inspections in 2016. The government continued to operate a telephone hotline to report trafficking abuses, which included live counseling and legal aid, as well as referrals to law enforcement and NGOs for victim assistance; the hotline received 85 calls during the reporting period. The government did not implement the national victim referral mechanism, which included the services provided by the national anti-trafficking hotline. Ineffective victim identification and referral procedures contributed to authorities punishing some victims for unlawful acts committed as a direct result of being subjected to human trafficking. Authorities continued to treat and punish some unidentified trafficking victims as criminal offenders, while foreign trafficking victims remained vulnerable to detention and deportation for illegal immigration or employment violations. The government did not have a policy in place to waive visa overstay fines for foreign trafficking victims that may have accrued during their exploitation. Foreign trafficking victims were not offered legal alternatives to removal to countries in which they faced hardship or retribution. The government reported that it could provide unspecified temporary residency status to trafficking victims, but it did not report if any victims received this status during the reporting period. The anti-trafficking law guarantees protection of witnesses of trafficking crimes, but the government did not report if it provided protection to any witnesses during the reporting period.

Continued funding constraints hindered NCCM's provision of adequate protection services to victims. The government did not provide shelter services specifically for trafficking victims in 2016, but the NCCM continued to operate a shelter jointly with an NGO that provided services to at-risk children, including potential male child trafficking victims. The government reported 5,590 children received services at this shelter in 2016, but it did not specify how many of them were trafficking victims. The Ministry of Health—with international assistance—continued to operate a medical recovery unit for foreign and Egyptian, male and female trafficking victims at a Cairo hospital; however, the government did not report if any

trafficking victims received assistance at this unit in 2016. The government continued to operate numerous facilities for victims of sexual and physical violence, but it did not report if these facilities assisted any trafficking victims during the reporting period. The government continued to rely on international organizations and civil society to fund victim assistance, and in some cases it publicly acknowledged and cooperated with NGOs in their efforts to provide assistance to victims, but it did not—in turn—provide financial assistance to these organizations, which affected their ability to offer protective services to victims. Moreover, Egypt's Law on Non-Governmental Organizations hindered legal approvals and registrations for NGOs operating in Egypt, thereby impeding their efforts to provide essential services to victims.

## PREVENTION

The government sustained efforts to prevent human trafficking. In October 2016, the government adopted a 2016-2021 national strategy to combat and prevent trafficking, which was approved by the Prime Minister; however, it did not allocate resources towards implementation of the plan. In November 2016, the national anti-trafficking committee merged with the national committee to combat and prevent irregular migration; this newly merged committee falls under the direction of the Prime Minister and is chaired by an ambassador seconded from the Ministry of Foreign Affairs. The government conducted 90 anti-trafficking public awareness campaigns, including educational events in schools, during the reporting period. In June 2016, the government hosted a regional conference that addressed migration, smuggling, and human trafficking issues affecting the Horn of Africa and Europe. The Ministry of Manpower reported that it conducted regular surprise labor inspections, including at worksites that employ foreign workers; it did not report, however, if it identified any potential trafficking victims through these inspections. The government did not make efforts to reduce the demand for forced labor or commercial sex acts, but it raised awareness of the problem of child sex tourism, specifically regarding "temporary" or "summer" marriages of girls for the purpose of commercial sex. The government provided anti-trafficking training for Egyptian troops before their deployment on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Egypt is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Egyptian children are vulnerable to sex trafficking and forced labor in domestic service, street begging, and agricultural work. Individuals from Saudi Arabia and other Gulf countries purchase Egyptian women and girls for "temporary" or "summer" marriages for the purpose of commercial sex, including cases of sex trafficking, as well as forced labor; these arrangements are often facilitated by the victims' parents and marriage brokers, who profit from the transaction. Child sex tourism occurs primarily in Cairo, Alexandria, and Luxor. Egyptian men are subjected to forced labor in construction, agriculture, and low-skilled service jobs in neighboring countries. In 2016, there was a reported increase in Egyptian migrants, including unaccompanied children, arriving in Italy and Greece; these migrants are vulnerable to trafficking in the countries to which they migrate. In 2015, the media reported migrant Egyptian children, including unaccompanied minors, in Italy selling goods in marketplaces and streets, some of whom are vulnerable to sexual exploitation

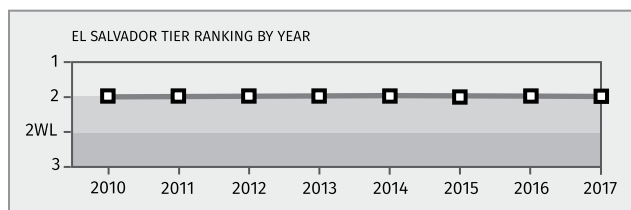
and forced labor; the media also reported criminal networks force some Egyptian children in Italy into criminal activity.

Men and women from South and Southeast Asia and East Africa are subjected to forced labor in domestic service, construction, cleaning, and begging. Foreign domestic workers—who are not covered under Egyptian labor laws—from Indonesia, the Philippines, Sri Lanka, Bangladesh, and Ethiopia are highly vulnerable to forced labor, experiencing excessive working hours, confiscation of passports, withheld wages, denial of food and medical care, and physical and psychological abuse. Women and girls, including refugees and migrants, from Asia, sub-Saharan Africa, and the Middle East endure sex trafficking in Egypt. Syrian refugees who have settled in Egypt remain increasingly vulnerable to exploitation, including forced child labor, sex trafficking, and transactional marriages of girls—which can lead to sexual exploitation, including sex trafficking, and forced labor. Irregular migrants and asylum-seekers from the Horn of Africa, who transit Egypt en route to Europe, are increasingly vulnerable to exploitation along this migration route. From 2011 to 2013, thousands of cases of forced labor and sexual servitude, smuggling, abduction, and extortion of African migrants in the Sinai Peninsula occurred at the hands of criminal groups. International organizations observed the flow of these migrants into the Sinai declined substantially in 2015, due in part to continued Egyptian military operations. Anecdotal reports suggest these criminal groups have relocated from the Sinai to Egypt's border with Libya, where migrants remain vulnerable to the same abuses, including trafficking. However, Israeli NGOs report that Bedouin groups in the Sinai resumed abuse—including trafficking crimes—against asylum seekers on a limited scale in 2015. According to victim testimonies, Bedouin groups forced approximately 61 Sudanese asylum-seekers to work in agriculture, tree lumbering, and marijuana growing; these groups physically abused the victims, including beatings and deprivation of food and water and extorted money from them for their release. On average, the Bedouin held the victims captive for one month before releasing them.

## EL SALVADOR: TIER 2

The Government of El Salvador does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous period; therefore, El Salvador remained on Tier 2. The government demonstrated increasing efforts by convicting an official who engaged in commercial sex with a trafficking victim, investigating more trafficking cases, prosecuting child sex trafficking crimes, and providing services to some girl victims. The government promulgated regulations to further implement the 2014 anti-trafficking law intended to strengthen its interagency anti-trafficking council. However, the government did not meet the minimum standards in several key areas. The government did not investigate and has never prosecuted any labor trafficking cases. The judicial system's overreliance on victim testimony contributed to victims facing threats of reprisal from traffickers, which undermined efforts to hold traffickers accountable. Services for adults, boys, and LGBTI victims were severely lacking. The government did not follow up on investigations of official complicity from previous years, constraining overall efforts to combat trafficking.





## RECOMMENDATIONS FOR EL SALVADOR

Provide comprehensive protection services for all trafficking victims, including adults and boys, and increase funding for specialized services; strengthen efforts to proactively investigate and prosecute trafficking offenses and to convict and sentence traffickers, especially for forced labor; implement procedures to proactively identify victims among vulnerable groups, including children apprehended for illicit gang-related activities, irregular migrants returning to El Salvador, and individuals in the sex trade; conduct thorough criminal investigations and prosecutions of alleged government complicity in trafficking offenses and convict and punish complicit officials; enforce laws punishing local labor brokers for illegal practices that facilitate trafficking, such as fraudulent recruitment or excessive fees for migration or job placement; increase training for public officials on victim identification and assistance, trafficking investigations, and provisions in the new law; amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law; strengthen anti-trafficking coordination between government entities and with civil society organizations, particularly outside the capital; and implement measures to prevent trafficking by raising awareness, educating youth, and increasing victim advocacy.

## PROSECUTION

The government slightly increased law enforcement efforts to combat child sex trafficking, but did not investigate any cases of forced labor or government complicity; authorities have never prosecuted a labor trafficking case. The Special Law Against Trafficking in Persons prescribes penalties of 10 to 14 years imprisonment for human trafficking crimes, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Although it prohibits all forms of human trafficking, the law defines trafficking inconsistently with international law: it treats force, fraud, and coercion as aggravating factors rather than essential elements of most trafficking crimes.

Similar to previous years, the government exclusively investigated and prosecuted sex trafficking crimes. In 2016, authorities investigated 55 sex trafficking cases, compared to 43 sex trafficking cases in 2015. Authorities prosecuted seven cases and convicted six sex traffickers in 2016, compared to eight cases and 19 sex traffickers convicted in 2015. Offenders convicted in 2016 received sentences ranging from eight to 10 years imprisonment. Despite evidence of force or coercion used by gangs to compel children to engage in illicit activities, authorities did not investigate or prosecute any such crimes as trafficking. Some officials, particularly judges, demonstrated a limited understanding of trafficking, which impeded efforts to hold traffickers accountable. During the year, the government provided anti-trafficking training to 2,718 government employees, including police, prosecutors, judges, labor inspectors, immigration officials, physicians, nurses, students, and teachers. The National Civil Police (PNC) Specialized Human Trafficking and Related Crimes unit comprises 32 persons in four groups that focus on trafficking,

human smuggling, sexual crimes, and special/international investigations. The PNC reported a need to increase staffing in order to deal with an accumulation of cases during 2016.

A government official was convicted for purchasing sexual services from a trafficking victim and received a sentence of five years imprisonment. The government did not provide any updates on two investigations from previous years, one involving several officials for the alleged purchase of sex acts from trafficking victims and a second involving a public official suspected of sex trafficking. It did not report any developments in a 2012 case of three prison guards arrested for facilitating sex trafficking or a 2009 investigation of trafficking-related complicity by the former head of the prosecutorial anti-trafficking unit.

## PROTECTION

The government maintained victim protection efforts. It provided assistance primarily to girls subjected to sex trafficking; services remained inadequate overall. Immigration officials continued efforts to identify possible trafficking victims in border regions; however, the government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. In 2016, the government reported identifying 53 sex trafficking victims, an increase from 49 victims identified in 2015, but a decrease from 87 victims identified in 2014. Those identified included 18 women and 35 girls; 48 were Salvadoran and five were from other Latin American countries. Authorities did not identify any forced labor victims in 2016 or 2015, compared with three in 2014.

During the year, the government developed two immediate response teams to coordinate victim assistance and referral and formulated a protocol on the care of trafficking victims. The government maintained a budget of \$270,000 for victim assistance in 2016. The government offered no specialized services or shelter to boys, adults, or LGBTI victims, although NGOs and officials reported these populations needed shelter, rehabilitation, and mental health services. The government shelter for girl sex trafficking victims offered psychological and medical care to 15 victims in 2016. The government provided shelter in a Migrant Attention Center to three adult female victims identified by immigration officials, but 15 adult female victims did not receive services. Throughout the investigation and intake process, residents of the center were required to recount their trafficking experience multiple times to various government entities, highlighting a lack of interagency coordination and leading to re-traumatization. There were few long-term support or reintegration services available for victims, leaving them vulnerable to re-trafficking. Authorities made efforts to screen for trafficking indicators among Salvadorans returned from abroad and repatriated Salvadoran victims could be referred to services and the police to investigate their cases, but the government did not report doing so in 2016.

The judicial system's inexperience with trafficking cases, overreliance on victim testimony, and threats of reprisal from traffickers undermined the effectiveness of the judicial system's response to trafficking. Judges in criminal courts could order civil compensation awards in trafficking cases; however, victims had to work through the civil courts to receive payment. In 2016, no sentences included such compensation. The government reported having procedures to protect victims' identities in court and allow for victims to provide testimony via teleconference, but did not report using these procedures. Identified trafficking

victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being subjected to human trafficking. However, due to the lack of a formal mechanism to screen vulnerable populations, some unidentified victims may have been punished for such crimes. Furthermore, civil society organizations reported the government treated as criminals children forced to engage in illicit activity by criminal groups, rather than providing them protection as trafficking victims. The 2014 trafficking law provides foreign trafficking victims the right to seek residency status, which would allow them to work legally, but no victims had received such benefits.

## PREVENTION

The government slightly increased prevention efforts. The government promulgated regulations to further implement the 2014 law, specifically, to facilitate investigations of forced child labor cases and improve coordination between law enforcement and prosecutors. The anti-trafficking council, whose 2015 budget was roughly \$25,000, coordinated anti-trafficking activities and developed a national action plan for 2016-2019, which includes objectives related to prosecution of traffickers, protection of victims, prevention, and interagency coordination. The government did not report its 2016 budget. However, government entities continued to lack adequate funding to fulfill their responsibilities and interagency cooperation remained weak. While the 2014 law mandates an annual report on government efforts, the council had not yet published such a report. Government agencies partnered with NGOs to conduct campaigns using television, radio, and print media to warn the public against the dangers of labor and sex trafficking. An international organization reported the government formed a sub-commission to address migration policies that could facilitate forced labor, but this body did not report any related outcomes during the year. The government conducted 13 inspections for labor violations and forced labor involving 133 workers, but did not identify any instances of forced labor. In response to press reports highlighting working conditions in strip clubs, the Labor Ministry conducted an inspection of such a club, but did not publicize the results of the inspection. The government did not punish labor recruiters for illegal practices that contribute to trafficking or enforce labor migration policies that could decrease migrants' vulnerability to exploitation abroad. It did not report identifying, investigating, or prosecuting any cases of child sex tourism during the year. The government provided anti-trafficking training for its diplomatic personnel. The government provided anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions. Authorities did not report any specific efforts to reduce the demand for commercial sex acts or forced labor; however, highlighted the anti-trafficking law allows for the prosecution of those purchasing sexual services of a trafficking victim.

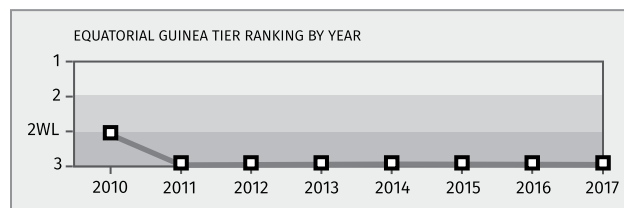
## TRAFFICKING PROFILE

El Salvador is a source, transit, and destination country for women, men, and children subjected to sex trafficking and forced labor. Women, men, and children are exploited in sex trafficking within the country; LGBTI persons, especially transgender individuals, are at particular risk. Salvadoran adults and children are subjected to forced begging and forced labor in agriculture, domestic service, and the textile industry. Some men, women, and children from neighboring countries—particularly Nicaragua, Guatemala, and Honduras—are subjected to sex trafficking, domestic servitude, or forced labor in construction or the informal sector. Traffickers use employment agencies

and social media to lure victims with promises of lucrative employment; one organization noted traffickers are increasingly targeting people in the regions of the country with high levels of violence and coercing victims and their families through threats of violence. Gangs subject children to forced labor in illicit activities, including selling or transporting drugs. Salvadoran men, women, and children are subjected to sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Media and government officials report organized criminal groups, including transnational criminal organizations, are involved in trafficking crimes. Some Salvadorans who irregularly migrate to the United States are subjected to forced labor, forced criminal activity, or sex trafficking en route to or upon arrival in the country. Some Latin American migrants transit El Salvador to Guatemala and North America, where they are exploited in sex or labor trafficking. Corruption, particularly within the judiciary, remained a significant obstacle to law enforcement efforts. In 2014, media reported several public officials—including legislators, political party officials, and a mayor—purchased commercial sex acts from trafficking victims. Prison guards and justice officials have been investigated for trafficking-related complicity.

## EQUATORIAL GUINEA: TIER 3

The Government of Equatorial Guinea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Equatorial Guinea remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including: investigating one potential trafficking case; adopting a national action plan to train government officials; increasing numbers of those targeted by awareness-raising; and conducting and funding two multi-day trainings to improve victim identification and case investigation techniques for all border and port officials. These steps demonstrate increased interest in addressing trafficking by the government; however, the government did not prosecute or convict any traffickers. It did not make efforts to develop standard operating procedures (SOPs) to identify or protect trafficking victims or prosecute traffickers. The government continued to deport undocumented migrants without screening them to determine whether they were victims of trafficking or referring them to assistance services.



## RECOMMENDATIONS FOR EQUATORIAL GUINEA

Use the 2004 anti-trafficking law to prosecute and convict traffickers including complicit officials; develop formal procedures to identify trafficking victims, especially among child laborers, undocumented immigrants, women in prostitution, and children exploited for commercial sex; train social workers, law enforcement, and immigration officials in the use of trafficking victim identification and referral procedures; dedicate more funding to shelter and protect trafficking victims, including male victims, and develop a formal system to refer victims to care; develop and implement SOPs for screening foreigners

before deportation to ensure trafficking victims are provided appropriate care and safe, voluntary repatriation; develop and implement procedures for law enforcement officials to systematically notify embassies when their nationals have been detained; revive the inter-ministerial anti-trafficking commission and dedicate resources to implement the national action plan to combat trafficking in persons; research the extent and nature of the crime within the country; launch a nationwide anti-trafficking public awareness campaign.

## PROSECUTION

The government made limited anti-trafficking law enforcement efforts. The 2004 Law on the Smuggling of Migrants and Trafficking in Persons prohibits all forms of trafficking and prescribes penalties of 10 to 15 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government investigated one suspect, who had allegedly purchased for sexual and labor exploitation three children from the Central African Republic (CAR). After initial arrest, officials released the suspect on bail and did not issue a formal charge by the end of the reporting period. The government did not maintain law enforcement statistics and, as in the previous year, did not report any prosecutions or convictions of suspected traffickers. General corruption and official complicity in trafficking-related offenses occurred. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Nonetheless, the government conducted two multi-day trainings to raise awareness about trafficking, as well as increase officials' ability to identify victims and investigate cases; 215 law enforcement officers, including all border and port officials, and other government officials participated in the trainings.

## PROTECTION

The government made limited efforts to protect trafficking victims. It did not identify or refer any victims to protective services. Although the 2004 anti-trafficking law mandates the government to provide legal assistance, psychological and medical care, lodging, food, access to education, training, and employment opportunities to trafficking victims, it did not provide these services directly. However, the government provided funding to an NGO shelter for female victims of violence including trafficking victims. After questioning, law enforcement officials sent the three potential trafficking victims to the embassy of CAR, where they received shelter and services, prior to their repatriation. Law enforcement authorities did not have procedures to identify trafficking victims nor did they make efforts to refer victims to organizations providing care. The government penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government routinely detained foreign nationals, including possible trafficking victims, at police stations for periods of several days to several months, and seldom notified their embassies of their detention or deportation. In many of these cases, police and border officials solicited bribes from detainees and deported those who did not pay; the overwhelming majority of those detained were young men, though children and women were also sometimes detained and deported. The government did not provide foreign trafficking victims legal alternatives to their removal to countries where they might face retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. In May 2016, the government partnered with an international organization to train 600 community leaders on prevention of trafficking in persons. The government broadcasted these anti-trafficking trainings on television and radio programs, as well as on its official website, in an effort to raise awareness among the general public. The government approved a national action plan in April 2016 focused on training officials and awareness-raising campaigns and allocated \$762,000 to fund their anti-trafficking and anti-organized crime efforts. The government continued implementing regulations requiring all commercial sex establishments to register and provide contracts to their workers in an attempt to reduce the demand for commercial sex acts and exploitation in the sex industry. In October 2016, the Ministry of Labor implemented regulations for all companies to sign formal labor contracts with their employees in order to reduce vulnerability to labor trafficking. Using these new regulations, the general director of the national financial research agency and Ministry of Labor inspected an undisclosed number of Chinese-owned construction companies for labor violations. At the end of the reporting period, the investigations were ongoing. However, the Inter-Ministerial Commission to Combat Trafficking in Persons remained inactive. The government did not implement any programs to address forced child labor despite having 13 labor inspectors dedicated to documenting labor infractions. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

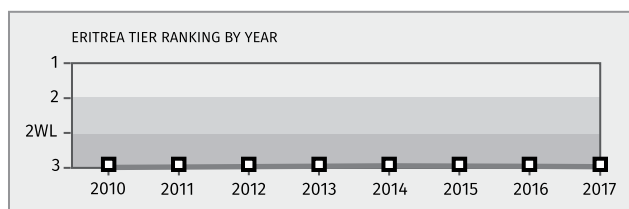
As reported over the past five years, Equatorial Guinea is a source country for women and girls vulnerable to sex trafficking and a destination country for men, women, and children, who may be vulnerable to forced labor. The majority of trafficking victims are exploited in the cities of Malabo, Bata, and Mongomo, where construction and economic activity funded by oil wealth contribute to increases in the demand for labor and prostitution. However, lower oil prices and lower oil production in recent years have caused a deep contraction of the country's economy leading to a decreased government budget and reprioritized activities. Equatoguinean women are exploited in the sex trade in these cities, often by foreigners. Children from nearby countries—primarily Nigeria, Benin, Cameroon, Togo, and Gabon—may be subjected to forced labor as domestic workers, market laborers, vendors, and launderers. Women from Cameroon, Benin, and other neighboring countries are recruited for work in Equatorial Guinea and subsequently subjected to forced labor or forced prostitution. Significant numbers of Chinese women migrate to Equatorial Guinea for work or to engage in prostitution, and some are subject to passport confiscation, increasing their vulnerability to forced labor. Sub-contractor staff in the oil services and construction sectors from other parts of Africa, Asia, and the Americas may be subject to passport confiscation and, in some instances, may be vulnerable to forced labor. General corruption and complicity by government officials in trafficking-related offenses occurred during the reporting period.

## ERITREA: TIER 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making



significant efforts to do so; therefore, Eritrea remained on Tier 3. The government continued to subject its nationals to forced labor in its citizen militia and compulsory national service; many citizens are forced to serve for periods of indefinite duration under harsh conditions. While senior Eritrean officials claimed many Eritrean nationals are currently serving prison sentences in Eritrea for the crime of trafficking, the government did not report any trafficking investigations, prosecutions, or the identification and protection of any victims. Authorities continued to demonstrate a lack of understanding of the crime, regularly conflating it with transnational migration or smuggling.



## RECOMMENDATIONS FOR ERITREA

Develop, enact, and enforce an anti-trafficking statute that criminalizes all forms of trafficking, including sex trafficking and forced labor, clearly differentiating between emigration, smuggling, and human trafficking; enforce existing limits on the length of active national service to 18 months and cease the use of threats and physical punishment for non-compliance; investigate allegations of conscripts being forced to perform duties beyond the scope of the national service program and hold accountable those responsible; exclude children younger than 18 at Sawa training academy from participation in activities that amount to military service; ensure victims and their families are not punished for crimes committed as a result of being subjected to trafficking or for fleeing government-sponsored forced labor; extend existing labor protections to persons performing national service and other mandatory citizen duties; with assistance from international organizations, provide training to all levels of government, including law enforcement officials and diplomats, on identifying and responding to trafficking crimes; and provide protective services to trafficking victims.

## PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. Article 605 of the Eritrean Criminal Code prohibits trafficking in women and young persons for sexual exploitation, which is punishable by up to five years imprisonment; these penalties are sufficiently stringent, but not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes penalties of five to 20 years imprisonment, which are sufficiently stringent. Labor Proclamation 118 of 2001 prohibits forced labor and child labor, but specifically excludes compulsory national and military service or other civic obligations from the definition of forced labor.

The government did not report investigating, prosecuting, or convicting suspected trafficking offenders during the reporting period. The government stated national security forces are empowered to investigate relevant crimes, including trafficking. It did not report providing any trafficking-specific training for judicial, prosecutorial, or law enforcement personnel; government-sponsored organizations incorporated anti-

trafficking information into regular programming during the previous reporting period. Officials continued to conflate transnational migration and human trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking; however, sources indicate Eritrean military officers remained complicit in trafficking offenses.

## PROTECTION

The government did not report any efforts to identify or protect trafficking victims. During the previous year, the government reportedly provided limited assistance to Eritrean female victims subjected to sex trafficking in Gulf states, but the specifics of these provisions were unknown. Eritrean officials had no procedures to identify potential trafficking victims among vulnerable groups, particularly Eritreans deported from other countries and those fleeing the country, primarily to Sudan, Ethiopia, and Djibouti; some of these nationals were vulnerable to being arrested, detained, harassed, or forcibly recalled into national service. The government did not report developing a systematic referral mechanism for referring identified trafficking victims to care. It did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. The government reportedly continued its education for citizens on the dangers of trafficking through awareness-raising events and poster campaigns through the Women's Association, Youth Association, and Workers' Federation; however, such efforts conflated transnational migration and human trafficking. While the Proclamation of National Service 11/199 prohibits the recruitment of children younger than 18 years of age into the armed forces and applies sufficiently stringent penalties for this crime, reports allege children younger than age 18 are sent to Sawa military and training academy for completion of their final year of secondary education. The country remained without an independent monitoring body to verify ages of new recruits into governmental armed forces and lacked transparency on efforts to ensure children did not participate in compulsory activities amounting to military service or other forms of forced labor. The government did not report on its efforts to reduce the demand for commercial sex acts or forced labor, or its provision of anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Eritrea is a source country for men, women, and children subjected to forced labor. To a lesser extent, Eritrean adults and children are subjected to sex and labor trafficking abroad. The government continues to subject its citizens to forced labor through the national policies and mandatory programs, which cause many citizens to flee the country and subsequently increases their vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and Libya. Proclamation 82 of 1995 requires persons aged 18 to 40 years to perform compulsory active national service for a period of 18 months—six months of military training followed by 12 months of active military and development tasks in military forces or in a government-run work unit, including the Eritrean defense forces. However, the 18-month timeframe is arbitrary and unenforced; many individuals are not demobilized from government work units after their mandatory period of service

but rather forced to serve indefinitely under threats of detention, torture, or familial reprisal. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects. Working conditions are often harsh and sometimes involve physical abuse.

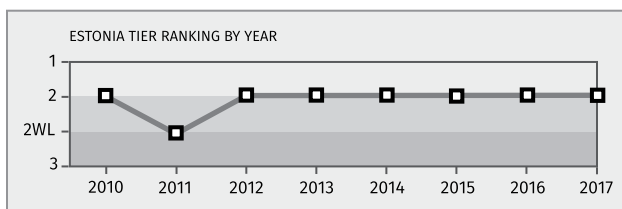
All 12th-grade students, including some younger than age 18, are required to complete their final year of secondary education at the Sawa military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. Government policy bans persons younger than 18 from military conscription; however, during some round-ups, the government detains children younger than age 18 and sends them to Sawa. Reports indicate some male and female recruits at Sawa were beaten, and female recruits sexually abused and raped in previous years. The government continued *Maetot*, a national service program in which secondary-school children are assigned to work in public works projects, usually within the agricultural sector, during their summer holidays. Some Eritrean children are subjected to forced labor, including forced begging, and some women and girls are subjected to sex trafficking within the country.

Perennially, thousands of Eritreans flee the country over land to Sudan, Ethiopia, and—to a lesser extent—Djibouti, to escape forced labor or government persecution, as well as to seek better economic opportunities; for many, their ultimate goal is to attain asylum in Europe—predominantly in Italy, Sweden, Norway, Switzerland, the United Kingdom, and Germany—or North America, or at minimum, achieve refugee status in Sudan, Ethiopia, Kenya, Egypt, Israel, or Uganda. Unaccompanied minors are increasingly at risk of being subjected to violence and exploitation. The government's strict exit control procedures and limited issuance of passports and departure visas prevent most Eritreans who wish to travel abroad from doing so legally, increasing their vulnerability to trafficking. Children who attempt to leave Eritrea are sometimes detained or forced to undergo military training despite being younger than the minimum service age of 18. Some Eritrean women and girls travel to Gulf States for domestic work but are subsequently subjected to sex trafficking. Smaller numbers of Eritrean women and girls are subjected to sex trafficking in South Sudan, Sudan, and Israel; reportedly, some Eritrean men are vulnerable to sex trafficking in Israel. International criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where they are subjected to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report being forced to work as cleaners or on construction sites during their captivity. Reports allege Eritrean diplomats, particularly those posted in Sudan, provide travel documents and legal services to Eritrean nationals in exchange for bribes or inflated fees, potentially facilitating their subjection to trafficking. Some Eritrean military and police officers are complicit in trafficking crimes along the border with Sudan.

## ESTONIA: TIER 2

The Government of Estonia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period;

therefore, Estonia remained on Tier 2. The government demonstrated increasing efforts by opening the first fully state-funded center dedicated to treating victims of child abuse, including sexual violence and trafficking. Estonian authorities investigated, prosecuted, and convicted more trafficking cases and provided training on labor trafficking in each of its counties. However, the government did not meet the minimum standards in several key areas. In 2016, the government required police to initiate an investigation for presumed victims to receive trafficking-specific services, though general victim support services were available, including counseling and legal assistance. This requirement discouraged victims from coming forward and limited the publicly funded services available to trafficking victims.



## RECOMMENDATIONS FOR ESTONIA

Further amend the Victim Support Act to remove barriers to victim identification and government-funded assistance; increase efforts to investigate, prosecute, and convict traffickers under section 133 of the penal code; increase specialized training for investigators and prosecutors on applying section 133 and working with victims serving as witnesses; encourage police and the labor inspectorate to investigate labor trafficking, including labor recruiters engaging in fraudulent practices; provide training for judges to ensure the judiciary understands the severity of the crime when issuing sentences; encourage more victims to assist prosecutions by facilitating access to effective legal counsel; and inform victims of the option to pursue court-ordered compensation from their traffickers.

## PROSECUTION

The government increased law enforcement efforts. Sections 133 and 175 of the penal code criminalize sex and labor trafficking and prescribe a maximum penalty of up to 15 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Section 133 criminalizes the use of force, threats, or other forms of coercion to make a person engage in prostitution, begging, criminal offenses, or other labor. Section 175 criminalizes trafficking as a person who influences a child (under the age of 18) to engage in a criminal offense, begging, prostitution; or the production of pornography. Police investigated 15 new cases under section 133 in 2016, an increase from four in 2015. Authorities also registered 59 crimes under section 175, most of which involved the same perpetrators and victims. In 2016, the government prosecuted 14 cases under section 133, an increase from three cases over the past three years. Authorities also began prosecutions in 32 cases under section 175. Courts convicted 11 traffickers under section 133 in 2016, nearly tripling its four convictions in 2015. Eight traffickers received prison sentences, which ranged from 16 months to five years. Courts also convicted eight individuals under section 175. The government provided training sessions for 45 law enforcement officials to facilitate cooperation on forced labor cases, but it did not provide training to the judiciary. All of Estonia's counties received training on labor trafficking, specifically on how to identify, investigate,

and improve cooperation between different organizations. Authorities cooperated in three transnational investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained protection efforts. Per the Victim Support Act, a police report must be filed for presumed victims of trafficking to be eligible for government-funded, trafficking-specific services. This requires victims to divulge personal, traumatizing information early in their recovery, which serves as a disincentive for victims to come forward. A provision to the Victim Support Act passed during the reporting period allowed victims to receive services for up to 60 days before, during, or after criminal proceedings. Fourteen victims received government-sponsored assistance, compared with 16 in 2015. The government newly identified nine victims of which eight were victims of child sex trafficking and one was a male third-country-national victim of labor exploitation. In 2016, authorities identified one foreign child victim, who did not receive a temporary residency permit; in 2015, authorities identified two foreign victims and provided them temporary residence permits, accommodation, and education.

In 2016, the social security board allotted approximately €196,050 (\$206,590) on trafficking victims support, whereas the government allotted €86,000 (\$90,620) in 2015. In addition, the Ministry of Social Affairs provided approximately €99,000 (\$104,320) to an NGO providing support services to women in prostitution, some of whom may have been sex trafficking victims. In 2016, the government amended the Victim Support Act; further amendments are anticipated in 2017. Authorities placed unaccompanied children and child victims in alternative care facilities. The government opened the first fully state-funded, dedicated center for victims of child abuse, including sexual violence and trafficking; it provided psychological, physical, and social needs evaluations and services. Adult male victims had access to legal counseling and other services. A witness protection law allows trafficking victims to provide testimony anonymously, but it was unknown whether this has ever been applied in a trafficking case or whether victims had ever served as witnesses in criminal trials. Victims did not receive restitution in 2016.

## PREVENTION

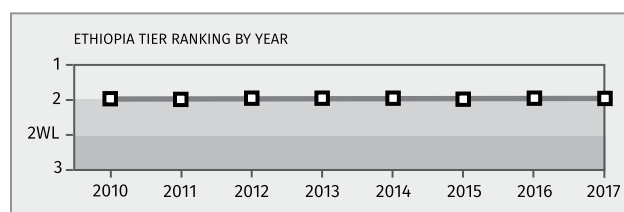
The government increased prevention efforts. Authorities ran multiple awareness campaigns targeting schoolchildren, specialists working with children, and labor workers, and in collaboration with IOM and an NGO, released a creative call, asking young people to produce trafficking-related videos and art work. Objectives for the 2015-2020 plan for reducing violence, including trafficking, included amending the Victim Support Act to provide trafficking victims with easier access to services. The anti-trafficking working group, with 35 government agencies and NGOs, continued to meet regularly and published an annual public report of its activities. The government provided an NGO with approximately €40,000 (\$42,150) to operate an anti-trafficking hotline; the hotline received 420 calls from individuals vulnerable to trafficking during the reporting period. The government provided anti-trafficking training for its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex acts and forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, Estonia is a source, transit, and destination country for women and girls subjected to sex trafficking and for men, women, and children subjected to forced labor. Estonian women and girls are subjected to sex trafficking within Estonia and in other European countries. Men and women from Estonia are subjected to conditions of forced labor within Estonia and elsewhere in Europe, particularly in the construction, cleaning, and social welfare sectors, as well as in seasonal jobs. Estonian children are forced to commit crimes, such as theft, to benefit their exploiters. Men from Ukraine and Moldova are subjected to labor exploitation within Estonia, particularly in construction. Vietnamese nationals subjected to forced labor and sexual exploitation transit Estonia en route to other EU countries.

## ETHIOPIA: TIER 2

The Government of Ethiopia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Ethiopia remained on Tier 2. The government demonstrated increasing efforts by assisting in the interception of more than 30,000 individuals vulnerable to trafficking and convicted 640 traffickers, an increase from 69 convicted during the previous year. The government made robust efforts to prevent and raise awareness on trafficking and trafficking-related crimes through its community conversations project and media campaigns, and trained government officials on various elements of the crime. However, the government did not meet the minimum standards in several key areas. It did not sufficiently address internal trafficking, including child sex trafficking. It remained without standard procedures for front-line responders to proactively identify trafficking victims among vulnerable intending migrants. For the second consecutive year, the government did not implement the revised overseas employment proclamation that provides for improved oversight of and more strenuously penalizes illegal recruitment.



## RECOMMENDATIONS FOR ETHIOPIA

Increase efforts to convict traffickers, including for trafficking within Ethiopia, and compile and publicize trafficking statistics; improve the investigative capacity of police throughout the country to increase prosecutions of internal child trafficking offenses; continue to implement and train law enforcement and judicial officials on the anti-trafficking proclamation; fully implement the 2016 national referral mechanism; partner with local NGOs to improve services available to trafficking victims, including allocating funding to enable the continuous operation of a government or NGO-run shelter; improve oversight of overseas recruitment agencies and implement the overseas employment proclamation, assign and train labor attaches, and investigate and prosecute illicit recruiters;



expand trafficking awareness training for labor officials who validate employment contracts or regulate employment agencies; improve screening procedures in the distribution of national identification cards and passports to prevent their fraudulent issuance to children; allocate appropriate funding for the deployment of labor attaches to overseas diplomatic missions to assist Ethiopians seeking work or employed overseas; and incorporate information on human trafficking and labor rights in Middle Eastern and other countries into pre-departure training provided to all migrant workers.

## PROSECUTION

The government increased its anti-trafficking law enforcement efforts; however, it continued to focus on transnational labor trafficking, with negligible investigation or prosecution of sex trafficking or internal forced labor cases. The 2015 Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants, No. 909/2015, criminalizes all forms of trafficking, prescribing penalties of 15-25 years imprisonment and a fine of 150,000 to 300,000 birr (\$6,696 to \$13,393), which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Employment Exchange Services Proclamation No. 632/2009, which governs the work of licensed labor recruitment agencies, remained unimplemented during the year.

In 2016, federal and regional justice officials investigated 1,392 potential trafficking cases and convicted 640 traffickers under the 2015 anti-trafficking law, a significant increase from 69 convictions in 2015; however, an unknown number fell outside the reporting period, and some cases in both years likely involved smuggling. A March 2015 investigation of two Ethiopian smugglers suspected of moving 38,000 Ethiopians, potentially including trafficking victims, to South Africa and the Middle East for unknown purposes, remained open. Financial and capacity constraints continued to impede data compilation by regional police, and poor communication and coordination between the regions and the federal government also hindered effective law enforcement efforts. The government continued to partner with international organizations to conduct and fund trainings for regional and federal government personnel on the anti-trafficking proclamation and on victim-centered investigative skills for detecting trafficking crimes. The government provided space, technical and logistical support for two trainings conducted by an international organization; these trainings targeted approximately 35 police, prosecutors, and judges. Another international organization, in partnership with the government, facilitated two workshops for 61 labor inspectors and other relevant officials on how to combat child trafficking. During the year, in Bahir Dar, approximately 60 regional officials attended a government-organized training on child trafficking, and an Ethiopian delegation traveled to the Philippines to learn best practices for curbing child trafficking. The government did not report any investigations, prosecutions, or convictions of public officials allegedly complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to protect trafficking victims. The national committee to coordinate anti-trafficking efforts, chaired by the deputy prime minister, was fully operational during the year; however, the government did not report if the Council of Ministers issued the implementing regulations to the anti-trafficking proclamation pertaining to protective services for victims. The government continued to

partner with international organizations and NGOs to provide services to victims; although it did not allocate funding to these entities, it provided some in-kind support, including land, facilities, staff, and other logistical services on an ad hoc basis. The 2009 charities and societies proclamation, which prohibits organizations receiving more than 10 percent of their funding from foreign sources from engaging in activities that promote human rights, restricted some NGOs' ability to provide protective services to trafficking victims. The government lacked standard procedures for front-line responders to identify trafficking victims among vulnerable outbound populations. In 2016, federal and regional governments intercepted approximately 30,000 persons in the border areas of Ethiopia, the vast majority of whom were intending to depart for work in Gulf states and other African countries, and many were minors—a population vulnerable to trafficking; however, an unknown number were intercepted outside of the reporting period. The government continued to jointly operate two migration response centers in Afar and Metema with an international organization. The government operated child protection units in Addis Ababa and several major cities; staff was trained in assisting vulnerable children, including potential trafficking victims. Police and civil service transport workers—trained to recognize child trafficking victims—referred the majority of intercepted children to local shelters. Two NGOs in Addis Ababa provided comprehensive reintegration services, familial reunification, medical care, mental health counseling, legal counsel, food and housing, and vocational training to more than 900 women and child victims repatriated after enduring trafficking; these NGOs operated without any governmental funding or in-kind support. The government's assistance to repatriated victims improved. During the year, the government, in collaboration with an international organization, repatriated more than 3,700 Ethiopian trafficking victims from Djibouti, Egypt, Malawi, Mozambique, Yemen, Oman, Tanzania, Zambia, Zimbabwe, and Saudi Arabia. The government provided victim identification services and sometimes negotiated discounted air fares for returnees. Some Ethiopian missions in the Gulf states had shelters for trafficking victims on respective mission compounds.

In 2016, the government, in conjunction with an international organization, finalized a national mechanism for referring repatriated trafficking victims to social services; although it is in effect, reports suggest implementation is still nascent. While officials reported encouraging victims in some cases to assist in the investigation and prosecution of their traffickers, the number of victims who took an active role in these processes was unknown and it was unclear whether they were afforded legal assistance or other support to facilitate their doing so. The 2015 anti-trafficking proclamation extends to trafficking victims protections outlined under the Witness and Whistleblowers Protection Proclamation (No. 699/2010); it mandates extensive protections and rights for trafficking victims, including protection from prosecution for acts committed as a result of being subjected to trafficking. Ethiopian law does not provide alternatives to the deportation of foreign victims to countries where they may face hardship or retribution. There were no reports the government detained, jailed, fined, or otherwise penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking in 2016, although the government housed some victims at police stations who were waiting to provide testimony in their respective trafficking cases.

## PREVENTION

The government maintained robust efforts to prevent trafficking.

In 2016, Parliament approved a second National Human Rights Action Plan, spanning 2016-2020, which included various activities to curb trafficking, including a media campaign and increased efforts in urban centers to assist women and child victims. However, the government did not report allocating specific funding for the action plan. The attorney general's office, in conjunction with an international organization, organized a workshop for 80 members of the national media to increase awareness of the anti-trafficking proclamation. Local and regional state governments, employing community conversations as an awareness-raising mechanism, continued to host and facilitate hundreds of sessions throughout the country, reaching hundreds of thousands of Ethiopians. Officials produced television and radio public service announcements and interviews to elevate the public's awareness of the dangers of trafficking, which, in addition to the general public, strategically reached religious and traditional leaders, elders, and media personnel.

The government maintained its 2013 ban on the recruitment of low-skilled domestic workers to the Middle East, which it intended to keep until the establishment of all bilateral work agreements with destination countries and the enactment and implementation of a revised employment exchange proclamation. While the employment exchange proclamation came into effect in the previous reporting period, allowing for greater oversight of private employment agencies, placement of labor attaches in Ethiopian embassies, and establishment of an independent agency to identify and train migrant workers, it was largely unimplemented during the reporting period. Officials worked with approximately 100 private employment agencies, licensed to send workers abroad, to ensure the agencies understood their obligations under the revised overseas employment proclamation. In adherence to the proclamation, the government, in conjunction with an international organization, began training awareness-raising facilitators in specific migration prone localities on how to provide pre-employment and pre-departure training for potential migrant workers. In 2016, the government was still in negotiation with Saudi Arabia and the UAE on bilateral employment agreements; Ethiopia had such agreements in place with Qatar, Kuwait, and Jordan. These agreements require signatories to commit to ethical recruitment, legal remedies against those who violate the law, and equal protection of Ethiopian workers, to include equal wages for equal work, reasonable working hours, and leave time. Memoranda remained in place with neighboring African countries—particularly Djibouti, and on an ad hoc basis with Kenya and Sudan—aim to provide joint border management to include repatriation assistance for trafficking victims; however, workers' rights are not explicitly addressed. While the government reported conducting thousands of scheduled and random labor inspections, it did not report any suspension of licenses of labor recruitment agencies or employers for labor law violations.

Ethiopian officials continued efforts to implement a 2012 law requiring registration of all births nationwide; however, the lack of a uniform national identity card continued to impede implementation of the law and allowed for the continued issuance of district-level identity cards, whose dispersion is subject to fraud. The government made limited efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism during the reporting period. The government continued to include anti-trafficking training as a basic training requirement for its diplomatic personnel. A foreign donor and facilitator provided Ethiopian troops with anti-trafficking

training prior to their deployment abroad on international peacekeeping missions.

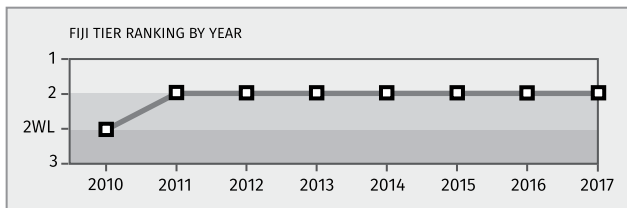
## TRAFFICKING PROFILE

As reported over the past five years, Ethiopia is a source and, to a lesser extent, destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Scarce economic opportunities and dire poverty coupled with familial encouragement compels thousands of Ethiopians, including a substantial percentage of minors, to transit, primarily via Djibouti or Somalia, to Yemen and onward to Saudi Arabia; to illegally cross the southern border into Kenya and further south into Tanzania with a final destination of South Africa; or, less commonly, to travel through Sudan and Libya with the hope of crossing the Mediterranean and ultimately reaching Europe. Reports suggest that along these three main routes, irregular Ethiopian migrants who began their journeys voluntarily are subsequently vulnerable to sexual exploitation or forced labor in transit countries and in their intended destinations. The Ethiopian government's 2013 ban on domestic worker employment in Gulf states remained in effect at the end of the reporting period, but irregular labor migration to these countries continued to be a significant problem resulting in increased vulnerability to trafficking. Saudi Arabia remains the primary destination for irregular migrants; reportedly, over 400,000 Ethiopians reside there. Saudi officials regularly deport Ethiopians in large numbers, and many of the deportees reported instances of sexual exploitation. Many Ethiopian women working in domestic service in the Middle East are subjected to severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, passport confiscation, and confinement. Ethiopian women who migrate for work or flee abusive employers in the Middle East are also vulnerable to sex trafficking. Ethiopian men and boys migrate to the Gulf states and other African nations, where some are subjected to forced labor. An international organization claims that unrest in the Oromia region during the reporting period resulted in an uptick in ethnic Oromo migrants fleeing to Djibouti. Previous reports suggested district-level officials accepted bribes to alter ages on identification cards, allowing children to acquire passports without parental consent and enabling minors to leave the country for work.

An international organization assesses that most traffickers are small local operators, often from the victims' own communities, but that well-organized crime groups are also responsible for irregular migrants becoming highly susceptible to trafficking. Labor recruiters target young people from Ethiopia's vast rural areas with promises of a better life. Although reports remain anecdotal, the severe drought in 2015-2016 may have resulted in an increase in internal trafficking. Girls from Ethiopia's impoverished rural areas are exploited in domestic servitude and commercial sex within the country, while boys are subjected to forced labor in traditional weaving, construction, agriculture, and street vending. Addis Ababa's central market is the site of numerous brothels, where some young girls are exploited in commercial sex. Ethiopian girls are exploited in domestic servitude and commercial sex in neighboring African countries, particularly Sudan. Ethiopian boys are subjected to forced labor in Djibouti as shop assistants, errand boys, domestic workers, and street beggars, in addition to forced criminality. Child sex tourism continues to be a problem in major hubs, including Addis Ababa, Bahir Dar, Hawassa, and Bishoftu; reports identify mostly Ethiopian-born perpetrators, including members of the diaspora, with known links to local hotels, brokers, and taxi drivers.

## FIJI: TIER 2

The Government of Fiji does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Fiji remained on Tier 2. The government demonstrated increasing efforts by identifying nine trafficking victims, investigating five trafficking cases, prosecuting three alleged traffickers, and conducting awareness campaigns targeted at children, parents, and Fijians working overseas. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers or proactively implement formal victim identification or referral procedures. Despite reporting an increase in child sex trafficking, the government only identified one victim.



### RECOMMENDATIONS FOR FIJI

Increase efforts to investigate and prosecute trafficking offenses and convict and punish traffickers; develop and strengthen formal procedures for proactive victim identification, especially among vulnerable groups, such as foreign migrant workers on fishing vessels, those allegedly involved in prostitution, and exploited children; institute additional trainings for law enforcement, immigration officers, and labor inspectors on victim identification and protection; designate a government agency responsible for coordinating victim services; enhance efforts to provide access to interpretation services and legal, medical, and psychological assistance to victims; make efforts to allow identified trafficking victims to work and earn income while assisting with investigations; increase dissemination of anti-trafficking awareness campaigns directed at both families that may send children to live in cities and clients of prostitution; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained modest law enforcement efforts but did not convict any traffickers for the second year in a row. The 2009 Crimes Decree includes provisions that prohibit all forms of trafficking. The prescribed penalties of up to 25 years imprisonment and possible fines of up to 100,000 Fijian dollars (\$48,239) are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. The police anti-trafficking unit investigated five new cases (the same number as in 2015); four involved labor trafficking and one child sex trafficking. Two cases investigated in 2015 were closed due to insufficient evidence and three remained under investigation. The government initiated prosecutions of three alleged traffickers in two cases during the reporting period, compared to none in 2015. In one case, the defendant allegedly confiscated the passport of a Filipino man he recruited to work at his business. In the second case, two defendants allegedly confiscated the passport of a Bangladeshi man they brought to Fiji under false promises of work and demanded payment for it to be

returned; it was unclear if this case involved exploitation in forced labor. The government provided information to New Zealand authorities to assist in the investigation of a Fijian national who was subsequently prosecuted and convicted of subjecting 15 Fijians to forced labor in New Zealand. During the reporting period, a Fijian court overturned the convictions of four men convicted in 2013 for trafficking offenses. The government continued to fund anti-trafficking training for new police recruits. The police anti-trafficking unit did not dedicate adequate resources to trafficking investigations and training, and prosecutors often did not respond to police requests for guidance on trafficking cases in a timely manner. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government maintained modest efforts to identify and protect victims. The police anti-trafficking unit identified nine trafficking victims, a decrease from 13 victims identified in 2015. Eight victims were foreign nationals subjected to labor trafficking. Despite reporting an increase in the number of male and female victims of child sex trafficking, officials identified only one victim during the reporting period. The foreign victims were referred to government safe houses prior to returning to their country of origin and police did not pursue additional support for the child victim after the victim withdrew from the case. Police officials reported using informal guidelines to identify potential trafficking victims, but did not conduct training for labor inspectors on these guidelines as was done in the past. Authorities did not proactively identify victims of trafficking among vulnerable populations, such as women in prostitution and crew members who transit through Fijian ports on board vessels. The lack of proactive screening may have resulted in punishment of unidentified trafficking victims for actions they took as a direct result of being subjected to trafficking. Further, there is no legal alternative to foreign victims' removal to countries in which they would face retribution or hardship. The government did not develop a mechanism to refer victims to services systematically, an objective in its national anti-trafficking action plan.

The government apportioned funds to operate safe houses for trafficking victims, asylum-seekers, and migrants awaiting deportation. Four children's homes operated by the government were available to shelter victims younger than 21 years of age. Trafficking victims were eligible to apply for government legal aid and receive basic medical care. The government made available accommodation, medical care, interpreters, and allowances for basic necessities. However, officials reported the absence of a government agency responsible for connecting victims to services which limited the government's anti-trafficking efforts. In addition, because the government did not offer them permanent residency status, foreign victims were unable to work while assisting with investigations. Victims had the right to file for civil remedies, but none took advantage of that legal right.

### PREVENTION

The government maintained modest efforts to prevent trafficking. Although the government has the authority to do so, it did not punish labor brokers involved in fraudulent recruitment during the reporting period. The police anti-trafficking unit began investigating a travel agency that allegedly facilitated the trafficking of 15 Fijians in New Zealand. The police anti-trafficking unit continued public awareness campaigns aimed at



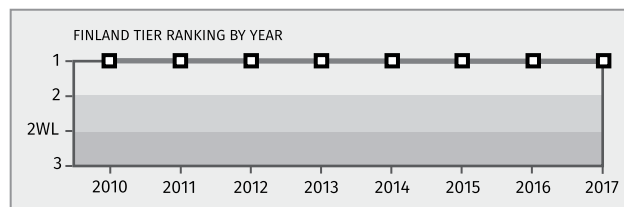
children and parents. Immigration and labor officials conducted awareness programs targeted at Fijians who work overseas to prevent labor exploitation. The government did not make efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism. The government did not provide anti-trafficking training to Fijian military personnel prior to their deployment abroad as part of international peacekeeping missions. The government provided anti-trafficking training to its diplomatic personnel. Fiji is not a party to the 2000 UN TIP Protocol; however, during the reporting period parliament initiated a review of a convention that would allow Fiji to accede to the Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Fiji is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Fijian women and children are subjected to sex trafficking and domestic servitude abroad or in Fijian cities. Family members, taxi drivers, foreign tourists, businessmen, and crew on foreign fishing vessels have allegedly exploited Fijian children in sex trafficking. Some Fijian children are at risk of human trafficking as families follow a traditional practice of sending them to live with relatives or families in larger cities, where they may be subjected to domestic servitude or coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees. Women from China, Thailand, Malaysia, and other East Asian countries are deceptively recruited by the lure of legitimate jobs in their home countries or while visiting Fiji, sometimes by Chinese criminal organizations, and then exploited in illegal brothels (posing as massage parlors and spas), local hotels, private homes, small and informal farms and factories, and other rural and urban locations. Fijian adults working overseas, including in Australia and New Zealand, are vulnerable to forced labor, particularly in the construction and agriculture industries. Workers from other Asian countries are subjected to forced labor on fishing vessels that transit through Fiji or board fishing vessels from Fiji ports and waters. They live in poor conditions, accrue significant debts, and work for little or no compensation on foreign fishing vessels, mainly China and Taiwan-flagged, in Pacific waters. South Asian and East Asian men are fraudulently recruited to work in Fiji and find themselves in conditions of forced labor upon arrival.

## FINLAND: TIER 1

The Government of Finland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Finland remained on Tier 1. The government demonstrated serious and sustained efforts by developing and publishing a new national action plan for 2016-2017 and allocating funds for its implementation. The government identified significantly more victims than in the previous reporting period; investigations, prosecutions, and convictions also increased. Although the government meets the minimum standards, courts continued to issue weak sentences for convicted traffickers, several of whom did not serve time in prison. Law enforcement pursued some trafficking cases under non-trafficking statutes, which affected victims' access to services and residency benefits. Victim identification among asylum-seekers remained a challenge and authorities applied laws and guidelines governing residency eligibility inconsistently, in some cases refusing entry to asylum-seekers despite trafficking indicators.



## RECOMMENDATIONS FOR FINLAND

Vigorously investigate and prosecute sex and labor trafficking cases using the trafficking statute and impose sufficiently stringent sentences on convicted traffickers; develop and implement a national referral mechanism and train officials in its use to identify potential sex and labor trafficking victims proactively, especially children, and refer them to services to which they are legally entitled; offer all victims appropriate housing and specialized care and consistently notify them of available resources; increase the number of prosecutors, judges, and police that specialize in trafficking cases and consider creating specialized law enforcement units; train investigators, police, immigration officials, prosecutors, labor inspectors, and judges on applying the trafficking law and respecting victims' rights; institute a formal witness protection program to encourage greater victim participation in the criminal justice process; increase efforts to reduce the demand for forced labor; and expand worker protection laws to include seasonal workers on commission.

## PROSECUTION

The government increased law enforcement efforts. Law 1889-39 of the penal code prohibits all forms of trafficking in persons and prescribes sentences of up to six years imprisonment (up to 10 years for aggravated trafficking) with the possibility of additional fines—penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government continued to use laws against pandering, discrimination, and usury, among others, to investigate and prosecute some suspected traffickers; the penalties for these crimes are generally far less severe than those for trafficking crimes. The government reported initiating 74 investigations of trafficking cases in 2016 (including at least 16 labor and 35 sex trafficking cases), compared with 32 cases in 2015 (including at least 19 labor and 12 sex trafficking cases). The national rapporteur noted, however, the quality of investigations conducted throughout the country varied from region to region. Authorities initiated prosecution of four cases (two labor and two sex trafficking) involving eight suspected traffickers in 2016 (four in 2015). Finnish courts convicted six traffickers (four for labor and two for sex trafficking) in 2016 (four in 2015). In those cases, the courts issued sentences of one year's imprisonment (suspended); 15, 12, and 12 months imprisonment (all suspended); 26 months imprisonment; and 11 years imprisonment.

Police officers in each of the 11 regions served as a national network of anti-trafficking experts and trainers and met twice annually to share best practices. The government provided annual training for prosecutors. Law enforcement and border guard personnel received anti-trafficking instruction as part of their basic training; law enforcement personnel receive additional trafficking awareness training throughout their careers. The government designated four special prosecutors from different regions to handle serious crimes including trafficking cases. GRETA's most recent report, however, recommended

further specialization among law enforcement, prosecutors, and judges to increase the government's capacity to investigate and prosecute trafficking offenses. NGOs recommended law enforcement agencies create specialized anti-trafficking units. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government increased protection efforts. The government provided both direct care and funding for third-party care through an asylum reception center that coordinated the national victim assistance system. Police were required to refer potential victims to the national assistance system immediately upon identification, where they were eligible for emergency assistance. The center offered shelter and psychological, medical, and legal assistance to identified victims. The staff of the reception center was empowered to identify and authorize emergency care for most victims, even when law enforcement authorities did not identify a person as a trafficking victim; however, victims subjected to trafficking within Finland must have law enforcement pursue their cases specifically as trafficking crimes in order to continue receiving services through the national victim assistance system beyond the initial emergency. There were no shelters specifically for trafficking victims. In 2016, the government allocated €815,800 (\$859,642) to the national assistance system, compared with €540,000 (\$569,020) in 2015. Local municipalities provided additional funding for victim services for Finnish citizens. The government increased its funding for one NGO providing trafficking victim services and training for Finnish authorities. The national victim assistance system admitted 130 potential trafficking victims in 2016 (86 women and 44 men, of whom 21 were children); most were exploited prior to their arrival in Finland, many as migrants seeking asylum. Some admitted to the assistance system were victims of forced marriage or organ trafficking, crimes that fall outside the U.S. definition of trafficking. The assistance system admitted 52 victims in 2015 (of whom none were children). Authorities used a series of written guidelines to assist in victim identification and referral to care and to ensure protection of victims' rights. Despite these measures, law enforcement and immigration officials noted victim identification remained a core challenge for the government; the increase in asylum applicants since 2015 continued to strain the government's capacity to identify potential victims among the migrant population and may have resulted in refusal of entry for some particularly vulnerable individuals. The January 2017 reorganization of the Finnish Immigration Service (FIS) integrated the national assistance system with the agency's overall operations; FIS assumed responsibility for asylum investigations, making it the primary actor in identifying trafficking victims among asylum-seekers. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking. NGOs reported the law allowing authorities to refuse entry into Finland to persons suspected of engaging in prostitution may have resulted in penalizing unidentified sex trafficking victims and deterred some victims from seeking help from authorities. NGOs continued to advocate further training for officials, especially social service and healthcare providers, on victim identification and protection. The government created a working group in the Ministry of Social Affairs and Health to improve coordination between healthcare professionals on support and assistance for victims.

The government encouraged victims to assist in the prosecution

of their alleged traffickers. Courts had the authority to conceal witnesses' identities for their protection in cases involving severe criminal offenses, including trafficking, and police could place victims in temporary safe locations; however, there was no formal witness protection program. Finnish law allows foreign victims a six-month reflection period during which they can receive care and assistance while considering whether to assist law enforcement. Victims may receive renewable temporary residence permits, which are valid for six to 12 months and allow victims to seek employment. The FIS estimated it provided three victims with a reflection period in 2016. The government offered continuous residence permits to six victims in particularly vulnerable positions in 2016 (nine in 2015). Authorities provided temporary residence permits to four victims of trafficking and renewed five permits. In instances where victims do not possess a national passport, the government may grant a temporary alien passport, although GRETA noted victims whose cases were prosecuted under non-trafficking laws, such as pimping, were often treated solely as witnesses rather than victims, which affected their access to residence permits. The national rapporteur conducted a case study of victims of Nigerian origin to evaluate the application of laws governing residence permits for trafficking victims; the study found FIS did not consistently grant residency to asylum-seekers with trafficking indicators due to a lack of sufficient guidelines.

## PREVENTION

The government increased prevention activities. The national anti-trafficking coordinator developed and published a new national action plan for 2016-2017. The plan included provisions to create a national referral mechanism for victim identification and assistance, as well as nine specific areas of focus spanning efforts for prosecution, protection, prevention, and partnerships. The government allocated €525,000 (\$553,214) for implementation and related programs, including trainings, awareness campaigns, victim support services, and research. The national coordinator also maintained a government-wide coordination structure of trafficking prevention offices within each ministry and engaged regularly with NGOs. The Non-Discrimination Ombudsman, in her capacity as the National Rapporteur on Trafficking in Human Beings, published an annual report on trafficking in Finland as part of the ombudsman's larger annual report. The national rapporteur also used its case study of victims of Nigerian origin to improve anti-trafficking cooperation with Italy. The government conducted a three-month awareness campaign against trafficking and smuggling aiming to reach smuggled migrants and trafficking victims and contributed funding and free airtime with the national broadcaster for an international organization's anti-trafficking campaign. The national assistance system maintained a hotline and website in multiple languages exclusively for trafficking victims. In response to the vulnerability facing berry pickers, who were not covered under worker protection laws, the government conducted assessments of berry industry companies to prevent labor exploitation and required companies to agree to a general code of conduct. In September, law enforcement authorities opened an ongoing investigation into possible labor violations by companies that hire berry pickers. The government assigned law enforcement personnel to its embassies to assist in trafficking prevention and victim identification during the visa application process. Finland's laws against child sex tourism have extraterritorial reach, although the government did not investigate or prosecute any perpetrators during the reporting period. The government did not make efforts to reduce demand for commercial sex acts or forced labor. The

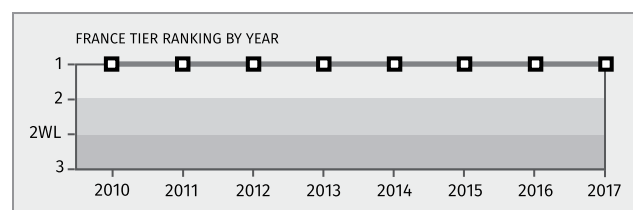
government provided anti-trafficking training to its diplomatic personnel and to its troops prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Finland is a transit, destination, and limited source country for women and girls subjected to sex trafficking and for men and women subjected to forced labor. Forced labor victims originate primarily in Eastern Europe, West Africa, and Asia. Foreign-born workers and immigrants are especially vulnerable; many victims arrive in Finland legally and are exploited in the construction, restaurant, agriculture, metal, and transport industries, and as cleaners, gardeners, and domestic workers. Authorities reported a surge in potential trafficking victims among asylum-seekers, including a rise in the number of individuals who were exploited prior to their arrival in Finland. Law enforcement note most labor trafficking involves small-scale operations in businesses such as restaurants and massage parlors, rather than larger criminal syndicates. Seasonal berry pickers, many of whom are Thai, are especially vulnerable to labor exploitation. Most work on commission and, because they are not considered employees under Finnish law, are not covered by worker protection laws governing minimum wage and maximum working hours. Female sex trafficking victims originate primarily in Eastern Europe, Southeast Asia, and West Africa, especially Nigeria; many were exploited in other countries, arriving in Finland after fleeing their traffickers. Finnish women and children, mostly girls, are increasingly vulnerable to sex trafficking. Although pimps cannot legally operate in Finland, they are able to operate from abroad using threats of violence, debt leverage, and other forms of coercion. In its 2015 report, GRETA highlighted forced begging and forced criminality as emerging problems.

## FRANCE: TIER 1

The Government of France fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, France remained on Tier 1. The government demonstrated serious and sustained efforts by identifying more victims and allocating more funding to victim care services, as well as creating specialized care centers for child victims of trafficking. It also significantly increased its confiscation of assets from traffickers. Although the government meets the minimum standards, the government did not provide anti-trafficking training for its diplomatic personnel. Law enforcement officers regularly screened individuals in prostitution for trafficking indicators, but were less consistent in screening potential labor trafficking victims.



## RECOMMENDATIONS FOR FRANCE

Strengthen victim protection for child victims of forced begging

and theft; train all incoming law enforcement officers to screen all individuals in prostitution for trafficking indicators; improve victims' access to restitution; offer all victims appropriate housing to which they are entitled under the law; continue outreach to potential victims in the labor sectors and identify forced labor; standardize residence permit issuance policies; screen all women and children arrested for soliciting or theft for trafficking indicators; and provide anti-trafficking training or guidance to diplomats.

## PROSECUTION

The government increased law enforcement efforts. Article 225-4 of the penal code prohibits all forms of trafficking and prescribes maximum penalties of between seven years and life imprisonment for trafficking offenses. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government arrested 253 suspected traffickers, prosecuted 231 suspected traffickers, compared with 278 in 2015; and convicted 75 traffickers, compared with 83 in 2015. The government did not report complete sentencing data but confirmed several cases in which traffickers received dissuasive sentences during the reporting period. For instance, in April 2016, the government sentenced 10 Romanian citizens to between eight months and seven years imprisonment for sex trafficking and ordered eight traffickers to pay €170,000 (\$179,140) in fines. In October, the government obtained a conviction of one man for sex trafficking, for which he was sentenced to two years imprisonment and another man to six years. In November, a court sentenced eight Bulgarian nationals to between two and six years imprisonment for child sex trafficking. In January 2017, a court sentenced nine Romanian nationals to up to five years imprisonment for sex trafficking.

During the reporting period, the Ministry of Interior's Central Office for Combating Human Trafficking (OCRTEH), a specialized body of law enforcement trained to combat human trafficking, trained 25 law enforcement officers as specialists in investigating trafficking networks. During the reporting period, OCRTEH regularly trained magistrates on human trafficking and participated in operational and strategic exchanges with EUROPOL and INTERPOL. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. NGOs reported law enforcement officers regularly screen individuals in prostitution for trafficking indicators, but were less consistent in screening potential victims of labor trafficking.

## PROTECTION

The government increased protection efforts. The government identified 1,118 sex trafficking and aggravated pimping victims in 2016, compared to 712 in 2015. The victims identified in 2016 included 323 French, 202 Chinese, 114 Nigerian, 104 Romanian, and 375 were other nationalities. The government had a formal procedure for identifying victims and an NGO-run referral mechanism. The Ministry of Social Affairs, the Ministry of Health, and the City of Paris provided funding for the Ac-Se system, an NGO-managed network of 50 NGO-run shelters assisting adult victims of sex and labor trafficking. Ac-Se assisted 82 trafficking victims in 2016, compared with 92 in 2015, by providing them with shelter, legal, medical, and psychological services. Seventy-nine were victims of sex trafficking, two of labor trafficking, and one was forced to commit a petty crime. Seventy-three percent of those victims were Nigerian. The government repatriated eight victims to



multiple countries. The government increased Ac-Se's budget from €170,000 to €220,000 (\$179,140 to \$231,820) for 2017. Local governments provided French language classes to victims, and some victims could qualify for subsidized housing and job training programs. The government provided victims €350 (\$370) as an initial stipend, and €100 (\$110) per month thereafter. The central and municipal governments also partially funded the operation of a shelter in Paris and a small number of emergency apartments external to the Ac-Se system. The Mission for the Protection of Women against Violence and the Fight Against Human Trafficking (MIPROF) signed a pilot convention in October 2016 with an NGO, the Paris regional court, the Paris police, the Paris City Hall, and the Paris city council that will provide several places of accommodation in Paris dedicated to sex trafficking victims. MIPROF signed another pilot convention in June 2016 with an NGO, the Paris regional court, the Paris police, the Paris City Hall, the Paris Bar Association, the MOJ, and the Inter-ministerial Committee for the Prevention of Delinquency and Radicalization (CIPDR) that will provide training on identifying, integrating, educating, and housing child victims of trafficking. The convention provided additional secure accommodation for child trafficking victims. The care centers are run by child welfare services and provided access to health care, schooling, and rehabilitation and were equipped with specialized staff trained by MIPROF to educate and rehabilitate child trafficking victims. During the reporting period, 45 child trafficking victims benefitted from the special care centers. The government continued to operate a hotline for children in abusive situations, including trafficking. In 2015, hotline operators received 16 calls related to modern slavery. Ac-Se operated a separate hotline during the reporting period. In 2016, Ac-Se operators referred 82 trafficking cases for additional Ac-Se assistance, which assisted 76 individuals, including six children. The MOJ partnered with Ac-Se to train front-line responders, including labor inspectors and social workers, on the identification and referral of trafficking victims.

The government had an NGO-run referral program to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short-term care. A June 2016 law on organized crime and terrorism extended and strengthened the witness protection program for witnesses and their relatives in cases involving organized crime, including human trafficking. The April 2016 Law to Strengthen the Fight Against Prostitution allows the criminal trials for trafficking or aggravated pimping to be heard in private at the victim's request. NGOs reported children arrested or detained for soliciting or theft were not always screened for trafficking indicators by law enforcement officials. The law provides for a 30-day reflection period for identified victims, regardless of whether they choose to cooperate with law enforcement or not; however, some authorities were not familiar with the reflection period and did not offer it. Victims were eligible for temporary residence permits, regardless of whether they cooperated with police investigations. Trafficking victims were also eligible for international protection under refugee status or subsidiary protection status in cases where victims had a credible fear of retaliation, including from public authorities in their country of origin, if returned. Victims were eligible to receive restitution through the Crime Victims Compensation Program. In October, a labor court found in favor of five undocumented Moroccan workers in a civil case against their employer, awarding the plaintiffs between €20,000 (\$21,070) and €50,000 (\$52,690) in back-pay, paid leave, and damages for forced labor in a sawmill. The compensation request process often took several years to complete, and many victims had requests in progress.

## PREVENTION

The government increased prevention efforts. In April 2016, the government passed the Law to Strengthen the Fight Against Prostitution, which penalizes purchasers of commercial sex, thereby reducing the demand for commercial sex. The government did not report investigating or prosecuting any cases of child sex tourism. In July, the government, in coordination with NGOs, launched a public awareness campaign on sex tourism during the Euro 2016 soccer championship that took place in France. The government funded programs through airlines and tourism operators describing the penalties for child sex tourism and funded poster and pamphlet campaigns by NGO partners to reduce the demand for child sex tourism. The Ministry of Foreign Affairs researched and reported on indicators of child sex tourism abroad and monitored increases in the crime. Tourism and hospitality students in France were obligated to take coursework on preventing child sex tourism. The government continued to fund a regional technical advisor on trafficking to the UNODC and OSCE. The French government provided anti-trafficking training to all peacekeeping troops prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

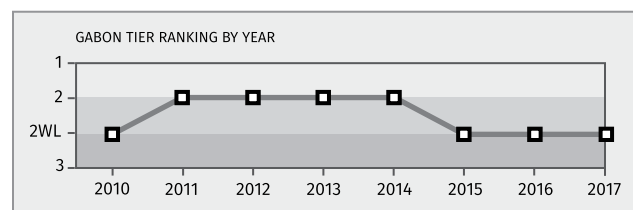
## TRAFFICKING PROFILE

As reported over the past five years, France is a destination, transit, and a limited source country for men, women, and children subjected to forced labor and sex trafficking. Foreign victims from Eastern Europe, West and North Africa, Asia, and the Caribbean are subjected to sex trafficking and forced labor. Sex trafficking networks controlled by Bulgarians, Nigerians, Romanians, Chinese, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo and drug addiction. The number of children exploited in commercial sex has increased in recent years. Children are forced to commit crimes, mainly petty theft, often as part of larger criminal networks. Traffickers force children living in migrant camps in northern France to commit crimes, including facilitating smuggling to the United Kingdom. Migrants from Africa and the Middle East, particularly women and children, were vulnerable to sex and labor trafficking in Calais. Some migrants who could not pay their smugglers are held in debt bondage. Reports indicate children, primarily from Romania, West and North Africa, and the Middle East, are victims of sex trafficking in France. The Government of France estimates the majority of the 30,000 people in France's commercial sex trade, about 90 percent of whom are foreign, are likely trafficking victims. Online-advertised prostitution organized by Russians and Bulgarians has increased, along with classified ads posted by organized networks controlled by Romanians, Bulgarians, Nigerians, and Brazilians; trafficking victims are likely involved in activities described in these ads. Roma and unaccompanied minors in France are vulnerable to forced begging and forced theft. Women and children are subjected to domestic servitude, mostly in cases in which families exploit relatives brought from Africa to work in their households. Trafficking networks have expanded to operate in large towns outside of Paris, including Lille, Marseille, Chartres, Toulouse, and Nice. Trafficking of male victims for sex and labor trafficking has increased, with males comprising approximately 28 percent of trafficking victims in France. Nigerian trafficking networks use migrant and drug trafficking routes through Libya and Italy to transport girls to France. Chinese victims often enter France on short-term student or tourist visas. Unaccompanied children that illegally

migrated with their parents to the overseas French Department of Mayotte were vulnerable to trafficking when their parents were deported.

## GABON: TIER 2 WATCH LIST

The Government of Gabon does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by identifying and providing care to child trafficking victims, initiating trafficking prosecutions, and conducting awareness-raising campaigns. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not convict any traffickers or enact a proposed amendment to criminalize adult trafficking for the fourth consecutive year, and it decreased funding for victim shelters. The inter-ministerial child trafficking committee, which coordinates national anti-trafficking efforts, remained without sufficient funds to fulfill its mandate. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Gabon was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Gabon remained on Tier 2 Watch List for the third consecutive year.



## RECOMMENDATIONS FOR GABON

Increase efforts to complete trafficking prosecutions and convict traffickers, including complicit officials and sex traffickers; use existing penal code articles criminalizing forced labor to investigate, prosecute, and convict traffickers who exploit adults in forced labor; draft and enact legislation to criminalize all forms of trafficking; expand training for social workers, law enforcement, labor inspectors, and judicial staff to include the identification and investigation of adult trafficking; increase financial or in-kind support to government-run and NGO shelters; increase communication among ministries to facilitate improved case management and data collection; reinvigorate collaboration with foreign governments to investigate transnational trafficking cases and repatriate foreign victims; train social workers and service providers on best practices in the provision of care for trafficking victims; expand the existing inter-ministerial committee's mandate to include adult trafficking, and include efforts to address adult trafficking in the next national action plan; expand awareness-raising campaigns to include information on adult trafficking; and develop a system to track trafficking cases and publicize relevant law enforcement and victim protection statistics, including on trafficking offenses prosecuted under other articles of the penal code.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. Existing laws do not criminalize all forms of human

trafficking. Law 09/04 to Prevent and Combat Child Smuggling criminalizes selling children, subjecting them to debt bondage, and bringing them into the country and unlawfully employing them, and prescribes penalties of a "custodial sentence" and a fine of 10 to 20 million West African CFA francs (FCFA) (\$16,084-\$32,168). Title 1, article 4 of the Gabonese labor code criminalizes forced labor and prescribes penalties of one to six months imprisonment or a fine of 300,000 to 600,000 FCFA (\$483-\$965). Neither law appears to provide sufficiently stringent sentences that reflect the serious nature of the offense. Penal code article 261 criminalizes adult and child sex trafficking and prescribes penalties of two to five years imprisonment and a fine. Law 21/63-94 also prohibits forced prostitution of adults and prescribes penalties of two to 10 years imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. For the fourth consecutive year, the government did not pass the 2013 draft amendment to law 09/04 to criminalize the trafficking of adults and explicitly criminalize sex trafficking.

Only the high court is authorized to hear trafficking cases because it is a crime equivalent to murder; however, the high court was backlogged with cases and did not routinely meet, in part because of a shortage of funding. In addition, as a result of a lack of training and widespread corruption, the prosecutorial judges tasked with investigating trafficking cases often did not investigate cases brought to their attention, creating significant obstacles to prosecuting trafficking crimes. The government reported investigating and prosecuting eight individuals for child labor trafficking, a decrease from 16 investigations and 11 prosecutions in the previous reporting period. Judges subsequently dropped all of the investigations and prosecutions initiated during the reporting period. The government did not convict any traffickers for the fourth consecutive year. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, there were reports corruption and official complicity in trafficking crimes remained significant concerns. Judges were vulnerable to corruption by alleged traffickers and often failed to advance or dismissed trafficking cases. There were also allegations a Gabonese diplomat posted to the United Kingdom exploited a worker in domestic servitude. During the reporting period, the inter-ministerial committee conducted a two-day training for immigration law enforcement agents on identifying and investigating trafficking cases. Data on anti-trafficking law enforcement efforts was limited, in part due to poor communication among ministries. In contrast with previous years, the government did not report working with foreign law enforcement on trafficking cases.

## PROTECTION

The government maintained modest protection efforts. Officials identified at least 15 child labor trafficking victims and referred all 15 to social services, compared with identifying 20 victims and referring 14 to social services in 2015. The government continued to fund and run two shelters, and provided an unknown amount of funding and in-kind support—including funding for social workers, medical support, psycho-social services, legal assistance, tuition, and food and furniture vouchers—to two NGO-run shelters offering services to orphans and street children vulnerable to trafficking. Nonetheless, NGOs that assisted trafficking victims relied primarily on donations from churches and private companies to finance their services, and some government workers used personal funds to assist victims. There continued to be a lack of shelter space to accommodate all trafficking victims, and for the third

consecutive year the government decreased funding to NGOs that provided shelter and services to victims. Male and female victims received the same services, as did foreign and domestic trafficking victims. There were no government or NGO-run shelters specifically designated for adult victims, but some allowed child trafficking victims to remain after they reached 18 years of age. Some shelters could have also provided shelter and services to adults, although it is unclear if law enforcement referred any adults to such facilities during the reporting period. In practice, authorities permitted adult male victims to leave shelters unchaperoned but not adult female victims, reportedly for their safety. Shelter and services were available to repatriated Gabonese victims, but it is unknown if any victims received these services during the reporting period.

The Ministry of Family and Social Development, in coordination with foreign embassies, assisted in the repatriation of four foreign trafficking victims. Authorities reported that a lack of cooperation with source-country governments, including agreement on who should fund the repatriation of foreign trafficking victims from Gabon, greatly lengthened the repatriation process; foreign trafficking victims remained in Gabonese centers on average between six months and three years before repatriation. If victim repatriation was not an option, the Ministry of Social Affairs could provide a victim with immigration relief and resettle them in Gabon, but it is unknown if any victims availed themselves of this legal alternative or had knowledge of this option during the reporting period. The government encouraged victims to cooperate when authorities needed their testimony for the prosecution of alleged traffickers. Prosecutors, police, and magistrates routinely took victims' testimonies at the time of the arrest of the suspected traffickers or identification of the victim, which is not considered the most effective nor a victim-centered approach. While the government has sought restitution for trafficking victims in the past, there were no reports this occurred during the reporting period. Victims can file civil suits against their traffickers, but there were no known cases of such action, in part due to victims' poverty and lack of knowledge of the option. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being subjected to trafficking; however, due to the lack of focus on identifying adult trafficking victims, some victims may have remained unidentified in the law enforcement system.

## PREVENTION

The government maintained modest prevention efforts. Through its local vigilance committees in nine provincial capitals, the inter-ministerial child trafficking committee continued to investigate child trafficking offenses and raise awareness of trafficking, but insufficient funding severely hampered its efforts. The government drafted and validated a 2016-2017 action plan to combat child trafficking; however, resource constraints prevented the inter-ministerial committee from implementing most action items within the plan, and the plan did not include actions to address adult trafficking. Local vigilance committees conducted two information campaigns in local languages to inform potential victims about available assistance and warn potential traffickers of the legal penalties for child trafficking. Unlike in previous years, the government did not partner with multilateral organizations and governments of source countries to combat trafficking. The government did not make any discernible efforts to reduce the demand for commercial sex acts. The government, with foreign donor support, provided anti-trafficking training to 450 Gabonese troops prior to their deployment abroad on an international peacekeeping mission in

the Central African Republic (CAR). The government continued investigating 16 Gabonese peacekeepers formerly deployed to CAR that allegedly sexually exploited civilians during the previous reporting period, including purchasing commercial sex from underage girls exploited in sex trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

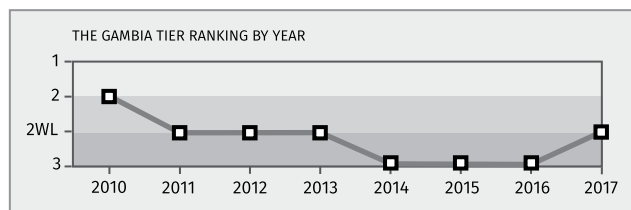
## TRAFFICKING PROFILE

As reported over the past five years, Gabon is primarily a destination and transit country for West and Central African men, women, and children subjected to forced labor and sex trafficking and—to a lesser extent—a source country for children subjected to forced labor and sex trafficking. Boys are forced to work as street vendors, mechanics, or in the fishing sector. Girls are subjected to domestic servitude and forced labor in markets or roadside restaurants. Gabonese children are exploited as market vendors in eastern provinces of the country. West African women are forced into domestic servitude or prostitution in Gabon. Some foreign adults seek the help of smugglers for voluntary labor migration to Gabon but are subsequently subjected to forced labor or prostitution after arriving via plane or boat with falsified documents. Some victims transit Gabon en route to Equatorial Guinea. Traffickers appear to operate in loose, ethnic-based criminal networks, at times involving female traffickers—some of whom are former trafficking victims—in the recruitment and transportation of victims from their countries of origin. In some cases, families willingly give children to intermediaries who fraudulently promise education or terms of employment they ultimately do not provide, instead subjecting the children to forced labor through debt bondage. Some traffickers procure falsified documents for child trafficking victims to make them appear older than 18 years old to exempt the traffickers from prosecution under the child trafficking law, in case they are discovered. Some traffickers operate outside the capital to avoid detection by law enforcement. There were reports Gabonese officials, including diplomats and peacekeepers, were complicit in trafficking.

## THE GAMBIA: TIER 2 WATCH LIST

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, The Gambia was upgraded to Tier 2 Watch List. These achievements included identifying and providing services to the first internal trafficking victims identified in four years; training law enforcement and border officials on identifying and referring cases of trafficking for investigation; and convicting and sentencing one trafficker to life imprisonment—its first reported conviction for a trafficking-related offense in four years. Despite these efforts, the government did not have formal procedures to identify trafficking victims and refer them to care; it did not complete any prosecutions or secure any convictions under the amended 2007 Trafficking in Persons Act, even though NGOs brought cases of child sex trafficking to law enforcement's attention; nor did it prosecute or convict any complicit officials. Additionally, the National Agency Against Trafficking in Persons (NAATIP) remained without sufficient funding and resources to coordinate inter-ministerial anti-trafficking efforts and investigate trafficking offenses nationwide.





## RECOMMENDATIONS FOR THE GAMBIA

Vigorously investigate, prosecute, and convict traffickers—including allegedly complicit government officials and child sex traffickers—with sufficiently stringent sentences; train law enforcement and prosecutors to investigate and prosecute all types of trafficking, and ensure they have the resources to do so; develop standard procedures for identifying trafficking victims, including those among vulnerable populations, and referring them to care, train government officials on such procedures, and ensure no victims are detained before referred to services; significantly increase awareness of trafficking among the general public, including of child sex trafficking and how to report cases; increase funding and training for social workers to ensure trafficking victims, including those outside the capital, receive adequate social services; provide adequate funding and resources to NAATIP to ensure effective implementation of the anti-trafficking national action plan; amend the labor law to extend its protections to domestic workers; and improve data collection and public reporting on victim identification and law enforcement efforts.

## PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2007 Trafficking in Persons Act, as amended in 2010, criminalizes all forms of trafficking and prescribes penalties of 50 years to life imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The 2005 Children's Act also prohibits child trafficking—although it does not include forced labor in its definition of trafficking—and prescribes a penalty of life imprisonment. Other articles of the 2005 Children's Act also criminalize child sex trafficking offenses with penalties of 10 years imprisonment. The 2003 Tourism Offenses Act criminalizes child sex trafficking, prescribing a penalty of 10 years imprisonment. The penalties in both the 2005 and 2003 acts are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape.

The government investigated, prosecuted, and convicted one trafficker under the 2005 Children's Act and continued, from previous reporting periods, three labor trafficking investigations under the 2007 trafficking act, compared with one investigation, one prosecution, and zero convictions for trafficking offenses the previous reporting period. A judge sentenced one convicted trafficker to life imprisonment for rape under the 2005 Children's Act. The trafficker, a Scandinavian child sex tourist, sexually exploited two Gambian girls in exchange for paying their schooling fees. A judge adjourned indefinitely the prosecution of four defendants charged with exploiting 59 women in Lebanon and Kuwait initiated in a previous reporting period because three of the suspects remained at large. Despite identifying 40 children as potential forced begging victims, officials did not report investigating any suspects in connection with those cases.

NAATIP trained 60 security personnel, including police and immigration officers, on the 2007 trafficking act and how to report suspected trafficking cases to NAATIP for investigation;

however, authorities acknowledged law enforcement and judicial personnel continued to lack adequate training to investigate and prosecute trafficking offenses. NGOs reported alleged child sex traffickers and child sex tourists to law enforcement but claimed police would not provide updates on the cases, calling into question if law enforcement were investigating such cases. Due to a lack of training on human trafficking, authorities investigated and prosecuted some potential sex trafficking cases as rape. Despite reports of official complicity, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Additionally, law enforcement officials acted with impunity, and corruption remained a problem. The government collaborated with two foreign governments on transnational trafficking investigations during the reporting period.

## PROTECTION

The government increased efforts to protect trafficking victims. The government identified and referred to services two sex trafficking victims and 40 child potential forced begging victims. The lack of formal identification procedures likely resulted in victims remaining unidentified in the law enforcement system. The Department of Social Welfare (DSW) operated a shelter for trafficking victims, abandoned children, and victims of domestic violence, as well as a drop-in center for street children; these facilities cared for the 40 child potential forced begging victims during the reporting period, including assistance with repatriation and family re-integration. The government provided two million dalasi (\$45,455) to the shelter and paid the salaries of eight nurses and 30 other staff members. The shelter offered 24-hour services to children, adults, males, and females; authorities did not allow victims to leave without a chaperone. The shelter could assist Gambian victims exploited abroad after repatriation, and it reported providing initial screening, psychological counseling, and victims' assistance funds to support vocational training for 10 victims repatriated by an international organization during the reporting period. The government referred the two child sex trafficking victims to an NGO shelter for care. Shelters were concentrated around the capital, leaving some victims in rural areas without access to assistance. In addition, many shelters lacked social workers trained to assist trafficking victims. NAATIP trained law enforcement and social services personnel on victim identification. The government maintained an electronic child protection database, which included information on trafficking cases. The 2007 trafficking act allows foreign victims to obtain temporary residence visas for the duration of legal proceedings, but the government did not offer any other legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. Victims could file civil suits against their traffickers, although there were no reports that any such cases were filed during the year. There were reports police detained potential child trafficking victims in the course of investigations.

## PREVENTION

The government made uneven prevention efforts. The government allocated 1.84 million dalasi (\$41,818) to NAATIP in 2016 for salaries and administrative costs; this was insufficient to fund law enforcement training, investigations, and prevention activities, however, so NAATIP continued to rely on donors for additional support. In consultation with NGOs, NAATIP updated the government's national action plan to cover 2016-

2020 and began implementation. In 2017, the government began disbursing to NAATIP approximately 160,000 dalasi (\$3,636) monthly for the plan's implementation. NAATIP officials traveled to key border posts to sensitize civil society groups, security personnel, government officials, and local communities on human trafficking and the need to report suspected cases directly to NAATIP. The Ministry of Education continued to encourage reputable Quranic school teachers, called *marabouts*, to educate students and not force them to beg by providing monthly cash transfers and food rations to 17 schools that it verified did not employ forced begging. The ministry also provided science, math, and English teachers to these Quranic schools to broaden their curriculums. It estimated 1,000 children were benefitting from the program. The government did not have effective policies to regulate foreign labor recruiters and penalize them for fraudulent recruiting. The 2015 draft MOU between the Gambian government and Lebanon to improve the regulation of labor recruiters and law enforcement cooperation remained pending at the close of the reporting period. Domestic laborers are not protected under the national labor law, rendering such workers vulnerable to exploitation.

In collaboration with NGOs, the Gambian tourism board continued to raise awareness of child sex trafficking within the tourism industry. Authorities continued to enforce the 2005 ban on unattended children in resort areas. DSW continued to operate five neighborhood watch groups to monitor urban areas near tourist resorts for possible cases of child abuse or child sexual exploitation, and it provided group members with allowances and cell phone credits; however, none of these efforts led to the arrest of any suspected traffickers or child sex tourists. The government also maintained posters at the international airport and in tourist areas to warn of the dangers of trafficking, including child sex tourism, and the criminal penalties for such offenses. The government did not make efforts to decrease the demand for forced labor. The government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

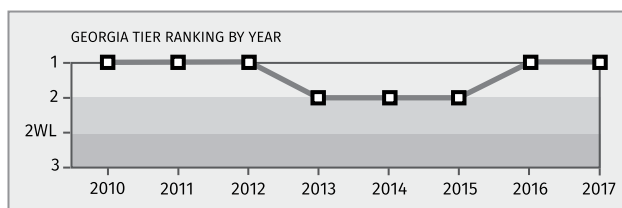
## TRAFFICKING PROFILE

As reported over the past five years, The Gambia is a source and destination country for women and children subjected to forced labor and sex trafficking. Within The Gambia, women, girls, and—to a lesser extent—boys are subjected to sex trafficking, forced labor in street vending, and domestic servitude. Women and children from West African countries—mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea-Bissau, and Benin—are recruited for commercial sexual exploitation in The Gambia. The majority of these victims are subjected to sexual exploitation by child sex tourists, primarily from Britain, Germany, Scandinavia, the Netherlands, and Canada. Poor families may encourage their children to endure such exploitation for financial gain. In recent years, sex traffickers are increasingly hosting child sex tourists in private residences outside the commercial tourist areas of Banjul, making the crime harder for law enforcement to detect. Traffickers have allegedly exploited Sierra Leonean boys and girls as “cultural dancers” in The Gambia. Observers believe organized sex trafficking networks use European and Gambian travel agencies to promote child sex tourism. Many Gambian boys attend Quranic schools in The Gambia, Guinea-Bissau, and Senegal, and some corrupt *marabouts* force their students into begging and street vending. Gambian children have been identified as forced labor victims

in neighboring West African countries, including Ghana and Senegal. Gambian Women are subjected to forced labor and sex trafficking in Middle Eastern countries, including United Arab Emirates, Kuwait, and Lebanon. Finnish authorities identified Gambians in forced labor and sex trafficking during the reporting period.

## GEORGIA: TIER 1

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Georgia remained on Tier 1. The government demonstrated serious and sustained efforts by adopting the 2017-2018 national action plan and continuing proactive investigations and screening of vulnerable populations for trafficking indicators. The government implemented a child referral mechanism expanding the pool of actors participating in proactive victim identification and provided free identification documents to vulnerable street children. The government continued to provide comprehensive care for all identified victims and conducted robust awareness campaigns. Although the government meets the minimum standards, authorities did not increase anti-trafficking law enforcement efforts and identified fewer victims. The labor inspectorate continued to operate with an unclear mandate and restricted ability to investigate employers. Victim identification remained weak for children in exploitative situations on the street, such as those subjected to forced begging and criminality, and for individuals working in vulnerable labor sectors.



## RECOMMENDATIONS FOR GEORGIA

Vigorously investigate, prosecute, and convict traffickers under article 143; improve efforts to proactively identify trafficking victims, particularly street children and Georgian and foreign victims in vulnerable labor sectors; increase law enforcement capacity to investigate complex cases; further incorporate the labor inspectorate in anti-trafficking efforts with established roles and responsibilities; improve measures to guarantee victims' access to compensation, including asset seizure, informing victims of their rights to compensation, and legal assistance; increase transparency of the inter-ministerial trafficking coordination council; fully implement the law that provides street children with free government identification; create integrated, interagency strategies for reducing vulnerability and countering forced begging; and continue awareness-raising campaigns about the existence of human trafficking, legal recourse, and available protection services, targeted at vulnerable groups.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The Law on Combating Trafficking in Persons and article

143 of the criminal code prohibit all forms of trafficking and prescribe penalties ranging from seven to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law defines trafficking broadly and includes illegal adoption without the purpose of exploitation. The government investigated 16 new cases, compared to 17 in 2015. Of these, 11 were sex trafficking cases, four were forced labor cases, and one case involved both, compared to 11 sex trafficking cases and six forced labor cases in 2015. The government prosecuted one defendant for sex trafficking and one defendant for forced begging, compared to two defendants for sex trafficking and one defendant for forced begging in 2015. The government convicted a total of one trafficker for forced labor, compared to three traffickers in 2015. The trafficker received a sentence of one year and six-month imprisonment for forced labor of her child. The government maintained several specialized units including the Anti-Trafficking and Illegal Migration Unit (ATIMU) within the Central Criminal Police Department, an anti-trafficking unit within the Tbilisi police, and an anti-trafficking taskforce in Batumi. Four mobile inspection units within ATIMU inspected 83 organizations involved in prostitution and the labor inspectorate inspected 99 private companies resulting in one criminal investigation for labor trafficking. Experts reported the government continued to develop capabilities to investigate trafficking cases but required additional advanced training for complex cases involving money laundering, organized crime, and digital evidence. The government reported the inability to conduct anti-trafficking law enforcement efforts within the breakaway territories of Abkhazia and South Ossetia.

Prosecutor General's Office's Victim-Witness Coordinators (VWCs) provided counsel to victims during the initial stage of trafficking investigations through the end of the court proceedings. Investigators contacted VWCs to speak with victims, offering counsel and information on government assistance programs prior to and after interviews with investigators. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. Observers confirmed there were no cases of complicity in trafficking by public servants. The government trained 22 labor inspectors on forced labor issues. The government separately trained police officers, law enforcement trainers, prosecutors, and judges on various trafficking issues. The government provided legal assistance to the Turkish National Police.

## PROTECTION

The government maintained protection efforts. The government identified three victims, compared to nine in 2015. All three victims were female sex trafficking victims, compared to six female sex trafficking victims and two male and one female forced labor victims in 2015. The government allocated 269,215 lari (\$101,209) to the anti-trafficking shelters in Tbilisi and Batumi and other victim assistance programs, compared to 271,000 lari (\$101,880) in 2015.

Law enforcement and the Permanent Group officially identified victims: law enforcement granted "statutory victim" status for victims who participated in investigations and the Permanent Group assessed and officially recognized victims who declined to participate in investigations. The Permanent Group comprises a five member board of NGO and international organization representatives and is required by statute to convene and assess a potential victim within 48 hours. A multi-disciplinary national referral mechanism (NRM) provided standard

operating procedures for identifying and referring victims to services. The government implemented a new child referral mechanism, which expanded the list of actors responsible for victim identification efforts of children, including schools, medical providers, art academies, and sports institutions. ATIMU mobile units screened 375 individuals working at organizations involved in prostitution for indicators of trafficking. Authorities also screened for trafficking indicators amongst 2,213 foreign nationals deported from Georgia and 442 Georgians deported from Turkey. These screening efforts resulted in eight trafficking investigations, one prosecution, and the identification of a victim. The government provided all police cadets victim identification training and trained border police on victim identification at border crossings and airports. The government trained 16 VWCs on the NRM and standard operating procedures. Observers reported the NRM worked effectively and demonstrated strong cooperation between law enforcement and victim assistance agencies; however, victim identification of children in exploitative situations on the street and Georgian and foreign workers in vulnerable labor sectors remained inadequate.

The government operated two specialized shelters and provided medical aid, psychological counseling, legal assistance, child care services, and a one-time financial payment of 1,000 lari (\$376) to victims. The government-run shelters accommodated all three of the statutory victims identified in 2016. The government-run shelters staffed a nurse, social worker, lawyer, and psychologist and offered separate sections for males, females, and children. The government chaperoned victims when leaving the shelter but victims could request to leave the shelter unchaperoned. The government provided equal services for domestic and foreign victims. The government reported foreign trafficking victims were eligible for temporary, one-year residence permits; one statutory victim received a residency permit in 2016. The law prohibits detaining, arresting, incarcerating, fining, or otherwise penalizing trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking; and no such acts were reported in 2016. The government reported it encouraged victims to assist law enforcement with investigations and prosecutions, although their assistance was not required to receive government protection or shelter services; three statutory victims assisted law enforcement. Victims can pursue financial restitution through civil suits; however, no trafficking victims have ever received restitution from their trafficker. Observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

## PREVENTION

The government increased trafficking prevention efforts. The Inter-Agency Council on Combating Trafficking in Persons (TIP Council) approved the 2017-2018 national action plan. The TIP Council monitored implementation of the 2016 national action plan but did not provide public assessments. The TIP Council created an NGO working group to further integrate NGOs in anti-trafficking efforts. The government disseminated approximately 35,000 leaflets on various trafficking issues at border crossings, tourism information centers, metro stations, and public service halls throughout the country. Government officials funded and participated in an increased number of television, radio, and print media programs to raise awareness. The government organized anti-trafficking information meetings in villages and towns in nearly every region of Georgia, presenting to more than 1,100 audience members from different target groups, including primary school and university students, minorities, IDPs, and journalists. The government continued



to fund an anti-trafficking hotline operated by police from the anti-trafficking division and another hotline operated by the State Fund that received calls from trafficking victims. In 2016, the anti-trafficking hotline received calls from 114 persons and the state fund hotline received 116 calls, which led to the identification of no victims and initiation of 18 investigations.

The government continued to fund, in partnership with the EU, and develop a system to support the rehabilitation and re-socialization of children living and working on the street. The government provided 49,000 lari (\$18,421) to a local NGO that presented the most effective plan to identify homeless children and map their locations during nonworking hours. In June 2016, the government approved legislation authorizing free government identification documents to street children allowing them to receive government services and assistance, including health and education services for children who are undocumented foreign citizens. The Law on Labor Migration regulates the operation of labor recruitment agencies; however, the labor inspectorate continued to have an unclear mandate due to a lack of substantive labor laws and unclear authority to conduct unannounced inspections. The government, in cooperation with foreign law enforcement, interviewed 117 Georgians employed outside of the country to screen for labor exploitation. The government demonstrated efforts to reduce the demand for commercial sex and forced labor. A number of teenage girls alleged they were sexually abused by peacekeepers, including Georgian troops, posted in the Central African Republic; it was unclear whether trafficking crimes may have occurred. The government conducted a comprehensive investigation by speaking with victims and witnesses and announced there was no evidence of sexual abuse by Georgian peacekeepers; however, the government did not yet release the final report. The government provided anti-trafficking training for its diplomatic personnel and its armed forces prior to deployment as peacekeepers.

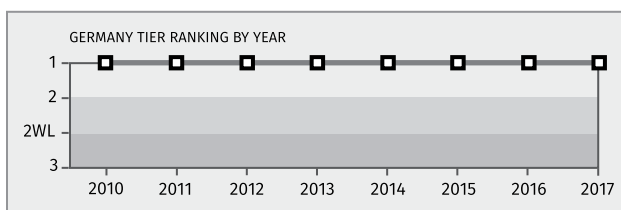
## TRAFFICKING PROFILE

As reported over the past five years, Georgia is a source, transit, and destination country for women and girls subjected to sex trafficking and men, women, and children subjected to forced labor. Women and girls from Georgia are subjected to sex trafficking within the country, in Turkey, and, to a lesser extent, in China and the United Arab Emirates. Georgia is also a transit country for women from Central Asia exploited in Turkey. Women from Azerbaijan and Central Asia are subjected to forced prostitution in the tourist areas of the Adjara region and in saunas, strip clubs, casinos, and hotels. The majority of identified trafficking victims are young, foreign women seeking employment. Georgian men and women are subjected to forced labor within Georgia and in Turkey, United Arab Emirates, Egypt, Cyprus, and Iraq. Georgian, Romani, and Kurdish children are subjected to forced begging or coerced into criminality in Georgia. No information was available about the presence of human trafficking in the separatist regions of Abkhazia and South Ossetia; however, the government and NGOs consider IDPs from these occupied territories particularly vulnerable to trafficking.

## GERMANY: TIER 1

The Government of Germany fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during

the reporting period; therefore, Germany remained on Tier 1. The government demonstrated serious and sustained efforts by passing stronger criminal statutes on labor and sex trafficking and identifying significantly more labor trafficking victims. Although the government meets the minimum standards, weak sentences for trafficking convictions, with only 26 percent of convicted traffickers serving prison time, undercut efforts to hold traffickers accountable. The impact of the criminal statute revisions was yet to be realized given the recent date of implementation. Government-funded counseling centers or youth welfare organizations provided assistance to approximately one-third of victims identified, and just under half of identified victims did not receive specialized care. Efforts to identify and assist labor trafficking victims and prosecute and convict labor traffickers remained inadequate given the scope of the problem.



## RECOMMENDATIONS FOR GERMANY

Sentence convicted traffickers to punishments proportionate to the severity of the crime; increase efforts to address labor trafficking through proactive identification of victims and public awareness campaigns on criminal code reforms; increase the number of victims provided government-funded services; increase the capacity of prosecutors and courts to minimize delay in bringing cases to trial; standardize victim assistance measures and cooperation with civil society across the 16 federal states, including on labor trafficking victim assistance; extend more specialized care based on trafficking victims' specific needs; expand longer-term residence permit eligibility for victims; and conduct awareness campaigns targeting beneficiaries of forced labor and clients of the commercial sex industry.

## PROSECUTION

The government maintained law enforcement efforts. The criminal code prohibits all forms of sex and labor trafficking under sections 232 and 233, respectively. Punishments prescribed in these statutes range from six months to 10 years imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Amendments to the criminal statutes on both labor and sex trafficking went into effect in October and include forced begging and forced criminal behavior and stronger penalties in cases in which the victims are under the age of 18 (where as the law had earlier applied only to victims under the age of 14), and also impose penalties on persons knowingly engaging trafficking victims as a purchaser of commercial sex. Section 233, however, posed significant challenges for law enforcement and judicial officials due to its complex wording and scope of application. As a result, prosecutors often charged suspected perpetrators with offenses that were easier to prove than coercion in labor and sex trafficking, or reduced charges through the use of plea bargains. For sex trafficking the law does not require proof of force or coercion to prosecute perpetrators if the victim who is induced to engage in prostitution is under age 21. Statistics on criminal convictions provided by the government did not include cases involving trafficking when a trafficker was tried

and convicted for a different criminal offense with a longer sentence. This may have lowered the reported number of trafficking offenses recorded, as well as the number of traffickers convicted on a different charge. Government statistics indicated convicted traffickers frequently avoided imprisonment, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting efforts of police and prosecutors.

The government reported actions against sex trafficking in 2015, the most recent year for which comprehensive statistics were available. Police identified 573 suspected sex traffickers, an increase from 507 identified in 2014, 25 percent of whom were German citizens. State and federal authorities completed 364 pre-trial sex trafficking investigations in 2015, a slight decline from 392 in 2014 and 425 in 2013. Authorities prosecuted 89 defendants for sex trafficking in 2014, a decline from 105 prosecutions in 2014. Courts convicted 72 sex traffickers in 2015, compared to 79 in 2014 and 77 in 2013, with less than 30 percent serving prison time. Most convicted traffickers received lenient prison sentences under a provision in the criminal code allowing suspension of prison sentences under two years, particularly for first-time offenders. Of the 72 sex trafficking convictions, 12 received only a fine or other non-incarceration penalty, 45 were sentenced to two years or less, and 42 of those received suspended sentences. In total, only 19 sex traffickers were sentenced to actual prison time, 16 serving sentences between two and five years, and three serving less than two years.

For labor trafficking, police identified 24 suspected labor traffickers in both 2015 and 2014. The government investigated 19 cases in 2015, an increase from 11 in 2014. Authorities prosecuted 12 alleged labor traffickers in 2015, compared with 17 in 2014. Courts convicted five of these offenders, compared with eight convicted in 2014. Three received a suspended sentence and two received prison terms. Of the 77 combined convictions for labor and sex trafficking, 13 were against persons between age 18 and 21, considered juveniles under German law. Juvenile cases are tried under a separate system, in which case the court has discretion to examine the offender's degree of maturity and the type of offense committed relative to the maturity level. Prosecution within the juvenile system allows a wider range of sentences other than incarceration. Authorities seized assets in only a few investigations, totaling €512,000 (\$539,520) in 2015. Prosecutors must prove seized assets were direct proceeds of trafficking, a difficult burden to meet.

Although sex trafficking cases were frequently led by prosecutors with experience assisting victims through trial processes, labor trafficking cases were mostly assigned to financial or economic crime sections with less experience with trafficking or victim-centered prosecutions. Police, prosecutors, and some NGOs also noted a decrease in specialized knowledge, especially as cases moved to trial. NGOs and officials reported mixed experiences with the judiciary; while some judges were sensitive to victims' trauma, others subjected victims to repeated testimonies or made insensitive statements about their experiences. According to NGOs, the duration of the average criminal investigation remained too long, sometimes years, and police in many jurisdictions lacked sufficient staff to process the workload in a timely manner. Judges were sometimes unfamiliar with special considerations in trafficking cases and were not required to take training on trafficking crimes and victim-centered procedures. The German Judicial Academy continued annual anti-trafficking training to prosecutors and judges covering the sexual exploitation of women and children in connection with cross-border crime, with 27 persons receiving training in 2016.

The Federal Criminal Police organized specialized seminars to educate investigating officers and prosecutors on trafficking. Both federal and state-level police collaborated with EUROPOL and several foreign governments, including Romania, Bulgaria, and Nigeria, to investigate trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained victim protection efforts. Authorities identified 416 sex trafficking victims in 2015, a decrease from 557 in 2014 (the decline explained in part due to a single case in 2014 with 110 victims). Government-funded counseling centers or youth welfare organizations provided assistance to approximately 36 percent of victims identified, while 48 percent did not receive specialized care, and there was no information on the remaining 16 percent of victims. The government asserted many victims did not receive counseling due to their lack of interest, return home, or return to prostitution. Of identified sex trafficking victims, 20 percent were under age 18 and 34 percent were between 18 and 21 years old.

The government identified 54 labor trafficking victims, a significant increase from 26 in 2013, with one-third in the agricultural sector and one-fourth in the construction sector. One investigation in Saxony-Anhalt involved 18 Romanian citizens found living and working in the agriculture industry under precarious conditions with wages withheld, following recruitment by a licensed recruiter.

Thirteen of the 16 states had formal cooperation agreements with trafficking counseling centers, but not all of these agreements addressed labor trafficking. NGOs, funded in part by the government, operated counseling centers in 45 cities, providing or facilitating shelter, medical and psychological care, legal assistance, vocational support, and other services, largely for adult female sex trafficking victims, estimated at 90 percent of the total victims identified. Some counseling centers dealt specifically with boys, although NGOs reported the availability of adequate and secure accommodation was insufficient in some parts of the country. The government mandated counseling centers to provide services to both labor and sex trafficking victims, although many solely provided services to female sex trafficking victims, and the centers were generally less experienced with labor trafficking. There was no comprehensive or long term support available for children and male trafficking victims. Trade union-affiliated and migrant counseling centers coordinated with trafficking NGOs to offer support to labor trafficking victims. The federal government-funded an umbrella organization responsible for NGO-run counseling centers, and many state governments provided significant supplemental funding for victim support.

The government offered undocumented victims a reflection period of three months to decide if they would testify in court. Only those victims who agreed to testify were allowed to remain and work in Germany beyond the reflection period, which was limited to the duration of the trial. Victims who faced injury or threats to life or freedom in their countries of origin or in cases of humanitarian hardship could apply for residence permits. Family members were eligible for residency in certain circumstances. State interior ministries circulated instructions on completing an application for humanitarian residence permits for victims, and NGOs confirmed the application system seemed to work in practice. However, the law still gives some discretion

to authorities before approval, and a perceived uncertainty hindered the willingness of some victims to identify themselves and in turn testify against suspected traffickers. Since most labor and sex trafficking victims were either German or EU citizens and did not require permits to remain in Germany, authorities asserted this was not a large scale concern; however, NGOs cited that some non-German or non-EU victims remained fearful of coming forward given the uncertainty of application approval, although NGOs also confirmed there were no known denials of a residency application in these situations. Subject to certain requirements victims may join criminal trials as joint plaintiffs, entitled to free legal counsel and pursuit of civil remedies; however, victims often had difficulty obtaining compensation in practice. The law entitles victims to an interpreter and a third-party representative from a counseling center to accompany them to all interviews. The law also exempts trafficking victims from criminal prosecution for minor crimes committed during the course of their trafficking; however, prosecutors anecdotally cited cases where victims were given small or suspended fines for crimes such as narcotics possession. An NGO also noted that police often raised the issue of legal status in Germany when questioning trafficking victims, which was counterproductive in gaining victims' cooperation for further investigation.

## PREVENTION

The government maintained efforts to prevent trafficking. The government did not prioritize labor trafficking as highly as sex trafficking, but continued to increase efforts to assess and address labor trafficking through a partially federally funded labor alliance conducting research, raising awareness, and providing victim identification training. The federal-state working group on trafficking in persons disseminated best practices, provided input and evaluation on the government's anti-trafficking efforts, and collaborated with anti-trafficking coordination bodies at state and local levels. The federal-state working group against labor trafficking, formed in 2016, held working group meetings in April and June. In October, the labor ministry presented a first draft strategy to combat labor trafficking based on input from these meetings, which included recommendations to establish a national rapporteur, improve coordination within the federal government, and establish a national coordinating service point for labor trafficking issues. The government continued, however, to debate the need for a national rapporteur given existence of other interagency and state-federal coordination anti-trafficking entities.

Working with NGOs, the government co-funded and implemented various public awareness campaigns during the reporting period. The Federal Agency for Migration and Refugees (BAMF) trained officials on identifying victims among asylum-seekers, and implemented standard procedures for handling and reporting suspected trafficking cases among the growing number of petitioners for asylum. Recommendations in a BAMF-funded study on "Flight and Trafficking—Support Structures for Women and Minors," released in December, included improving the system of identification of vulnerable asylum-seekers, increasing personnel in counseling centers trained in trafficking issues, expanding support for care of minors, and researching why victims from some countries have a much higher rate of seeking assistance. The government, in cooperation with an NGO, continued to hold informational events and annual in-person interviews with domestic workers employed by embassies in Berlin without the presence of their employers, advising them of their rights and anti-trafficking laws.

The federal criminal police continued to publish an annual

report on trafficking in Germany, describing law enforcement efforts, victim trends, and challenges in addressing the crime, and in November the government published its report on human rights, including national and international counter-trafficking efforts. The government continued to fund a hotline for women affected by violence, including female trafficking victims. The hotline was available in 15 languages, and provided counseling in 86 trafficking-related cases in 2015, a 50 percent increase from 2014. The government did not make efforts to reduce the demand for commercial sex or forced labor. However, a new law published in October 2016 slated to go into effect in July 2017, strengthens protections for persons in prostitution, including registration of those employed in commercial sex and requiring background checks on brothel management employees. Law enforcement collaborated with foreign officials to investigate German citizens' participation in child sex tourism, and a German citizen was convicted in Germany in April to four years in prison for sexual abuse of minors in Cambodia. The government did not provide anti-trafficking training for its diplomatic personnel, but did so for troops prior to deployment on international peacekeeping missions. The Ministry of Foreign Affairs funded six anti-trafficking programs in source countries in 2016, including victim identification and prevention campaigns in South America, training of law enforcement and border protection forces in sub-Saharan Africa, and capacity building on trafficking prevention in the Middle East and North Africa.

## TRAFFICKING PROFILE

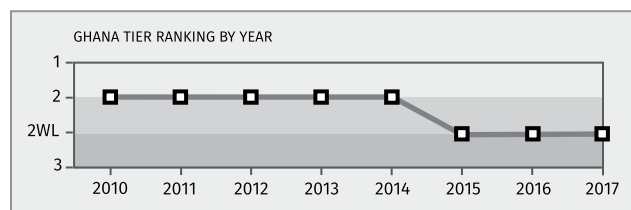
As reported over the past five years, Germany is a source, transit, and destination country for women, children, and men subjected to sex and labor trafficking. Most identified sex trafficking victims in Germany are European, primarily Bulgarians, Romanians, and Germans, although victims also come from most other regions of the world, particularly Nigeria and other parts of Africa. Most sex trafficking victims are exploited in bars, brothels, and apartments. Labor trafficking victims are predominantly European, including Bulgarians, Poles, and Romanians, as well as Afghans, Pakistanis, and Vietnamese. Victims of forced labor are exploited on construction sites and in agriculture, hotels, meat processing plants, seasonal industries, restaurants, and diplomatic households. Romani and foreign unaccompanied minors are particularly vulnerable to trafficking, including forced begging and coerced criminal behavior. The large influx of migrants during the 2015 and 2016 refugee crises continues to place a significant strain on government resources at all levels and among agencies responsible for combating trafficking. This impacted the overall capacity to screen and identify potential trafficking victims among irregular migrant arrivals, and these irregular migrants and refugees remain vulnerable to sex and labor trafficking. Several foreign governments also reported German citizens engaged in sex tourism abroad.

## GHANA: TIER 2 WATCH LIST

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by providing protection services to more child trafficking victims, raising awareness, developing agreements with other governments to prevent cross-border sex and labor trafficking of Ghanaian citizens, and collaborating with international organizations and NGOs to develop and begin implementation of victim



identification and referral procedures and a national action plan. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not convict any traffickers under the anti-trafficking law; insufficient resources for investigation and prosecution led to inadequate evidence collection and hindered prosecution efforts. Victim protection services remained limited, and the lack of systematic data collection hindered efforts to monitor, analyze, and report on anti-trafficking efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Ghana was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Ghana remained on Tier 2 Watch List for the third consecutive year.



## RECOMMENDATIONS FOR GHANA

Increase the number of traffickers held accountable for their crimes by providing sufficient support for police and immigration service investigators and prosecutors, and attorney general prosecutors to effectively investigate and prosecute sex trafficking and labor trafficking offenses using the anti-trafficking act; increase government support for comprehensive trauma-informed care and reintegration services for children in government-operated shelters, including child sex trafficking victims; implement the national plan of action against trafficking with dedicated resources, including funding and implementation of the human trafficking fund; provide protection and assistance services for adult trafficking victims; increase efforts to ensure attorney general prosecutors review human trafficking case dockets and lead the prosecution of human trafficking cases; provide advanced training to law enforcement on evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act; fully implement systematic procedures for law enforcement, social welfare personnel, and labor inspectors to proactively identify trafficking victims among vulnerable populations and refer them to protective services; develop and implement systematic methods of collecting and reporting data on investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided; and increase efforts to investigate and prosecute recruitment agencies suspected of participating in human trafficking of Ghanaian migrant workers.

## PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009 to align its definition of human trafficking with the 2000 UN TIP Protocol, criminalizes all forms of trafficking, essentially tracking international law in defining the crime as the use of force, fraud or coercion for the purpose of exploitation, to include forced labor and prostitution. It also provides that a defendant will be guilty of the crime of sex trafficking of a child if the child is induced to engage in prostitution without regard to the use of force, fraud or coercion. The Human Trafficking Act

prescribes penalties of a minimum of five years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The 2015 regulations for this Act provide specific guidance on sentencing depending on the circumstances; in general the term is not less than five years and not more than 25 years, but if a parent, guardian or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine or a term of imprisonment of not less than five years and not more than 10 years, or both. By allowing for a fine in lieu of imprisonment, this prescribed punishment is not commensurate with those for other serious crime, such as rape.

The government did not report comprehensive statistics on its anti-trafficking law enforcement efforts during the reporting period January 1-December 31, 2016. The Ghana police service (GPS) anti-human trafficking unit (AHTU) reported conducting 118 investigations of potential trafficking crimes, compared with 238 investigations in 2015; of these, 114 were for labor trafficking and four for sex trafficking. The Ministry of Employment and Labor Relations (MELR) investigated three licensed recruitment agencies for suspected human trafficking during the reporting period and referred two cases to the AHTU for further investigation. The Ghana Immigration Service (GIS) reported investigating 20 cases of suspected cross-border trafficking, compared with 10 cases in 2015; of these, 18 cases involved suspected labor trafficking, one alleged sex trafficking, and another both sex and labor trafficking. The GPS reported initiating prosecutions against seven defendants, compared with 21 defendants in 2015. The GIS reported preparing for prosecution the case of one defendant in a case involving three Ghanaian children intercepted before being sent to Cameroon for suspected labor trafficking. The GPS also reported prosecuting at least 17 labor trafficking cases and three sex trafficking cases initiated in prior years that remained pending before the courts; many of these cases were reportedly stalled and an unknown number of pending cases were dismissed due to a lack of evidence, inability to locate the alleged perpetrator, or victims' reluctance to testify. The attorney general's (AG) department reviewed 217 open investigations of the Greater Accra AHTU and determined many cases were inadequately investigated and recommended only five cases for prosecution by state attorneys; however, these cases were not brought to trial during the reporting period. As in the previous reporting period, the government reported no convictions under the anti-trafficking act in 2016; however, the government reported seven convictions for offenses using other statutes that resulted in lesser penalties. For example, prosecution of a trafficker for the labor exploitation of a 15-year-old boy working on a fishing boat without pay on Lake Volta resulted in a sentence of a fine of 720 cedis (\$170). A reported lack of evidence resulted in reduced charges in a case in which the government convicted and sentenced to two months imprisonment two traffickers for the forced prostitution of a Nigerian woman. In addition, the GPS reported four convictions for labor trafficking but did not report information about sentencing. Despite continued reports of general corruption and bribery in the judicial system as well as interference with police investigations of suspected trafficking, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

For the fourth year, the AHTU did not receive operating funds and relied on donor support for logistics, equipment, and facilities for identified adult victims. AHTUs in some regions did not have personnel assigned throughout the reporting period. The GIS also reported a lack of financial support and

inadequate facilities for anti-trafficking activities. The AG's office also reported a shortage of prosecutors. The government supported a specialized anti-trafficking training for 25 border security and law enforcement officers, trained officers assigned to the new anti-trafficking airport taskforce, and provided in-kind support for a donor-funded training for investigators and prosecutors during the reporting period. New recruits in the GIS and the GPS received training on trafficking-related topics as part of their basic training.

## PROTECTION

The government maintained modest efforts to identify and assist victims. The human trafficking fund, established by the 2005 Human Trafficking Act to finance protection efforts, continued to be unfunded for the fifth consecutive year and agencies responsible for victim identification and assistance reported a continued lack of funds to support services for both children and adults. The government did not report comprehensive statistics on the number of trafficking victims it identified or assisted. The AHTU reported identifying 121 potential victims, of whom 112 were victims of labor trafficking and nine of sex trafficking, compared with 112 victims reported identified in 2015. Most identified victims were adults; 28 were children. The GIS identified 42 potential trafficking victims, including 19 at airports, border crossings, and GIS offices, and 23 repatriated from Saudi Arabia and Kuwait, most of whom were young adult females and seven of whom were potential child labor trafficking victims. The Ministry of Foreign Affairs and Regional Integration (MFA) facilitated the repatriation of Ghanaian trafficking victims identified abroad by liaising with the victims' families, private donors, and the government in the destination countries. Private citizens and NGOs continued to take primary responsibility for funding the return of Ghanaians trafficked abroad. NGOs working in cooperation with local social service workers and police identified and assisted 102 child trafficking victims, 61 boys and 41 girls. With support from donors, the Department of Social Welfare provided medical, legal, and psycho-social services for 31 child victims of labor trafficking, nine boys and 22 girls, in a shelter for abused children in Osu, and referred 76 child victims of labor trafficking, 66 boys and 10 girls, to private shelters in the Central Region. Of these 107 children, 75 were reintegrated with their families and 32 remained in the shelter at the end of the reporting period. Five foreign national children received psycho-social and legal assistance in the Osu shelter. The shelter in Osu provides short-term care and has a maximum capacity of 30 children. This shelter is co-located with a juvenile correctional facility with no structural barrier protecting the victims from criminal offenders, is in serious disrepair, and lacks security. The government provided the salaries of the Osu shelter staff and approximately 3,710 cedis (\$880) for shelter operations; the shelter also relied on support from donors and internally generated funds to help feed, clothe, and provide care for trafficking victims. Numerous NGOs, without government support, continued to provide shelter and comprehensive care to child victims of forced labor; few services were available for child sex trafficking victims. The government did not provide shelter or other services for adult victims of trafficking. The GIS and AHTU reported they did not have the means to provide shelter or to effectively protect witnesses. Ghanaian law permits victims of trafficking to pursue restitution by filing a civil suit. No such suits were reported; however, the government reported that some Ghanaian victims received unpaid wages from foreign employers after the victims reported their case to authorities.

The government collaborated with international organizations

and NGOs to develop formal procedures to identify and refer victims and began implementing these mechanisms during the reporting period. GIS deployed some officers with training on the indicators of trafficking to field offices, including at the border. Foreign victims may seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; no victims sought temporary or permanent residency during the year. The GIS supported the repatriation of an adult sex trafficking victim to Nigeria in coordination with a Nigerian anti-trafficking agency. There were no reports victims were penalized for unlawful acts committed as a direct result of being subjected to trafficking; however the GIS reported placing one trafficking victim in a detention facility due to a lack of budgetary resources or government-run shelter for adult victims.

## PREVENTION

The government increased anti-trafficking prevention efforts. The government supported three meetings during the year of the Human Trafficking Management Board (HTMB), the inter-ministerial committee responsible for advising the Ministry of Gender, Children, and Social Protection on anti-trafficking policy, promoting prevention efforts, and facilitating the rehabilitation and reintegration of trafficking victims. HTMB did not receive sufficient personnel and government funds to fulfill its mandate to conduct monitoring and evaluation, data collection, and research relating to trafficking. The HTMB Secretariat developed and distributed a template for collecting and reporting governmental anti-trafficking activities; however, reliable data collection for analysis and reporting of anti-trafficking enforcement and protection activities continued to be lacking. With support from an international organization and with input from stakeholders, the government drafted a National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021, which remained pending final approval. The action plan includes activities under four objectives aligned with the four-P paradigm: prosecution, protection, prevention, and partnership. The government allocated 1.5 million cedis (\$355,450) toward the implementation of the plan in 2017, including 500,000 cedis (\$118,480) for the human trafficking fund. The local government authorities in 20 communities in two regions partnered with an NGO to conduct community-level training on child trafficking prevention and identification and appropriate care for child trafficking victims. The government did not fulfill its commitment to increase its resources devoted to combating child trafficking as it had committed to do as part of its partnership with a foreign donor. In response to continued reports of sex and labor trafficking, as well as serious physical abuse of Ghanaian women recruited for domestic and hospitality jobs in the Middle East, the MFA, Ministry of the Interior, MELR, GIS, GPS, and the HTMB Secretariat participated in radio and television programs to raise awareness of fraudulent recruitment agencies and advise prospective job seekers to avoid unlicensed agencies. The MELR increased the number of registered recruitment agencies from 22 to 44 and widely publicized the list of these agencies. The government also signed an MOU with the Government of Jordan to formalize labor recruitment between the two countries and provide support for repatriation of Ghanaian trafficking victims identified in Jordan. Ghana and Cote d'Ivoire also signed a cooperation agreement on the fight against cross-border child trafficking and the worst forms of child labor. The government made no efforts to decrease the demand for forced labor or for commercial sex acts. The government relied on foreign donors to provide anti-trafficking training to Ghanaian troops prior

to their deployment abroad on peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

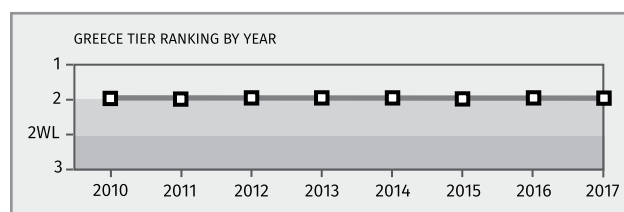
## TRAFFICKING PROFILE

As reported over the past five years, Ghana is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The exploitation of Ghanaians, particularly children, within the country is more prevalent than the transnational trafficking of foreign nationals. Ghanaian boys and girls are subjected to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and many of these children are subjected to forced labor, not allowed to attend school, given inadequate housing and clothing, and are controlled by fishermen through intimidation, violence, and limiting access to food. Boys as young as five years old are forced to work in hazardous conditions, including deep diving, and many suffer water-born infections; girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that children from nearly one-third of the 1,621 households surveyed had been subjected to trafficking, primarily in fishing and domestic servitude. Child trafficking in the fishing industry is often facilitated by parents who receive a payment and organized traffickers who target vulnerable communities; girls exploited in domestic servitude are often sent via relatives or middlemen to work in harsh conditions. Ghanaian girls, and to a lesser extent boys, are subjected to sex trafficking in Ghana. Sex trafficking of Ghanaian girls has been reported in the Greater Accra, Ashanti, Central, Volta, and Western regions. As part of a ritual to atone for sins of a family member, Ghanaian girls are subjected to servitude that can last for a few months or several years. Ghanaian girls and young women from the rural northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor.

Ghanaian women and children are recruited and sent to the Middle East, West Africa, and Europe for forced labor and sex trafficking. Unscrupulous agencies arrange transport of Ghanaians seeking employment in Europe through neighboring African countries, where they are subjected to sexual exploitation and held involuntarily by traffickers who extort funds from the victims. Licensed and unlicensed agencies recruit young Ghanaian women for domestic service or hospitality industry jobs in countries in the Middle East. After their return, many of them report being deceived, overworked, starved, abused, molested, and/or forced into prostitution. Ghanaian men are also recruited under false pretenses to go to the Middle East, where they are subjected to domestic servitude and forced prostitution. In recent years, a few Ghanaian men and women were identified as victims of forced labor in the United States. Women and girls voluntarily migrating from Vietnam, China, and neighboring West African countries are subjected to sex trafficking in Ghana. Citizens from West African countries are subjected to forced labor in Ghana in agriculture or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany. Corruption and bribery in the judicial system hinder anti-trafficking measures.

## GREECE: TIER 2

The Government of Greece does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Greece remained on Tier 2. Despite Greece's economic crisis and the influx of refugees and migrants to the country, which placed a significant strain on government resources, the government demonstrated increasing efforts by operationalizing a national referral mechanism and organizing working groups to establish roles and responsibilities for relevant actors. The Office of the National Rapporteur on Human Trafficking continued to coordinate government wide anti-trafficking efforts, including the annual anti-trafficking awareness festival, attended by more than 6,000 people. The Anti-Trafficking Unit (ATU) continued proactive victim identification efforts and maintained excellent cooperation with NGOs. However, the government did not meet the minimum standards in several key areas. The government decreased investigations, prosecutions, and convictions. The government conducted inadequate or hasty screening procedures and vulnerability assessments at migrant entry points and camps. No victims to date have received compensation or received restitution from their traffickers. Court proceedings took years, hindering cooperation from victims and key witnesses.



## RECOMMENDATIONS FOR GREECE

Vigorously investigate, prosecute, and convict traffickers, including officials complicit in trafficking; increase efforts to identify trafficking victims among vulnerable populations and refer them to specialized services; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; establish formal procedures for the national referral mechanism, including formalizing NGO and international organization services into the mechanism; train first responders on victim identification and the national referral mechanism; strengthen specialized services including shelter and psycho-social support for adult male and child victims; employ witness protection provisions already incorporated into law to further encourage victims' participation in investigations and prosecutions; allocate adequate funds towards a compensation fund and inform victims of their right to compensation; and draft a national action plan for combating trafficking.

## PROSECUTION

The government decreased law enforcement efforts. Law 3064/2002 and Presidential Decree 233/2003 prohibit both sex trafficking and forced labor and prescribe punishments of up to 10 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police investigated 25 cases involving 97 suspected traffickers, compared to 32 cases in 2015. Of these,



18 were sex trafficking cases and seven forced labor cases (26 sex trafficking cases and six forced labor cases in 2015). The government prosecuted 32 defendants (117 in 2015), 25 of these for sex trafficking and seven for forced labor (97 for sex trafficking and 20 for forced labor in 2015). The government convicted nine traffickers (34 in 2015). Sentences ranged from 10 to 15 years imprisonment plus fines from €10,000 (\$10,540) to €100,000 (\$105,370). The courts issued suspended sentences in 19 cases. Observers reported court proceedings could take years, hindering cooperation from victims and key witnesses. Observers reported lawyers went on strike from January 2016 to June 2016, which halted or slowed all court proceedings. Severe budgetary constraints stemming from Greece's seven-year financial crisis continue to impact police efforts.

The Hellenic Police Unit maintained an ATU within the organized crime division composed of two units in Athens and Thessaloniki that investigated trafficking and 12 smaller units across municipalities investigating trafficking and also organized crime related offenses. ATU officers continued to use advanced investigative techniques and regularly inspected brothels, bars, and massage parlors. NGOs continued to report excellent cooperation with the ATU. The government trained front-line officers, including border police and coast guard, on trafficking issues and the ATU provided regular seminars and presentations at the police academy on trafficking; however, observers reported non-specialized law enforcement and government officials lacked an understanding of how emotional control or psychological coercion can be used to gain consent from a victim. The government prosecuted two police officers involved in an organized criminal group that sexually exploited women. One was charged with membership in an organized criminal group, sexual exploitation, and "breach of faith and abuse of power," and the other with "breach of faith and abuse of power" and customs law violation. The government extradited three suspected traffickers to Switzerland and prepared extradition for two individuals to Mexico and Albania. In March 2017, the European Court of Human Rights ruled that Greece failed to protect 23 Bangladeshi laborers on a strawberry farm near the town of Manolada in a forced labor case in 2013. The court found Greece to be in violation of article 4 § 2 of the European Convention on Human Rights and ordered Greece to pay out more than half a million euro for neglecting their exploitation.

## PROTECTION

The government slightly increased victim protection efforts. Police identified 46 trafficking victims, compared to 57 in 2015; 26 were subjected to sex trafficking, including five children, and 20 to forced labor, including 11 children (34 to sexual exploitation, including four children, and 23 to forced labor in 2015). Eleven victims were Greek and 35 were foreign citizens. The government was unable to determine how much funding was spent exclusively on victim protection, and NGOs expressed concerns regarding government funding shortfalls caused by Greece's seven-year economic crisis and fiscal measures imposed as part of its international bailout.

First responders followed standard operating procedures for identifying victims. Observers reported NGOs and the ATU conducted the majority of proactive victim identification efforts. The government, separately and in cooperation with international organizations and NGOs trained law enforcement, immigration officers, social service workers, labor inspectors, and health workers on identifying trafficking victims, including potential victims among refugees and migrants; however,

observers reported inadequate or hasty screenings procedures and vulnerability assessments at migrant entry points and camps. NGOs reported a lack of proactive identification efforts among vulnerable unaccompanied children. For example, observers reported unaccompanied children, particularly from Afghanistan, engaged in survival sex in Athens and were extremely vulnerable to trafficking. Public prosecutors officially certify victims, which entitles them to a residency and work permit; potential victims without this recognition had access to equal support and assistance. Public prosecutors officially certified four victims.

The government operationalized a national referral mechanism and organized working groups to establish roles and responsibilities among law enforcement, government agencies, and NGOs. The government, in cooperation with NGOs, provided shelter, psychological support, medical care, legal aid, and reintegration support. Despite excellent cooperation with the ATU, NGOs reported law enforcement generally demonstrated reluctance to refer victims to NGO-run support services due to a lack of formalized referral procedures incorporating NGOs. Observers reported a lack of specialized shelters for trafficking victims; only one NGO-run shelter provided shelter specifically for female trafficking victims. The government provided shelter and general support services to trafficking victims through two agencies: (1) the General Secretariat for Gender Equality operated 19 shelters and 40 counseling centers for female victims of violence and (2) the National Social Solidarity Center operated two long-term shelters, one of which had an emergency section, an emergency shelter, and two social support centers for vulnerable populations in need of assistance. Observers reported victims in rural areas had little access to support services and were often accommodated in police stations, hospital wards, or received no assistance. Male victims could be accommodated in an NGO-run shelter for sexually exploited men or short-term government shelters for asylum-seekers or homeless persons. Child victims were sheltered in government-run shelters, NGO shelters, and facilities for unaccompanied minors, but were not housed in specialized facilities for trafficking victims. The government signed a cooperation agreement with three NGOs to house, protect, and assist vulnerable women and children, including trafficking victims, and allocated three buildings to use as shelters. The government trained police on preventing child trafficking and protecting unaccompanied minors. The government did not detain, jail, incarcerate, fine, or otherwise penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

The government provided victims with a reflection period so they could determine if they wanted to cooperate in investigations. The government did not provide funding for travel and other expenses to attend court hearings; however, NGOs provided some victims with legal support and funding for travel expenses. The law also provides for the presence of mental health professionals when victims are testifying and the use of audiovisual technology for remote testimony, but many courts lacked the capabilities to deploy these resources and many judges continued to require victims to appear in court. The law provides for witness protection to victims during trial; however, observers reported no trafficking victims have received full witness protection privileges to date, while authorities stated no victims requested such protection. Observers reported traffickers may have paid bribes to repatriated trafficking victims to preclude them from testifying. Official victim status provided foreign victims one-year, renewable residence and work permits. Victims who did not apply for official recognition

could receive a residence and work permit by applying for asylum on humanitarian grounds; the government issued 23 residence permits to female trafficking victims in 2016. Observers reported the process to receive residence permits took time but the government granted victims a temporary document that prevented deportation or detainment. The law entitles victims to file civil suits against traffickers for compensation; however, no victims to date have received compensation or received restitution from their traffickers. The government reported trafficking victims have never applied for compensation.

## PREVENTION

The government maintained efforts to prevent trafficking. The government had no national action plan exclusively for anti-trafficking efforts. The Office of the National Rapporteur on Human Trafficking (ONRHT) continued to coordinate government wide anti-trafficking efforts despite lacking sufficient resources. The government monitored anti-trafficking efforts and provided assessments to foreign governments, NGOs, and international organizations; however, the government did not make assessments publicly available. The government reinstated the parliamentary sub-committee on trafficking issues and held the first meeting in June. The development of a national database for trafficking statistics remained pending during the reporting period. The government organized and funded its second national two-day anti-trafficking awareness festival, attended by more than 6,000 people. ONRHT reported, after the festival, that the hotline and police received an increase in calls reporting trafficking offenses, including clients of prostitution reporting possible trafficking victims within brothels. The government organized a series of annual anti-trafficking seminars for civil servants. The government provided airtime for free public service announcements by NGOs and government agencies on trafficking issues. The government continued efforts to reduce the demand for commercial sex and forced labor. The government provided anti-trafficking guidance for its diplomatic personnel and manuals on identifying trafficking victims to facilitate granting visas.

## TRAFFICKING PROFILE

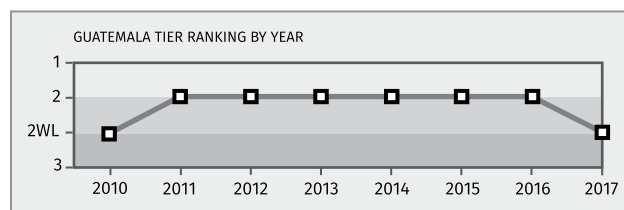
As reported over the past five years, Greece is a destination, transit, and, to a very limited extent, source country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor. Some women and children from Eastern and Southern Europe, South Asia, Nigeria, and China, are subjected to sex trafficking in unlicensed brothels, on the street, in strip clubs, massage salons, and hotels. Victims of forced labor in Greece are primarily children and men from Eastern Europe, South Asia, and Africa. Migrant workers from Bangladesh, Pakistan, and Afghanistan are susceptible to debt bondage, reportedly in agriculture. Some labor trafficking victims enter Greece through Turkey along irregular migration routes from the Middle East and South Asia. Economically marginalized Romani children from Albania, Bulgaria, and Romania are forced to sell goods on the street, beg, or commit petty theft in Greece. The increase in unaccompanied child migrants in Greece has increased the number of children susceptible to exploitation. Some public officials have been investigated for suspected involvement in human trafficking.

During the reporting period, Greece continued to experience a wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum-seekers, potential refugees, economic migrants, and populations vulnerable to trafficking, among others. One international organization estimated Greece

received more than 170,000 migrants and asylum-seekers in 2016; some of these individuals, such as unaccompanied children and single women, are highly vulnerable to trafficking. Unaccompanied children, primarily from Afghanistan, engage in survival sex and are vulnerable to trafficking. Recruiters target migrants in refugee camps from their own countries. Most migrants and asylum-seekers are believed to rely on smugglers at some point during their journey and in some instances are forced into exploitation upon arrival in Greece.

## GUATEMALA: TIER 2 WATCH LIST

The Government of Guatemala does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by re-launching the Inter-Institutional Committee Against Trafficking, developing a work plan, implementing revised inter-institutional protocols for victim protection, increasing the number of prosecutors in its anti-trafficking unit, and expanding outreach to indigenous persons. The government also convicted a former government official. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government prosecuted and convicted significantly fewer defendants; identified fewer trafficking victims in 2016 and referred fewer than half of identified victims to shelters. At least 41 children died and more were injured when a fire broke out in a government-managed shelter already facing accusations of abuse and neglect for failing to properly provide for more than 700 children, including trafficking victims. The quality and availability of specialized victim services remained uneven due to a lack of services for adult and male victims. The number of department-level anti-trafficking committees, which identified trafficking cases and conducted prevention activities, significantly declined. Therefore, Guatemala was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR GUATEMALA

Review shelter standards and operations in shelters providing for child trafficking victims nationwide and address overcrowding, abuse, and neglect; improve access to and quality of specialized services for all victims, including for male victims; increase efforts to hold government officials criminally accountable for complicity in trafficking; increase efforts to investigate, prosecute, and convict child sex tourists and others engaged in sex trafficking of children; strengthen implementation of the inter-institutional protocol for the protection and attention to victims of human trafficking; amend legislation to permit adults access to open shelters and enhance comprehensive services and witness protection; investigate and prosecute trafficking offenses, with increased focus on suspected cases of forced labor and domestic servitude; increase training for judges, who under Guatemalan law have the sole responsibility to refer victims to care, and ensure all victims are referred to appropriate care

facilities; as part of developing a cadre of specialized prosecutors and judges outside of the capital, increase training to law enforcement and criminal justice officials so that forced labor and sex trafficking cases are investigated and prosecuted as trafficking according to the international definition of trafficking; provide reintegration and witness protection support to victims; allocate and disburse funding for specialized victim services, including those administered by NGOs; sustain efforts to identify trafficking victims, particularly among vulnerable populations, such as working children, returning migrants, individuals in the sex trade, and children apprehended for illicit gang-related activities; and target prevention activities toward the most vulnerable populations, including indigenous communities.

## PROSECUTION

The government decreased law enforcement efforts to prosecute and convict sex and labor traffickers. The anti-trafficking law of 2009 prohibits all forms of trafficking and prescribes penalties from eight to 18 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, in contrast to the international definition, the law establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime and defines illegal adoption without the purpose of exploitation as a form of human trafficking. The government initiated investigations of 243 complaints of trafficking-related offenses in 2016, compared with 280 investigations in 2015, and prosecuted 43 defendants in 39 separate trafficking-related cases, compared with 105 defendants in 28 separate cases in 2015. These cases included suspects prosecuted for trafficking, including individuals who solicited or patronized a person for the purpose of a commercial sex act, as well as illegal adoption. Authorities secured 13 convictions in 2016, compared with 39 in 2015, with sentences ranging from eight to 24 years imprisonment. The government convicted a former government official of sex trafficking and sexual abuse of a child and imposed a sentence of 22 years imprisonment and sentenced the child's mother to 24 years imprisonment for human trafficking and crimes against a minor.

Anti-trafficking police and prosecutors' capacity to conduct investigations outside of the capital, while improved, continued to be limited by inadequate funding and training; however, the government designated additional funds for 2017 to open prosecution branches in Quetzaltenango, Puerto Barrios, and Flores. Specialized courts, including a specialized 24-hour court in Guatemala City, continued to hear trafficking and gender-based violence cases. Some judges, especially in the interior, lacked adequate training to apply forensic evidence in prosecutions. Officials did not identify any cases of forced criminal activity. Guatemalan officials trained 100 prosecutors and paralegals on trafficking indicators and identifying trafficking victims, among other topics. Guatemalan authorities also held training sessions for labor inspectors, and businesses to enhance identification and prosecution efforts.

## PROTECTION

The government significantly decreased efforts to identify and protect victims. The government and NGOs identified 484 trafficking victims in 2016, a significant decrease from 673 victims in 2015, and reported data did not specify the types of trafficking involved in those cases. Of the 484 victims identified, at least 395 were women and girls, compared with a total of 456 in 2015; and 89 victims of trafficking were men

and boys, a decrease from 174 in 2015. The Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) revised and implemented the inter-institutional protocol for the protection and attention to victims of human trafficking (the protocol) in 2016 and published a compendium of resources to assist law enforcement agencies, judges, and social workers in identifying victims of trafficking, and included checklists, contact information and resource guides. While some government officials continued to implement a protocol to identify potential forced labor victims during labor inspections, NGOs expressed concern the labor ministry did not proactively look for indicators of forced labor, including in the agricultural sector where workers are particularly vulnerable to forced labor. The government did not report how many children were identified and removed from forced child labor in 2016 compared with at least 135 children removed from forced child labor in 2015.

Guatemalan law requires judges make all referrals to public or private shelters. In 2016, judges referred 256 victims to shelters, a slight increase from 249 referrals in 2015 but less than half of all victims identified. Judges at times referred child victims to their families, leaving some vulnerable to re-trafficking, as family members often were involved in their exploitation. Repatriated victims could be referred to services, but authorities typically did not screen for indicators of trafficking among the large numbers of Guatemalans returned from abroad, including unaccompanied migrant children. The government continued funding three government shelters, as well as NGOs that provided specialized services, mostly for child trafficking victims. The three government-run shelters housed 77 trafficking victims (74 minors and three adults) in 2016, compared to 153 in 2015. While SVET shelters were widely recognized among experts in civil society as superior to the government-run options that existed previously, the quality and availability of specialized victim services remained uneven due to a lack of services for adult and male victims. SVET made several improvements in its shelters in 2016, including adding a computer lab for residents' use; increasing job training opportunities for victims; and implementing a "single-file" system which provided comprehensive tracking for each victim's case information, needs, and services. Secretariat of Social Welfare shelters provided basic services, including food and housing, and more advanced services, such as healthcare, vocational education, and therapy.

In March 2017, at least 41 girls died and more were injured when a fire broke out in an overcrowded government-managed shelter for children. A court had previously ordered authorities to improve conditions at the shelter, which housed more than 700 children, including trafficking victims, despite having a capacity of 400 residents; and faced accusations of maltreatment, including lack of adequate clothing, abuse by staff, and lack of adequate food for the children in its care. Residents set fire to mattresses to protest living conditions and physical and sexual abuse and some were unable to escape because they were held under lock and key. During the aftermath of the fire, one re-housed resident of a SVET shelter for victims of sexual abuse and trafficking disappeared, and in publicizing that disappearance, the government mistakenly revealed the confidential location of a secure shelter, risking the safety of all residents of the shelter. NGOs, international organizations, and the UN reported assisting in efforts to rehouse children, recommended the government redirect the budget for this shelter to other government agencies and NGOs caring for the children, and called for investigations into the shelter's management, which faced allegations of corruption and neglect.



The families of the deceased planned to file a suit against the government for their losses. Guatemala's president called for a restructuring of the country's shelter system. Three government officials face charges of abuse of power, noncompliance with their duties, and maltreatment of minors.

The former government-run shelter for women closed in December 2015; the government planned to cut funding for 2017 to the only trafficking-specific NGO-run shelter for adult women and two non-trafficking specific NGO-run shelters that did not provide comprehensive services for victims. The human rights ombudsman responded by putting the shelter under a management plan and transferring children to small shelters. NGO shelter operators expressed concern for victims' safety upon being discharged from shelters. They cited insufficient ongoing case management and reintegration services in government shelters, leaving some victims vulnerable to re-victimization or retaliation from traffickers—particularly those whose cases involved organized crime groups or public officials. The government ran 15 centers in the country's interior, which provided non-residential reintegration assistance to child trafficking victims and families but not specialized services. The government had no specialized shelters for male victims.

Authorities encouraged victims to assist in the investigation and prosecution of traffickers and made options available for private testimony; 161 crime victims, including some victims of trafficking, received such legal and psychological support from NGOs and the public ministry in 2016 compared to an unspecified number in 2015. Victims residing in government facilities did not receive adequate legal support or witness protection. Prosecutors cited the lack of appropriate protection options for adult victims as an impediment to pursuing prosecutions in cases involving adults. Judges may order restitution when sentencing traffickers, and victims also had the right to file civil claims for compensatory damages and harm suffered as a result of being subjected to trafficking; seven victims received restitution in 2016 compared to none in 2015 and 10 in 2014. There were no reports that the government detained, fined, or otherwise penalized identified victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government, however, did not recognize children forced to engage in criminal activity as trafficking victims; officials acknowledged some of these victims may have been prosecuted or otherwise treated as criminals. Guatemalan law provided legal alternatives to the removal of foreign victims who may face hardship or retribution upon return to their home countries, but all known foreign victims opted for repatriation. Foreign victims had the same access to care as domestic trafficking victims. The government repatriated six Guatemalan trafficking victims identified in other countries.

## PREVENTION

The government slightly increased its prevention efforts. SVET continued to oversee the interagency anti-trafficking commission and coordinate government efforts against trafficking and gender-based violence. Officials oversaw 11 departmental networks in the interior of the country, down from 23 in 2015, which identified trafficking cases and conducted prevention activities; network activities decreased from 2015 due to political instability. The government conducted a wide range of initiatives to educate potential victims, the public, government officials, and tourists about the dangers, causes, and consequences of trafficking, including by launching the "Blue Heart" campaign, the first Central American country to do so. Authorities ran prevention campaigns on trafficking awareness and sex tourism

targeting students, visitors to hospitals, activists, airport security officials, tourist police, and businesses. As part of the code of conduct for the prevention of child sex tourism, SVET provided training to 32 businesses across the country, reaching a total of 2,195 individuals. The government did not make discernible efforts to reduce the demand for commercial sex acts nor investigate suspected sex tourists who purchased commercial sex with children. The government worked with NGOs and international partners to launch a campaign to prevent fraudulent recruitment of migrant workers and worked with the private sector to promote policies to exclude products made with forced labor in efforts to reduce the demand for forced labor. The government provided anti-trafficking training to its diplomats and to Guatemalan troops prior to their deployment abroad on international peacekeeping missions.

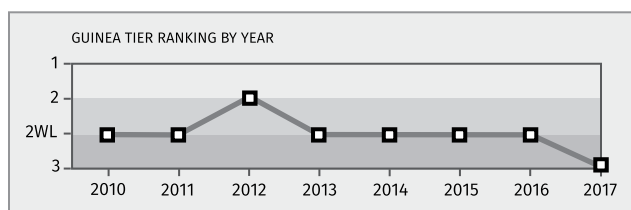
## TRAFFICKING PROFILE

Guatemala is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Guatemalan women, girls, and boys are exploited in sex trafficking within the country and in Mexico, the United States, Belize, and other foreign countries. Commercial sexual exploitation of Guatemalan children by foreign tourists from Canada, the United States, and Western Europe, and by Guatemalan residents persists. Women and children from other Latin American countries and the United States are exploited in sex trafficking in Guatemala. Government studies of past cases suggest women recruited victims while men ran criminal organizations. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service, and in the garment industry, small businesses, and similar sectors in Mexico, the United States, and other countries. Domestic servitude in Guatemala sometimes occurs through forced marriages. Indigenous Guatemalans are particularly vulnerable to labor trafficking. Guatemalan children are exploited in forced labor in begging and street vending, particularly within Guatemala City and along the border with Mexico. Child victims' family members often facilitate their exploitation. Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion. Some Latin American migrants transiting Guatemala en route to Mexico and the United States are subjected to sex trafficking or forced labor in Mexico, the United States, or Guatemala. Police, military, and elected officials have been placed under investigation for paying children for sex acts, facilitating child sex trafficking, or protecting venues where trafficking occurs.

## GUINEA: TIER 3

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts compared to the previous reporting period. Although Guinea meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3. The government took some steps to address trafficking, including prosecuting and convicting the first trafficking-related case since 2014, although none of the perpetrators served prison time; repatriating two groups of Liberian trafficking victims identified in the country; providing funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations; and

implementing some objectives of its 2016 anti-trafficking national action plan. The government passed a new penal code in 2016 that explicitly criminalizes debt bondage; however, it includes provisions allowing judges to prescribe fines in lieu of prison time in trafficking sentences. The government continued to rely on underfunded NGOs to provide all victim assistance, and although authorities intercepted 74 potential trafficking victims allegedly en route to exploitation in Quranic schools, it did not investigate any traffickers in connection with these cases. Despite the prevalence of forced begging in Quranic schools, Guinean authorities have never prosecuted a *marabout*—a Quranic school teacher—for forced begging. Although there were ongoing reports of official corruption and alleged complicity in trafficking cases, the government did not investigate any officials for alleged participation in or facilitation of trafficking crimes



## RECOMMENDATIONS FOR GUINEA

Vigorously investigate, prosecute, and convict suspected traffickers, including complicit officials and *marabouts*, and prescribe sufficiently stringent sentences; expand victim care by increasing financial or in-kind support to NGOs that provide victim services; train magistrates and prosecutors in the lower courts on the trafficking articles in the 2016 penal code; develop systematic procedures for victim identification and referral to services; train police, border officials, labor inspectors, and magistrates on such procedures, as well as case investigation techniques; enact legislation limiting the ability to prescribe fines in lieu of prison sentences and to increase prescribed penalties for forced prostitution; regularly convene the national anti-trafficking committee (CNLTP) and provide it with sufficient resources, including an operational budget, to fulfill its mandate effectively; increase efforts to raise public awareness of trafficking, including internal child forced labor, forced begging in Quranic schools, and adult trafficking; provide OPROGEM the resources and training necessary to regulate recruitment agencies and investigate cases of fraudulent recruitment; harmonize provisions and penalties both within the penal code and with the children's code; amend the definition of trafficking in article 323 of the penal code to conform with the 2000 UN TIP Protocol; update the 2016 national action plan and allocate resources for its implementation; and enhance collaboration and information-sharing among government agencies involved in combating human trafficking.

## PROSECUTION

The government maintained minimal law enforcement efforts. In October 2016, the government revised its penal code to criminalize trafficking in persons. It also moved the jurisdiction for human trafficking cases from the high court to the country's lower courts, which may expedite the prosecution process. The 2016 penal code newly criminalized debt bondage but decreased the minimum terms of imprisonment for trafficking crimes and included provisions allowing for fines in lieu of imprisonment. The 2012 penal code prescribed a minimum of

five years imprisonment for trafficking crimes, whereas the 2016 penal code allows for fines alone as the minimum sentence. Article 323 of the 2016 penal code criminalizes the recruitment, transportation, harboring, or receipt of a person by means of violence, threats of violence, or other forms of coercion for the purposes of exploitation. "Exploitation" is defined as in order to commit pimping, sexual aggression, or sexual assault; holding a person in slavery; forced labor; forced begging; organ removal; and forced criminality. With minors, defined in other legislation as younger than age 18, means of violence or coercion are not needed to prove trafficking. Trafficking of adults is penalized by three to seven years imprisonment and/or a fine of 500,000 to 10 million Guinean francs (\$54-\$1,084) and child trafficking (article 324) by five to 10 years imprisonment and/or a fine, which is sufficiently stringent but, with regard to sex trafficking, not commensurate with penalties prescribed for other serious crimes, such as rape. Additional articles in the penal code separately criminalize forced begging, debt bondage, and forced prostitution but provide differing, insufficiently stringent penalties. Article 117 of the criminal procedural code authorizes judges to suspend prison sentences if they find "mitigating" circumstances. Penalties that allow for a fine in lieu of imprisonment are not adequate to deter the crime. The trafficking provisions in the penal code also cover some crimes that are not considered trafficking in the 2000 UN TIP Protocol. The government began but did not finish harmonizing the 2010 child protection code with the 2016 penal code, so magistrates could also prescribe insufficiently stringent penalties for child trafficking offenses using provisions in the 2010 code. Article 386 of the 2010 code prohibits child trafficking and prescribes sufficiently stringent penalties of three to 10 years imprisonment, but articles 388, 389, and 402 provide reduced sentences—with some penalties consisting of fines only—for facilitators of trafficking, parents or guardians complicit in trafficking, and forced begging, all of which are inconsistent with the 2016 penal code.

The government initiated five potential trafficking investigations, prosecuted four alleged traffickers, and convicted three under the 2010 child protection code, compared with one investigation and no prosecutions or convictions the previous reporting period. Border police arrested four individuals in Boko for facilitating the transportation of children to a Quranic school in Senegal, where they allegedly would have faced forced begging. The judge reclassified the case from child trafficking to transporting a minor across the border without authorization and convicted three individuals—the driver and two of the children's parents. These were the government's first convictions for trafficking-related offenses since 2014. The judge sentenced the parents and the driver to six months imprisonment and a fine but suspended the prison sentences, which negated the deterrent effect of these law enforcement measures. The Guinean embassy in Cairo identified several Guinean women exploited in domestic servitude in Egypt. CNLTP arrested one of the alleged recruiters in Conakry but he was later released; it is unclear if the case was dismissed or if he was released on bail pending a trial. One court reported initiating two trafficking investigations—one of which could have been the previous case—but did not provide details. Authorities intercepted four suspected traffickers and four potential victims en route to Kuwait, where the girls allegedly would have been exploited in sex trafficking; the investigation was ongoing at the end of the reporting period. The government also continued one investigation from the previous reporting period involving 14 alleged traffickers, including three *marabouts*. Law enforcement intercepted four additional groups of more than 74 potential victims reportedly destined for forced begging or forced labor in

Quranic schools and removed the children but did not initiate any investigations into the drivers or suspected traffickers. Furthermore, while it directed its attention towards intercepting potential child trafficking victims, the government did not make efforts to address internal child forced labor in mining, domestic servitude, or sex trafficking. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking; however, corruption among law enforcement and the judiciary—suspected to be especially prominent among labor inspectors, customs directors, and heads of police stations—allegedly impeded anti-trafficking efforts.

The government allocated 256 million Guinean francs (\$27,751) to OPROGEM during the reporting period to facilitate trafficking case investigation and victim transportation to NGOs for care. This was the first time the government disbursed funds to OPROGEM specifically to assist with trafficking cases, although the amount was insufficient to cover even the unit's basic operating costs. CNLTP funded training for Guinean and Sierra Leonean border officials on identifying trafficking victims and joint transnational trafficking investigations. Lack of general knowledge of trafficking and the trafficking provisions of the 2016 penal code persisted among government officials, especially judges and prosecutors in lower courts, because the government did not provide training or plan how to effectively shift authority for trafficking crimes to the lower courts.

## PROTECTION

The government maintained minimal efforts to protect trafficking victims. The government identified 107 potential trafficking victims, an increase from 48 potential victims the previous reporting period. Border police intercepted six children allegedly en route to forced begging in Quranic schools and returned the children to their parents; the judiciary later convicted the same parents of facilitating their children's transportation to alleged exploitation but suspended the terms of imprisonment. In August 2016, authorities intercepted a caravan of 11 children in Koundara—the same town where 48 potential trafficking victims were intercepted the previous reporting period—allegedly en route to exploitation in Quranic schools, but it was unclear if officials conducted any investigations or referred the children to services. Officials also intercepted three caravans of Liberian and Sierra Leonean children also allegedly destined for exploitation in Quranic schools, and the Ministry of Security coordinated and financed the repatriation of the Liberian victims. The government continued to rely on NGOs and foreign donors to finance and provide all shelter and victim services, and it did not provide funding or in-kind support to these NGOs. Due to a lack of funding, two of three NGO shelters closed during the reporting period. The government referred child trafficking victims to NGOs on an ad hoc basis, and some OPROGEM officials brought victims to their private homes until space became available in NGO shelters.

The government did not encourage trafficking victims to participate in the investigations or prosecutions of their traffickers; reports indicated victims and their parents were reluctant to file claims against traffickers due to a lack of confidence in the justice system. The 2016 penal code allows NGOs to become plaintiffs on behalf of victims. Articles 392-396 of the child protection code provide that child victims, including trafficking victims, have the right to legal representation and a ministry-appointed guardian but, due to the lack of financial and human resources, these services were not available. While it is possible for victims to obtain restitution from the government and file civil suits against their traffickers, victims lack the

funding for and knowledge of the process, so none received restitution during the reporting period. The government did not have policies to provide temporary or permanent residency to victims from countries where, if repatriated, they would face hardship or retribution. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being subjected to trafficking; due to a lack of formal victim identification procedures, however, some unidentified victims may have been penalized for such crimes.

## PREVENTION

The government demonstrated a modest increase in efforts to prevent trafficking. CNLTP continued to meet sporadically, but not all members consistently attended meetings and the committee lacked coordination and communication. CNLTP did not have an operational budget, but the president enacted a decree in February 2017 making it eligible to receive a budget; it is unclear when CNLTP will receive any funding. Although the absence of a budget hindered CNLTP's efficacy in overseeing national anti-trafficking efforts, it still implemented some activities outlined in its 2016 action plan. As one of the plan's objectives, CNLTP and the Ministry of Social Action—in partnership with youth organizations and NGOs—funded and led two anti-trafficking awareness campaigns. The first, a media campaign, sensitized communities to trafficking in persons; the second campaign sensitized local communities between Conakry and the Senegalese border on the dangers of migration and how to identify vulnerable children and migrants, including trafficking victims. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, but OPROGEM had neither the resources nor the trained personnel to implement such policies. The government did not take any tangible steps to reduce the demand for forced labor or commercial sex acts. The government, in partnership with foreign donors, provided Guinean troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. It did not provide training for its diplomatic personnel.

## TRAFFICKING PROFILE

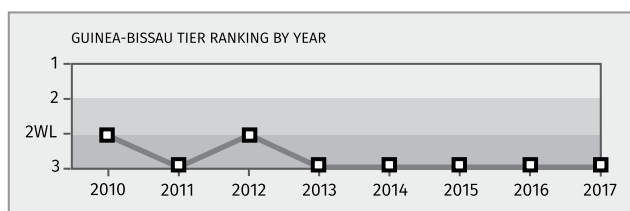
As reported over the past five years, Guinea is a source, transit, and—to a lesser extent—destination country for men, women, and children subjected to forced labor and sex trafficking. Women and children are the most vulnerable to trafficking. In Guinea, trafficking victims are more often Guinean citizens than foreign migrants, and children more so than adults. Parents send girls to intermediaries who subject them to domestic servitude and sex trafficking, sometimes in motels and restaurants in Conakry; boys are forced to beg, work as street vendors and shoe shiners, labor in gold and diamond mines, and work in herding, fishing, and farming. Some government entities and NGOs allege that within Guinea, forced labor is most prevalent in the mining sector. Men, women, and children are subjected to forced labor in agriculture. Reports indicate children are sent to the coastal region of Boke for forced labor on farms. Children from villages in Middle and Upper Guinea may be more vulnerable to trafficking due to the region's lack of schools and economic opportunities. Some traffickers take children with parents' consent under the false pretenses of providing an education and exploit them in forced begging in Senegalese and Bissau-Guinean Quranic schools or forced labor in West African gold mines. Bissau-Guinean boys are forced to beg in corrupt Guinean Quranic schools. Guinean children are exploited in forced labor in Cote d'Ivoire. Guinea is a transit country for West African children subjected to forced labor in



gold mining throughout the region. A small number of girls from neighboring West African countries migrate to Guinea, where they are exploited in domestic service, street vending, and—to a lesser extent—sex trafficking. Thai and Chinese women have been subjected to forced prostitution in Guinea. Guinean women and girls are subjected to domestic servitude and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean women are fraudulently recruited for domestic work in Egypt by Guinean-Egyptian trafficking networks and exploited in prostitution. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels while they work in diamond mines. Authorities identified Guinean forced labor victims in Finland during the reporting period. Guinean boys are exploited in commercial sex in the Netherlands. In 2016, an international organization reported a sharp increase in Guineans—including unaccompanied minors—migrating to North Africa and Europe, many of whom use smugglers and are vulnerable to trafficking. More than 13,000 Guineans arrived in Italy alone in 2016, compared with 1,195 registered arrivals of Guineans in all of Europe in 2015.

## GUINEA-BISSAU: TIER 3

The Government of Guinea-Bissau does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Guinea-Bissau remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. The Inter-Ministerial Steering Committee on Trafficking reconvened and drafted two action plans to assist Bissau-Guinean students—known as *talibes*—exploited by Quranic school teachers—called *marabouts*—in Senegal, and it partnered with an NGO and an international organization to repatriate some of those victims. The government continued to allocate modest funding to an NGO that provided shelter and repatriation assistance to trafficking victims. While working-level officials made some efforts to address trafficking in persons, however, a lack of dedicated resources and high-level engagement stymied anti-trafficking action for the fifth consecutive year. The president's dismissal of two governments during the reporting period created a near vacuum of governance and a steady turnover of top officials in law enforcement and social service ministries. The government did not investigate, prosecute, or convict any traffickers; identify any trafficking victims; or investigate reports of child sex tourism. Guinea-Bissau has never prosecuted or convicted a trafficker.



## RECOMMENDATIONS FOR GUINEA-BISSAU

Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including *marabouts* who subject boys to forced begging and hotels that facilitate child sex tourism in the Bijagos; increase funding for NGOs to ensure all identified victims—especially *talibes*—are repatriated and receive services,

minimizing the potential for re-trafficking, and increase efforts to coordinate repatriations of such victims with the Government of Senegal; train judicial personnel on the 2011 anti-trafficking law; develop an effective national anti-trafficking program through regular meetings of the anti-trafficking committee and allocation of funding for its activities; develop formal written procedures to identify and refer trafficking victims to services, and train law enforcement on such procedures; significantly increase efforts to raise awareness of human trafficking, especially forced begging and child sex trafficking; hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged trafficking offenses and efforts to interfere with ongoing investigations; and in collaboration with NGOs, allocate adequate space and facilities for a victim shelter in Bissau.

## PROSECUTION

The government maintained minimal law enforcement efforts. Public Law 12/2011 prohibits all forms of human trafficking and prescribes penalties of three to 15 years imprisonment and the confiscation of any proceeds from the crime. The 2009 child code prohibits all forms of child forced labor and sex trafficking and prescribes penalties of three to 10 years imprisonment and the confiscation of any proceeds from the crime. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not use these or other laws to prosecute trafficking cases during the reporting period. For the second consecutive year, the government did not report any investigations, prosecutions, or convictions for trafficking offenses; the government has never prosecuted or convicted a trafficker.

The government did not provide specialized training to law enforcement on investigating and prosecuting trafficking crimes. The Judicial Police provided general child protection training to new members of its Women and Children Brigade, a 10-person unit charged with investigating crimes against women and children, including trafficking. The unit possessed only one vehicle and did not receive an operating budget, so it remained highly concentrated in Bissau; this impeded its investigation of child forced begging cases in eastern regions and reports of child sex trafficking in the Bijagos. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained concerns, inhibiting law enforcement action during the reporting period. Observers reported some police and border guards might have accepted bribes from traffickers.

## PROTECTION

The government made minimal efforts to identify and protect victims. It did not report identifying any trafficking victims during the reporting period and relied on NGOs to provide all victim services; such assistance was available to both domestic and foreign victims. The government continued to contribute five million West African CFA francs (\$7,998) annually to an NGO that cared for at least 155 trafficking victims during the reporting period. The NGO's two facilities were still so severely overcrowded and underfunded, however, that some shelter volunteers used their own homes to house victims temporarily. Shelter was only available for child victims, and there were no trafficking-specific services. In Bissau, NGOs reported both law enforcement officials and their own staff left identified forced begging victims with their exploitative *marabouts* because there were no shelters available.

The government did not provide protective services to the more than 310 Bissau-Guinean boys forced to beg in Quranic schools in Dakar whom Senegalese authorities and NGOs identified in 2016. Despite a dearth of resources, the inter-ministerial committee partnered with an international organization to develop a short-term proposal to assist some of these victims. The Institute of Women and Children (IMC), an NGO, and an international organization implemented the plans—which an international organization funded—and repatriated 34 *talibes* during the reporting period. A Bissau-Guinean NGO provided repatriation, emergency services, and family reunification to an additional 121 of the 310 victims. Because it lacked the finances and staff to provide extended rehabilitation and family monitoring, the NGO returned all exploited *talibes* to their families, even if the parents were complicit in their child's exploitation.

There were no means by which victims could obtain restitution from the government or file civil suits against their traffickers. There were no legal alternatives to removal to countries in which victims would face hardship or retribution. There was no evidence the government detained, fined, or otherwise penalized trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking; due to the absence of written procedures to identify trafficking victims, however, it was possible some were inadvertently penalized.

## PREVENTION

The government increased efforts to prevent trafficking. In contrast with previous years, the inter-ministerial committee—which is headed by IMC and includes government agencies, NGOs, and religious groups—met several times during the reporting period, primarily to draft short-term and long-term proposals to repatriate and sustainably reintegrate exploited Bissau-Guinean *talibes* identified in Senegal. While the government worked in partnership with donors to implement the short-term proposal, the long-term proposal was not funded, and weaknesses remained in the government's overall response to addressing transnational trafficking of Bissau-Guineans and development of an effective national anti-trafficking program. IMC, the Ministry of Justice, and an NGO began drafting a plan to provide free birth registration to all trafficking victims repatriated from Senegal in 2016; however, the plan was not completed during the reporting period. The government had a 2015-2018 national action plan to address trafficking, led by IMC, and made some efforts to implement it during the reporting period. Individual ministries worked with NGOs and civil society groups to raise awareness of trafficking among ministry officials, regional governors, and religious leaders, and to strengthen partnerships on anti-trafficking efforts across the region. The government provided some basic funding for the plan on an ad hoc basis.

IMC and the Ministry of Tourism developed a code of conduct against sexual exploitation in the tourism sector to increase public awareness of child sexual exploitation in Bissau and the Bijagos and encourage hotels to combat these crimes. The government approved the code in August 2016 but did not take tangible steps to implement it. The national assembly provided office space and technical support to the National Children's Parliament, a youth organization that conducted an awareness-raising campaign on child sex tourism during the height of the tourist season in the Bijagos. The labor inspectorate, housed within the Ministry of Labor, Civil Service and Public Administration, did not receive regular funding from the government and lacked resources to investigate violations nationwide. The government did not make efforts to reduce

the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

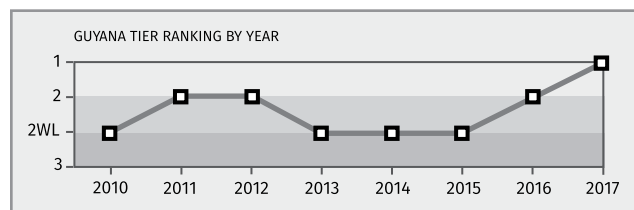
As reported over the past five years, Guinea-Bissau is a source country for children subjected to forced labor and sex trafficking and a destination for West African boys exploited in forced labor, including forced begging. The extent to which adults are subjected to forced labor or forced prostitution is unclear. Many Bissau-Guinean boys attend Quranic schools led by *marabouts*. Some corrupt *marabouts* force their students to beg and do not provide an education. Unscrupulous *marabouts* force rural Bissau-Guinean boys to beg in cities, including Bissau's Afia neighborhood. The traffickers are principally men from the Bafata and Gabu regions—often former *talibes* or men who claim to be working for a *marabout*—and are generally well-known within the communities in which they operate. *Marabouts* increasingly force Guinean, Gambian, and Sierra Leonean boys to beg in Bissau. Corrupt *marabouts* exploit Guinea-Bissau's weak institutions and porous borders to transport large numbers of Bissau-Guinean boys to Senegal—and to a lesser extent Mali, Guinea, and The Gambia—for forced begging in Quranic schools. Bissau-Guineans, primarily from Bafata and Gabu, made up at least 310 of the 838 trafficking victims identified in Dakar, Senegal, between July and November 2016. NGOs in Guinea Bissau report many repatriated *talibes* are extremely vulnerable to re-trafficking.

Bissau-Guinean boys are forced into street vending in Guinea-Bissau and forced to labor in the agricultural, mining, and street vending sectors in Senegal, especially in the southern cities of Kolda and Ziguinchor. West African boys are forced to harvest cashews during Guinea-Bissau's annual harvest, and some are recruited for work in the harvest but instead forced to beg. Bissau-Guinean girls are forced into street vending and domestic work in Guinea and Senegal. During the reporting period, a Bissau-Guinean woman living in Luxembourg transported her niece to Luxembourg with false documents and forced her to work in a restaurant. Bissau-Guinean girls are recruited by female Senegalese trafficking networks for modeling jobs or traveling football clubs but then subjected to sex trafficking in Senegal. Bissau-Guinean girls are exploited in sex trafficking in bars, nightclubs, and hotels in Bissau.

Bissau-Guinean girls from the Bijagos—and to a lesser extent mainland girls and boys—are exploited in child sex tourism in the Bijagos, an archipelago off the coast of Guinea-Bissau that is far from the mainland and largely devoid of government and law enforcement presence. Although the extent of the problem is unknown, it is widely acknowledged among civil society, NGOs, and mid-level government officials. In most cases, French-nationals own hotels on the islands and use Bissau-Guinean middlemen to exploit island girls aged 13-17 years old for European child sex tourists, including French and Belgians. International sources report these same hotel owners provide jobs and significant support to the island community, wielding influence that can deter victims from notifying law enforcement. Poor families may encourage their children to endure such exploitation for financial gain. Bissau-Guinean men from the mainland fuel local demand for commercial sex on the islands. There were reports of official complicity in human trafficking among island officials and in the judiciary. Guinea-Bissau's judicial system lacked sufficient human and physical capital to function properly, and corruption remained pervasive.

## GUYANA: TIER 1

The Government of Guyana fully meets the minimum standards for the elimination of trafficking. The government made key achievements during the reporting period; therefore, Guyana was upgraded to Tier 1. The achievements included approving the 2017-2018 national action plan for combating trafficking in persons; increasing the number of investigations, prosecutions, and convictions; and identifying and assisting more victims for the second year in a row. Although the government meets the minimum standards, it did not increase protection and services for victims outside the capital or provide adequate protection and shelter for child and male victims.



### RECOMMENDATIONS FOR GUYANA

Fund specialized victim services, including those offered by NGOs, including for child victims and adult male victims; vigorously investigate and prosecute sex and labor trafficking cases and hold convicted traffickers, including complicit public officials, accountable by imposing sufficiently stringent sentences; train law enforcement, judiciary officials, and front-line responders—especially those working outside the capital—on victim identification and referral procedures; finalize the written identification procedures to better guide law enforcement officials; provide additional protection for victims to enable them to testify against traffickers in a way that minimizes re-traumatization; record the number of cases reported to the trafficking hotline to promote a rapid investigative and victim assistance response; and provide training for diplomatic personnel on human trafficking.

### PROSECUTION

The government increased its law enforcement efforts. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties ranging from three years to life imprisonment. These penalties are commensurate with those prescribed for other serious crimes, such as rape. The Ministry of Social Protection was the lead agency responsible for coordinating trafficking efforts and overseeing the Anti-Trafficking Unit (ATU). In May, the ATU added three new officers responsible for planning and executing the unit's site visits and victim-extraction exercises. The government's inter-ministerial taskforce, which included representatives from several agencies and a specialized anti-trafficking NGO, coordinated a number of successful police operations. In 2016, the government reported 19 trafficking investigations, 19 prosecutions, and two convictions; compared to 15 trafficking investigations, seven prosecutions, and one conviction in 2015, and seven investigations, four prosecutions, and one conviction in 2014. The court sentenced one convicted trafficker to three years imprisonment and required a restitution payment to the victim; it required the second trafficker only to pay restitution, a penalty inconsistent with the law and one that the anti-trafficking taskforce appealed. The appeal remained pending at the end of the reporting period. The government did

not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities confirmed that the police officer who was convicted of sex trafficking in 2015 was terminated from his position in the police force; however, his case's appeal was still pending at the end of the reporting period. An international organization provided three training sessions for government officials on investigation and prosecution of trafficking offenses. The government did not provide in-kind support for these trainings.

### PROTECTION

The government increased victim identification efforts, but victim assistance remained insufficient, especially in areas outside the capital and for male victims. The ATU, in coordination with the Guyana police force, developed identification procedures that field officers used informally during the reporting period pending their formal review and approval from the taskforce. The government reported identifying 98 trafficking victims in 2016 (80 for sex trafficking and 18 for labor trafficking), compared with 56 in 2015. An NGO reported the government referred 40 victims to shelter and psycho-social services in 2016, compared with 17 victims in 2015. The government signed a MOU with an anti-trafficking NGO during the previous reporting period committing public funding to the NGO-run shelter for the provision of enhanced psycho-social services to adult female trafficking victims referred by the government. Despite this commitment, the government did not fund this shelter during this reporting period. The government provided 13 million GYD (\$63,415) to another NGO that provided housing and counseling services to victims of gender-based violence, including an unknown number of trafficking victims. There were no adequate public or private shelters for male or child trafficking victims, despite the government's commitment, made in early 2016, to open and partially fund a shelter for male victims. Child trafficking victims were placed in non-specialized shelters, and child victims identified in rural areas were placed in holding cells overnight without food before being transferred to the capital for shelter. Male victims were offered voluntary placement in homeless shelters.

The government encouraged victims to assist in the investigation and prosecution of their traffickers. Guyanese law protects victims' identities from being released to the media; however, NGOs reported open court trials re-traumatized victims and exposed their identity to members of the public. Victims were allowed to leave shelters during their stay; however, they were strongly encouraged to stay in shelters until trials concluded or be chaperoned. NGOs provided protection and counseling for victims during their stay. Guyanese law protects victims from punishment for crimes committed as a result of being subjected to trafficking and provides foreign victims with relief from deportation. The government granted one victim of trafficking temporary residence and legal employment in Guyana. The government did not report whether it facilitated or funded the repatriation of Guyanese nationals victimized abroad; however, it offered shelter, medical care, and psycho-social assistance to victims upon their return. In July, with funding from a foreign government and an international organization, 105 officials and some NGO representatives received victim identification and protection training over a six-day period. In December, the government-funded training for 37 officials on victim identification and assistance.

### PREVENTION

The government maintained efforts to prevent trafficking. The



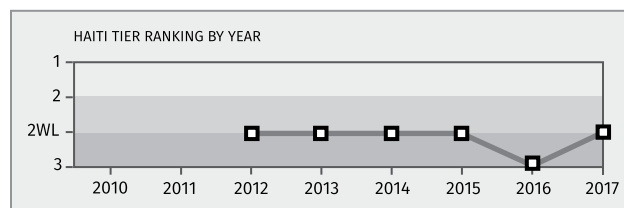
anti-trafficking inter-ministerial taskforce remained active and met monthly. During the reporting period, the government finalized, released, and began implementing the 2017-2018 anti-trafficking national plan of action. In February, the First Lady of Guyana organized a two-day meeting with other Caribbean countries to discuss gender-based violence, including trafficking. The government conducted a variety of awareness-raising activities, including a flash-mob targeting school children to educate on human trafficking and how to report suspicious activities. Authorities participated in various events surrounding the annual Gold Miners Week including facilitating several anti-trafficking awareness sessions focused on the mining and logging sectors outside the capital. The government operated a trafficking hotline but did not report how many calls it received. The government did not make efforts to reduce the demand for commercial sex acts. During the reporting period, authorities conducted approximately 1,000 impromptu labor inspections in the capital and the interior. The government did not provide anti-trafficking training for its diplomatic personnel.

### TRAFFICKING PROFILE

As reported over the last five years, Guyana is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and children from Guyana, Brazil, the Dominican Republic, Suriname, and Venezuela are subjected to sex trafficking in mining communities in the interior and urban areas. Victims are subjected to forced labor in the mining, agriculture, and forestry sectors, as well as in domestic service and shops. While both sex trafficking and forced labor occur in interior mining communities, limited government presence in the country's interior renders the full extent of trafficking unknown. Children are particularly vulnerable to sex and labor trafficking. Guyanese nationals are subjected to sex and labor trafficking in Jamaica, Suriname, and other Caribbean countries. Some police officers are complicit in trafficking crimes, and corruption impedes anti-trafficking efforts.

## HAITI: TIER 2 WATCH LIST

The Government of Haiti does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Haiti was upgraded to Tier 2 Watch List. These achievements included strengthening partnerships between the government's inter-ministerial anti-trafficking commission (TIP Commission) and international organizations; increasing investigations and prosecutions, and obtaining the first three convictions under the 2014 anti-trafficking law; creating a post-Hurricane Matthew emergency working group to address human trafficking, providing training to government officials in the three most affected departments, and opening a temporary national 24-hour hotline for trafficking victims; and committing resources for the work of the TIP Commission. Despite these achievements, Haiti's cabinet ministers and key government ministries did not prioritize anti-trafficking efforts in Haiti; and the justice system lagged behind in prosecuting cases, which impaired efforts to prosecute traffickers and protect victims.



### RECOMMENDATIONS FOR HAITI

Vigorously investigate, prosecute, and convict traffickers, including those responsible for domestic servitude and child sex trafficking; prioritize the development and implementation of a new national anti-trafficking action plan and increased long-term funding for trafficking victim assistance; train police, prosecutors, and judges in all departments of Haiti on trafficking; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral to appropriate shelters and services; implement measures to address the vulnerabilities leading to child domestic servitude, including protecting child victims of neglect, abuse, and violence; draft and enact a child protection law with specific protections for child trafficking victims; and educate the Haitian public about children's rights to education and freedom from slavery to counteract tolerance of child domestic servitude.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts and secured its first three trafficking convictions during the reporting period. The 2014 anti-trafficking law (No. CL/2014-0010) prohibits all forms of human trafficking by criminalizing sex trafficking, forced labor, and the intentional retention of identity documents or passports for the purpose of committing trafficking-related offenses. The law criminalizes those who knowingly obtain the sexual services of a trafficking victim. The law applies to trafficking offenses committed both within and outside of Haiti. The law prescribes penalties of seven to 15 years imprisonment and a fine ranging from 200,000 to 1.5 million gourdes (\$3,009 to \$22,570), which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. It provides for increased penalties of up to life imprisonment for human trafficking committed with aggravating circumstances, such as if the victim is a child or the trafficker is a public official.

During the reporting period, the government investigated six potential new trafficking cases, initiated three new prosecutions involving 11 defendants, including a government official, and obtained three trafficking convictions, including that of a former government official. In the previous reporting period, the government reported four new investigations, two prosecutions, and no convictions. Sentences ranged from five to seven years imprisonment and fines of 82,150 to 1.2 million gourdes (\$1,236 to \$18,056). The government provided 946 members of the Haitian national police with three hours of human trafficking and smuggling training. However, NGOs reported government personnel in some provinces lacked training on the anti-trafficking law and its implementation, resulting in lesser charges and informal arrangements to dispose of cases. The government cooperated with officials in The Bahamas and Chile to facilitate victim protection and prosecution of two trafficking cases involving Haitian nationals.

## PROTECTION

The government maintained minimal efforts to identify and assist trafficking victims. The government did not systematically track data regarding victim identification. However, reported cases suggest the government identified at least 43 potential trafficking victims during the course of six potential new investigations. An international organization reported 20 Haitian and 17 foreign victims were subjected to forced labor between 2014 and 2016. In 2016, Haitian officials removed children, including some trafficking victims, from vulnerable situations and referred them to appropriate care. The government placed child trafficking victims in shelters on a provisional basis prior to their placement in a recently developed foster care program. One government ministry estimated it identified “hundreds” of child domestic servants in situations with trafficking indicators, but these estimates could not be correlated with existing investigations or prosecutions.

The 2014 anti-trafficking law tasked the TIP Commission to develop standard operating procedures to guide officials in the identification and rehabilitation of trafficking victims; required the government to provide protection, medical, and psycho-social services to victims; and created a government-regulated fund to assist victims. The government worked with an international organization during the reporting period to draft standard operating procedures for victim identification and referral; however, it had not finalized and implemented these procedures. The government did not dedicate funding for victim assistance or provide any specialized services for adult or foreign victims. Government officials referred child trafficking victims to its social welfare agency, which did not have funding for their care. Instead, the agency referred child victims to government-registered residential care centers that, due to a lack of resources, provided short-term medical and counseling services, family tracing, pre-return assessments, and some support for the families receiving these victims. The ministries of labor and social welfare lacked staff and resources to inspect worksites for indicators of forced labor. The government did not have a formal program to assist victims who returned to Haiti, but did refer victims to international and non-governmental organizations. Authorities worked closely with the U.S. Coast Guard to receive Haitian migrants who have attempted to leave by boat in an effort to reach The Bahamas or the United States, to screen unaccompanied children and to facilitate their re-integration with family members. The law provides temporary residency during legal proceedings for foreign victims of human trafficking, as well as access to legal counsel, interpretation services, and permanent residency in Haiti if the victim so chooses; however, the government has not provided these services and would be unlikely to have the financial resources to implement them. The law also protects victims from liability for crimes committed while being trafficked, but there was no information regarding whether this provision was used.

## PREVENTION

The government slightly increased efforts to prevent trafficking. The Haitian president committed a small amount of resources (\$140,000) for anti-trafficking efforts; however, the resources were not used for assistance to trafficking victims. International donors continued to provide the majority of funding. Donors assisted the government in making progress in the areas of prosecution, protection, and public awareness; however, coordination among donors and the government remained weak. The 2015-2017 national action plan remained in place; however, the TIP Commission no longer regarded it as a guiding

document. In early 2017, the TIP Commission engaged an international donor to assist in developing a new national action plan for 2017-2022. The TIP Commission established a post-Hurricane Matthew emergency working group to address human trafficking, trained government officials in the three most affected departments, and launched a temporary national 24-hour hotline for trafficking victims accompanied by an awareness campaign. The government also launched a campaign via television and radio called “I am better with my family” to curb the practice of child domestic servitude and encourage parents to keep their children at home. The government managed a social services hotline and received an estimated 50 calls related to children in domestic servitude; but this data could not be verified.

Since the Government of the Dominican Republic’s June 2015 deadline for registration of migrant workers in that country, the Haitian government coordinated efforts with international organizations and NGOs to receive Haitian expellees. However, the continued dysfunction of the Haitian civil registry system and weak consular capacity to provide identification documentation left many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation—recognized risk factors for vulnerability to trafficking. The government issued regulations requiring adults with a Haitian passport to have written government authorization to cross the border with any child to prevent child trafficking; however, reports indicated many adults with children crossed with foreign passports to avoid this requirement. Haiti does not have effective laws or policies to regulate foreign labor recruiters or prevent fraudulent recruiting. The 2014 anti-trafficking law includes sanctions for individuals who knowingly procure commercial sex acts from trafficking victims, but authorities had not prosecuted anyone for this crime. The government did not provide anti-trafficking training for its diplomatic personnel.

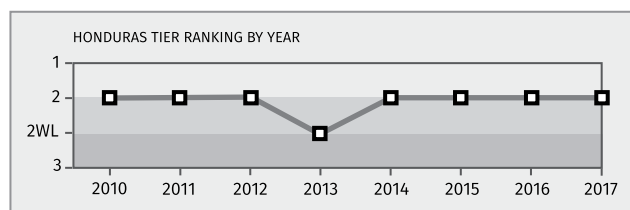
## TRAFFICKING PROFILE

As reported over the past five years, Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most of Haiti’s trafficking cases involve children in domestic servitude who often are physically abused, receive no payment for services rendered, and have significantly lower school enrollment rates. A December 2015 joint government and international organization report on children in domestic servitude found one in four children do not live with their biological parents and estimated 286,000 children under age 15 work in domestic servitude. The report recommended the government put measures in place to prevent exploitation, including domestic servitude; protect at-risk children and victims of neglect, abuse, violence, or exploitation, including sex trafficking and forced labor; and draft and enact a child protection law. A May 2015 UN report documented members of its peacekeeping mission in Haiti sexually exploited more than 225 Haitian women in exchange for food, medication, and household items between 2008 and 2014. A significant number of children flee employers’ homes or abusive families and become street children. Female foreign nationals, particularly citizens of the Dominican Republic and Venezuela, are particularly vulnerable to sex trafficking and forced labor in Haiti. Other vulnerable populations include children in private and NGO-sponsored residential care centers; Haitian children working in construction, agriculture, fisheries, domestic work, and street vending in Haiti and the Dominican Republic; internally displaced persons including those displaced by Hurricane Matthew and the 2010 earthquake; members of female-headed, single-parent families, and families with many

children; Haitians living near the border with the Dominican Republic; Haitian migrants, including those returning from the Dominican Republic, Brazil, Mexico, the United States, or The Bahamas; and LGBTI youth often left homeless and stigmatized by their families and society. Haitian adults and children are vulnerable to fraudulent labor recruitment and are subject to forced labor, primarily in the Dominican Republic, other Caribbean countries, South America, and the United States.

## HONDURAS: TIER 2

The Government of Honduras does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Honduras remained on Tier 2. The government demonstrated increasing efforts by prosecuting a higher number of suspected traffickers; identifying, referring, and assisting more sex trafficking victims; approving a national action plan for 2016-2022; issuing implementing regulations for its trafficking law; and approving a budget for the Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT). However, the government did not meet the minimum standards in several key areas. There were no prosecutions for the recruitment of children for forced criminal activity or of officials complicit in trafficking. There were limited services available for adult victims, and services for victims identified outside the capital were even more limited. The lack of witness protection programs discouraged victims from cooperating in the criminal justice process and left them vulnerable to re-trafficking.



## RECOMMENDATIONS FOR HONDURAS

Increase efforts to prosecute trafficking offenses and to convict and sentence traffickers, particularly for crimes involving forced labor and forced criminal activity of children; increase efforts to prosecute and convict public officials for complicity in trafficking offenses; increase the identification and assistance of adult victims, forced labor victims, and children forced to commit crimes, including among repatriated Hondurans and other particularly vulnerable populations; strengthen existing or develop and implement new victim referral mechanisms and provide specialized services and shelter to all victims, including through increased government funding to civil society organizations; amend the anti-trafficking law to include a definition of human trafficking consistent with international law; implement the national action plan for 2016-2022; enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement; and continue training and properly resourcing dedicated anti-trafficking police and prosecutorial units, as well as staff on the "immediate response" team.

## PROSECUTION

The government maintained law enforcement efforts. The 2012 Honduran anti-trafficking law prohibits all forms of trafficking, prescribing penalties ranging from 10 to 15 years imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition, the law establishes the use of force, deceit, or intimidation as aggravating factors rather than essential elements of the crime and defines illegal adoption without the purpose of exploitation as a form of human trafficking. The government published regulations implementing the law in January 2017, which provided guidance on how to properly enforce the mandates of the CICESCT. The CICESCT, with funding and assistance from a foreign government, evaluated the 2012 law and issued a number of recommendations, including amending the law to include the means of force, deceit, or intimidation as essential elements of the crime; improving victim assistance by compensating victims; and providing additional financial, logistical, and technical resources for service provision.

The government reported investigating at least 41 cases of suspected trafficking and initiating prosecution of 41 suspects in 11 cases for sex trafficking. It convicted nine traffickers in eight cases, including one case of forced labor, compared with initiating prosecution of 24 suspects in nine cases and 13 convictions in the previous reporting period. In 2016, convicted offenders were fined and received sentences ranging from six to 15 years imprisonment, compared to 10 to 15 years imprisonment in 2015. Civil society organizations reported concerns that traffickers were often prosecuted for lesser crimes with lower penalties, such as pimping. Widespread impunity for all crimes, including trafficking in persons and corruption, remained a challenge. While the government convicted two complicit officials in 2015, it did not report any prosecutions or convictions of government employees complicit in human trafficking offenses in 2016. Authorities investigated several cases in which a gang appeared to force victims to engage in criminal activity. In the one case brought to trial, authorities found enough evidence to bring charges for sex trafficking.

A lack of adequate human and material resources limited the effectiveness of investigators and prosecutors. Authorities cooperated on trafficking investigations with officials from Belize, Brazil, Costa Rica, El Salvador, Guatemala, Mexico, Panama, and the United States. The government, including the CICESCT, provided anti-trafficking training to local anti-trafficking committees; justice system, immigration, labor, and health officials; NGOs; and businesses. Police and prosecutors also received training on investigating and prosecuting organized crime, including trafficking in persons, from a foreign government. NGOs funded by international donors delivered anti-trafficking training to students, parents, teachers, church communities, women's groups, journalists, and local officials, often with support from the government's anti-trafficking commission.

## PROTECTION

The government increased efforts to identify, refer, and assist sex trafficking victims; however, authorities remained largely dependent on NGOs to fund and provide services. The CICESCT's "immediate response team" used protocols for identifying and referring sex trafficking victims, but Honduran authorities lacked systematic procedures to identify forced labor victims. The immediate response team, which included a full-time coordinator and a trained psychologist, worked



with government ministries and civil society organizations to coordinate services for immediate victims—including food, shelter, and health screenings—as well as referrals to longer-term support services. It operated a dedicated hotline for reporting cases of trafficking, which screened 80 individuals and responded to more than 60 calls. The government identified 111 victims, provided immediate support to 93 victims (including 73 Hondurans and 20 foreign nationals in Honduras and 18 Honduran victims in Mexico, Belize, and Guatemala), and provided longer-term support to 39 victims. Local anti-trafficking committees provided longer-term support to five victims, helping them to open small businesses. The government identified LGBTI victims in 2016. NGOs identified and assisted 40 victims in 2016. The government and NGOs assisted 48 victims identified in previous years. The foreign ministry assisted 18 Honduran nationals who were victims of sex and labor trafficking through its diplomatic missions in Belize, Guatemala, and Mexico; these victims included two women and one child, while the age and gender of the others were not reported. Of the 111 victims identified within the country and 19 Honduran victims identified abroad, 94 were reunited with their families and received limited long-term support, 22 remained housed in shelters, one foreign victim was repatriated, and 13 Honduran victims remained in other countries. Honduran consular officers in Mexico helped 13 Honduran victims obtain humanitarian visas to remain in Mexico. The government provided repatriation assistance to five Honduran victims.

There were limited services available for adult victims, and services for both adults and children outside the capital were even more limited. International donors and NGOs continued to fund and provide the majority of services for victims. In 2015, the government created a new mechanism to provide trafficking victims greater access to existing social services, although the impact of this initiative was not yet clear. The government continued to provide a small grant of 371,460 lempiras (\$15,870) to an NGO that operated the country's only specialized shelter for girl victims of sexual abuse and sex trafficking. Adult victims were typically placed in shelters for victims of various forms of abuse; such shelters had neither the capacity nor the specialized resources to provide appropriate care for trafficking victims. There were increased, but still limited, long-term support and reintegration services for victims, most of whom remained vulnerable to re-trafficking. Authorities made efforts to screen for indicators of trafficking among the large numbers of Hondurans returned from abroad, including unaccompanied migrant children. The government encouraged victims to assist in investigations and prosecutions, but the lack of adequate victim and witness protection programs, exacerbated by a slow trial process and the fear of retaliation by traffickers, led some victims—particularly adults or those victimized by criminal groups—to decline to cooperate. There were no reports of identified victims being penalized for unlawful acts committed as a result of being subjected to human trafficking. However, officials acknowledged that many children forced to engage in illegal activities by criminal groups were not properly identified, and thus may have been treated as criminals instead of victims. NGOs noted the criminal justice system sometimes re-victimized both child and adult victims due to a lack of sensitivity by some officials, a lack of protective services, and restrictions on movement imposed on adult victims. The government enabled some child victims to provide testimony via pre-recorded interviews, but the necessary equipment was not always operational. Honduran law allows foreign victims to receive temporary or permanent residency status, including authorization to work; the government did not report that any

victims received such benefits in 2016.

## PREVENTION

The government maintained its prevention efforts. The government provided the CICESCT with a budget of 2.2 million lempiras (\$96,140), but officials reported that these funds were insufficient for the CICESCT to fulfill its mandate. The CICESCT continued to work with a network of 19 local interagency anti-trafficking committees. With both government and donor funding, authorities organized and participated in activities to raise awareness about the dangers of trafficking, including through television, radio, and printed materials. The government provided training and materials to members of local interagency committees and conducted awareness-raising sessions at schools and other public institutions. CICESCT approved the 2016-2022 national action plan to guide the government's anti-trafficking activities, which it drafted in consultation with stakeholders in early 2016. Although the government issued a decree in 2015 requiring job placement companies to charge fees to employers and not employees, it did not provide information on its efforts to enforce these requirements. Authorities conducted campaigns to raise awareness of child sex tourism among members of the tourism sector and local officials, but did not report convicting any individuals for purchasing sex acts from trafficking victims, compared to three convictions in 2015. The government did not make efforts to reduce the demand for forced labor, but did mandate that tourism-focused businesses sign a code of conduct to reduce trafficking and sanction businesses that facilitate exploitation. The government provided anti-trafficking training for its diplomatic personnel.

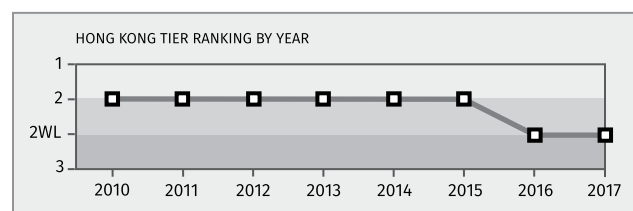
## TRAFFICKING PROFILE

As reported over the past five years, Honduras is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor; to a much lesser extent, it is a destination for women and girls from neighboring countries subjected to sex trafficking. Honduran women and children are exploited in sex trafficking within the country and in other countries in the region, particularly Mexico, Guatemala, El Salvador, Belize, and the United States. LGBTI Hondurans are particularly vulnerable to sex trafficking. Honduran men, women, and children are subjected to forced labor in street vending, domestic service, and the informal sector in their own country, and forced labor in other countries, particularly Guatemala, Mexico, and the United States. Children from indigenous and Afro-descendant communities, particularly Miskito boys, are vulnerable to forced labor, including on fishing vessels; children living on the streets are vulnerable to sex and labor trafficking. Criminal organizations, including gangs, exploit girls for sex trafficking, force children into street begging, and coerce and threaten young males to transport drugs, commit extortion, or commit acts of violence, including murder; this occurs primarily in urban areas, but one NGO reported an increase in gang activity in rural areas. During the year, there were continued reports of children subjected to sex trafficking on the streets of large cities, particularly the country's economic capital of San Pedro Sula, under the guise of street begging or vending. Honduras is a destination for child sex tourists from Canada and the United States. Some Honduran migrants to the United States are subjected to forced labor, forced criminal activity, or sex trafficking en route or upon arrival. Latin American migrants transit Honduras en route to northern Central America and North America, where some are exploited for sex trafficking and forced labor. During the year, there was one investigation by authorities into a report of child

sex trafficking victims being brought into prisons and exploited by prisoners, raising concerns over the potential complicity of prison authorities. Overall corruption remained a challenge for law enforcement efforts. Prosecutors reported that some local police provided protection to brothel owners or tipped them off about impending raids, and security officials have been involved in child sex trafficking.

## HONG KONG: TIER 2 WATCH LIST

The Government of Hong Kong does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by implementing new victim identification guidelines and increasing screenings of vulnerable individuals to identify more potential trafficking victims. The government penalized some unscrupulous employment agencies and adopted legislation that will add the possibility of prison sentences for operators of such agencies. The government established guidelines on whole-of-government anti-trafficking procedures, investigated more trafficking cases, granted some victims visa fee waivers to encourage their assistance in legal proceedings, and took steps to increase awareness of the rights of foreign domestic workers and responsibilities of their employers. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government prosecuted only five cases of labor exploitation with indicators of trafficking, and Hong Kong's laws do not criminalize all forms of trafficking, resulting in cases of forced labor being prosecuted under lesser crimes with sentences insufficiently stringent to deter trafficking crimes; only three offenders convicted for trafficking-related crimes received prison sentences over a year. The government identified a relatively low number of victims compared to the known scale of the problem and charged unidentified victims with crimes committed as a direct result of being subjected to human trafficking. The government did not adequately address its policies creating vulnerabilities for foreign domestic workers or conduct public awareness campaigns targeted at preventing sex trafficking. Therefore, Hong Kong remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR HONG KONG

Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking, including sex trafficking and forced labor without trans-border movement, in accordance with the definitions set forth in the 2000 UN TIP Protocol; increase efforts to proactively identify sex and labor trafficking victims among vulnerable populations—such as mainland Chinese and foreign migrants, domestic workers, and women and children in prostitution—and refer them to protection services; cease penalization of victims for non-violent crimes committed as a result of being subjected to trafficking; vigorously prosecute suspected labor traffickers and recruiters, especially those who

exploit foreign domestic workers; increase legal protections for populations vulnerable to trafficking; enforce new penalties to penalize employment agencies that charge excessive fees to vulnerable populations, particularly foreign domestic workers; increase protective services available specifically for trafficking victims; increase efforts to consult with civil society on anti-trafficking policies; make labor tribunals more effective through improved translation services, better access to counsel, and anti-trafficking training for judges; grant foreign victims permission to work and study while participating in judicial proceedings against their traffickers; remove requirements that foreign domestic workers must depart Hong Kong within two weeks of quitting or being let go from their positions to renew their visas; expand existing guidelines or adopt an anti-trafficking action plan with resources committed to implementation; provide legal alternatives to foreign victims who may face hardship or retribution in their home countries; and increase public awareness campaigns and trainings to educate police, labor inspectors, prosecutors, judges, and the public on human trafficking as defined by international standards.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Hong Kong law does not criminalize all forms of human trafficking—for example, it does not include forced labor—and the government relies on various provisions of laws relating to prostitution, immigration, employment, and physical abuse to prosecute trafficking in persons crimes. Section 129 of the crimes ordinance, which criminalizes “trafficking in persons to or from Hong Kong,” requires transnational movement and does not require the use of force, fraud, or coercion, and is therefore inconsistent with the 2000 UN TIP Protocol. Section 129 prescribes penalties of up to 10 years imprisonment, which is sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Section 130 of the crimes ordinance criminalizes the harboring, controlling, or directing of a person for the purpose of prostitution and prescribes penalties of up to 14 years imprisonment. Section 131 criminalizes procuring a person to engage in commercial sex acts and prescribes penalties of up to 10 years imprisonment. The government amended the prosecution code—an administrative handbook to guide prosecutors in building criminal cases—in 2013 to include the 2000 UN TIP Protocol’s definition of trafficking; the security bureau, which is responsible for coordinating and implementing the government’s overall anti-trafficking efforts, adopted the same definition at the working level in 2016. There was no parallel change in the criminal laws, however, and trafficking investigations and criminal prosecutions of trafficking-related crimes remained low compared to the scope of the problem. In December 2016, the Hong Kong Court of First Instance ruled that the government was required to increase victim protections, expand procedures to prosecute traffickers, and expand existing trafficking laws, including by enacting a comprehensive anti-trafficking law.

The government reported investigating 15 cases with elements of trafficking (six in 2015), initiating prosecutions of seven employers of exploited foreign domestic workers and five alleged sex trafficking suspects (17 prosecutions in 2015), and obtaining convictions of 32 offenders under various statutes (eight in 2015) in 2016. The government reported obtaining convictions of five employers of foreign domestic workers for crimes such as assault and inflicting bodily harm but it was unclear if these cases included the elements of human trafficking consistent with the international definition. Courts sentenced one of these employers to eight months imprisonment and a

fine of 40,000 Hong Kong dollar (HKD) (\$5,160), and others were sentenced to probation or fines. The government reported obtaining 28 convictions on offenses related to sex trafficking, including sections 129, 130, and 131 of the crimes ordinance. The government reported 18 offenders received immediate custodial sentences, and reported sentencing only three to prison terms exceeding one year. Prosecutors sometimes used victims' receipt of unlawfully low wages or their acceptance to work outside of their contracts under duress as evidence that victims violated their immigration status, instead of as evidence of abuse and prosecuted victims for immigration violations. While victims could go to labor tribunals to attempt to claim back wages, poor translation services, lack of trained defense attorneys, the inability to work while awaiting a decision, and judges' inexperience with forced labor cases sometimes impaired victims attempts at restitution; the cases of two exploited domestic workers identified in 2016 were settled in labor tribunals, but it was unclear if the victims received compensation from their employers. In an effort to improve the efficacy of labor tribunals, the government increased the number of available translators and provided victims with the right to counsel.

Authorities trained approximately 1,000 police, immigration, labor, justice, and customs officials on human trafficking awareness, victim identification, and the investigation of trafficking cases. The labor department introduced a training module on labor laws protecting against child labor and exploitation of foreign domestic workers for new employees. The immigration department's victim identification training was incorporated into training courses for new employees at all law enforcement agencies, and the customs and excise department added a training requirement for new employees covering international human trafficking trends and analysis. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government maintained efforts to protect victims. In 2016, authorities identified 36 trafficking victims (16 in 2015), including 16 victims of sex trafficking and 20 victims of labor exploitation (11 sex and two labor trafficking victims in 2015). Although the government had a policy to refer all identified victims to services, it was unclear what specific services were provided to victims identified during the reporting period. In July 2016, the government introduced a new victim identification and referral mechanism for police and immigration officials to screen vulnerable populations and refer potential victims to services. The government also expanded the scope of vulnerable persons to be screened to include foreign domestic workers, legal and illegal migrant workers, as well as recognizance form holders (generally refugees, asylum, and torture claimants). After a pilot period, the police, immigration, and customs departments fully implemented the identification and referral mechanism, and labor officials initiated a pilot of the mechanism before the end of the reporting period. The government conducted 9,099 screenings of vulnerable individuals, compared to 7,133 screenings in 2015. The government developed an "aide memoire" outlining a whole-of-government anti-trafficking strategy and issued guidelines for inter-departmental cooperation for the handling of trafficking cases. The government subsidized six NGO-run shelters, and operated three government-owned shelters to serve victims of violence, abuse, or exploitation, including trafficking victims. These shelters provided temporary accommodation, counseling, and access to public hospital

medical and psychological services to local and foreign victims, regardless of gender or age. Some government-funded shelters were specifically equipped to provide services and protection to child victims. Government-subsidized centers operated 24-hour hotlines, which were available for trafficking victims to receive crisis support counseling and assistance with referral to authorities or services. Local NGOs praised existing government services but reported concern authorities did not consult civil society when developing new identification guidelines and reported a need for more consistency in victim identification across the government.

Economic barriers to reporting and victims' fears of being penalized for low-level immigration violations discouraged victims from self-identifying, seeking assistance, or leaving employment where they suffered exploitation. For example, the government's policy of requiring foreign domestic workers to return home within two weeks and renew their visa in order to work for a new employer in Hong Kong deterred trafficking victims from leaving exploitative employment as it imposed a prohibitive cost on changing their employer. The government reported a new policy allowing exploited foreign domestic workers to pursue new employment visas without having to leave the country in criminal, civil, and administrative cases; the government granted this approval to 22 workers in 2016. In response to concerns over the safety of domestic workers, the government banned employers from requiring them to clean outside high-rise windows and added worker safety clauses to standard employment contracts. The government encouraged victims to participate in the investigation and prosecution of traffickers, including by offering financial assistance to victims residing overseas to enable them to return to Hong Kong as witnesses and establishing a policy to offer visa fee waivers to trafficking victims, as well as foreign domestic workers determined to be victims of illegal conduct; the government granted 130 visa fee waivers in 2016. This allowed some trafficking victims to work during pending prosecutions; however, the government did not have a statutory policy allowing all victims to work while participating in trials that were sometimes lengthy, which deterred victims from cooperating with authorities or leaving exploitative employment. As a result, many victims opted to repatriate immediately or were deported. The government's new guidelines state that victims should not be prosecuted for crimes committed as a direct result of being subjected to trafficking. However, NGOs and victims reported the government sometimes prosecuted unidentified victims for crimes committed as a direct result of being subjected to human trafficking, such as violating their labor contracts, using forged identity documents given to them by recruitment agencies or employers, prostitution, drug trafficking, and immigration violations, and that victims often pled guilty to these charges to facilitate expeditious deportation. For example, one victim forced to carry drugs into Hong Kong was sentenced to 25 years imprisonment on drug trafficking charges, according to court records. The government's public defender service collaborated with an NGO to provide training to defense lawyers to assist in the identification of victims not previously identified by front-line personnel. Hong Kong does not allow trafficking victims who are foreign domestic workers to receive permanent residency status for cases in which repatriation may constitute a risk of hardship or retribution in the victim's home country; other victims of trafficking may be eligible to receive permanent residency status depending on their visa status upon entry to Hong Kong.



## PREVENTION

The government maintained efforts to prevent trafficking; however, the government did not fully mitigate the vulnerabilities facing foreign domestic workers or conduct campaigns to raise awareness of or prevent sex trafficking. An interdepartmental working group led by the security bureau, established in 2010 and expanded in 2016 to include the police, immigration, customs and excise, labor, and social welfare departments, continued to meet. The government began drafting a national action plan to combat trafficking in 2013, but still had not announced the formal adoption or implementation of the plan by the close of the reporting period. The government reported funding NGOs that operated hotlines available to assist trafficking victims. The government increased efforts to improve both the public's and workers' awareness of the rights of foreign domestic workers and the responsibilities of employers including by publishing simplified information leaflets that it required employment agencies to distribute; developing separate web information portals for employers and employees in multiple languages; erecting electronic workers' rights information kiosks in public areas; working with the Philippine and Indonesian consulates in Hong Kong to provide information briefings to newly arriving domestic workers regarding their rights; and publishing translated versions of standard employment contracts in additional foreign languages. The government continued placing advertisements in newspapers, distributing information packets and screening videos on employment rights in popular gathering areas for foreign domestic workers, and distributing anti-trafficking pamphlets in five languages to foreign domestic workers at the airport, through their consulates, and in Filipino and Indonesian language newspaper advertisements. NGOs reported employment agencies and employers often seized these packets.

NGOs reported fines and penalties for employment agencies exploiting foreign domestic workers were too light and did not act as a deterrent for unscrupulous agencies. In February 2017, the government introduced legislation that will increase the penalties for operating an employment agency without a license or overcharging workers to include up to three years imprisonment and increase potential fines from no more than 50,000 HKD (\$6,450) to 350,000 HKD (\$45,130). The government increased regular and unscheduled labor inspections of employment agencies in 2016 to 1,800, compared to 1,300 in 2015. The government began to require employment agencies to comply with a newly instituted "code of practice" covering statutory requirements and standards for Hong Kong-based employment agencies. In 2016, the government reported convicting five employment agencies for charging workers excessive fees, and three for unlicensed operations. The commissioner for labor revoked the licenses of five additional employment agencies on suspicion of overcharging foreign domestic workers. Despite praising the government's efforts to prosecute some unscrupulous employment agencies, NGOs encouraged the government to increase efforts to improve inspections to better identify errant agencies and further prevent exploitation of vulnerable domestic workers. The government reported efforts to reduce the demand for commercial sex and forced labor. The government did not provide anti-trafficking training to its officials posted overseas.

## TRAFFICKING PROFILE

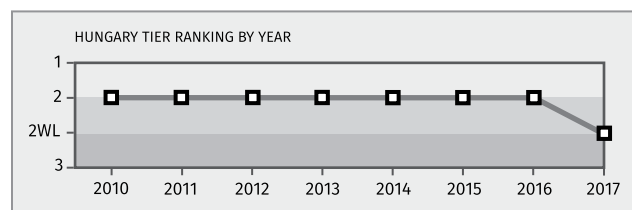
As reported over the past five years, Hong Kong is primarily a destination, transit, and to a much lesser extent, a source territory for men, women, and children subjected to forced labor and sex trafficking. Victims include citizens from mainland

China, Indonesia, the Philippines, Thailand, and other Southeast Asian countries as well as countries in South Asia, Africa, and South America. Approximately 351,000 foreign domestic workers, primarily from Indonesia and the Philippines, work in Hong Kong; some become victims of forced labor in the private homes in which they are employed. An NGO report released in 2016 estimated as many as one in six foreign domestic workers is a victim of labor exploitation. Employment agencies generally charge job placement fees in excess of legal limits, which may lead to situations of debt bondage of workers in Hong Kong. The accumulated debts sometimes amount to up to 80 percent of workers' salaries for the first seven to eight months of employment. A 2013 survey found 58 percent of the more than 3,000 workers surveyed experienced verbal abuse in the home, 18 percent physical abuse, and six percent sexual abuse. Some workers are unwilling to report abusive employers for fear of losing their jobs and being unable to repay their debts; some employers or employment agencies illegally withhold passports, employment contracts, or other possessions until the debt is paid. Domestic workers have also reported working 17-hour days, receiving less than minimum wage, experiencing physical or verbal abuse and confinement in the employer's home, and not receiving a legally required weekly day off. A government policy, mandating foreign domestic workers depart Hong Kong within two weeks of quitting or losing their job, discourages domestic workers from seeking assistance. Some foreign domestic workers sign contracts to work in Hong Kong, but upon arrival are sent to work in mainland China or the Middle East. Separately, criminal syndicates or acquaintances sometimes lure women to Hong Kong from the Philippines, South America, and mainland China using false promises of lucrative employment and subsequently force them into prostitution to repay money owed for passage to Hong Kong. Traffickers sometimes psychologically coerce sex trafficking victims by threatening to reveal photos or recordings of the victims' sexual encounters to their families. "Compensated dating" continues to facilitate commercial sexual exploitation of Hong Kong children and make them vulnerable to trafficking.

## HUNGARY: TIER 2 WATCH LIST

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by amending its criminal code to allow for the seizure of assets held by traffickers, conducting training of prosecutors and judicial personnel, cooperating with foreign law enforcement on joint trafficking investigations, and increasing funding for public awareness and anti-trafficking efforts. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Investigations, prosecutions, and convictions decreased significantly from the previous reporting period. Services for victims remained scarce, uncoordinated, and inadequate. Specialized services for child victims (including shelter) did not exist and law enforcement arrested and prosecuted children exploited in sex trafficking as misdemeanor offenders, including sentencing 12 children to imprisonment based on their exploitation in sex trafficking. Shortcomings in security and services at state care institutions for children and in the identification of child trafficking victims remained widespread, resulting in high vulnerability of children and their re-victimization under state protection during and after their time in these facilities. The government also continued to have

significant deficiencies in its victim identification and referral systems, as well as a comprehensive and reliable database on trafficking cases. Therefore, Hungary was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR HUNGARY

Screen all individuals in prostitution for trafficking indicators and protect adults and children from punishment for crimes committed as a result of trafficking, including prostitution; increase provision of specialized victim services and provide sufficient funding to NGOs to offer victim care; increase law enforcement and judiciary efforts to investigate, prosecute, and convict the perpetrators of all forms of trafficking under the trafficking in persons law; take steps to prevent trafficking of vulnerable children residing in state-run child care institutions and individuals who leave these institutions; increase identification of and assistance for child victims exploited within Hungary; increase victim-centered training of law enforcement, prosecutors, and social workers; bolster protection for victims who face serious harm and retribution from their traffickers, including by developing longer-term care options to improve reintegration; enhance the collection and reporting of reliable law enforcement and victim protection data; bring the anti-trafficking law in line with international law by more precisely defining exploitation and requiring fraud, force, or coercion as elements of the core offense of adult trafficking; amend Hungarian law to extend trafficking provisions for everyone under 18 involved in prostitution regardless of the level of consent; increase efforts to raise awareness of trafficking among the general public and in at-risk populations.

## PROSECUTION

According to statistical indicators, the government decreased law enforcement efforts against human trafficking, although data on these efforts was unreliable and efforts to address trafficking of children remained weak. Article 192 of the 2013 criminal code prohibits many forms of human trafficking, but is overly broad because it does not require the use or threat of force or fraud to prove the basic offense of trafficking in persons, instead establishing force, the threat of force, or fraud as aggravated elements resulting in enhanced penalties under article 192(3). The law defines exploitation as the abuse of power for the purpose of taking advantage of a victim. Prescribed penalties range from one to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Article 193 of the criminal code also prohibits forced labor, with sentences ranging from one to eight years imprisonment, while article 203 penalizes profiting from child prostitution, with penalties of up to eight years imprisonment. In October 2016 parliament amended the Criminal Code to authorize the seizure of assets from convicted human traffickers.

Law enforcement data remained unreliable, making it difficult to assess efforts. In 2016, police terminated 25 investigations, compared to 62 investigations in 2015 and 20 investigations in 2014. Of the 25 investigations, 21 were of forced labor and

four were unspecified cases of trafficking. Officials prosecuted seven individuals (two for forced labor in 2016 and five for sex trafficking in 2017), compared to 18 in 2015 and 18 in 2014. Courts convicted seven traffickers in 2016 (22 in 2015 and 10 in 2014); two convictions were for sex trafficking and five were for forced labor. For the sex trafficking convictions, courts sentenced the traffickers to six years in one case and two years and four months imprisonment in the other case. For the forced labor convictions, one perpetrator received five years imprisonment for forced labor and another crime (cumulative sentence); one perpetrator received two years and six months of imprisonment for forced labor; one perpetrator received three years imprisonment for forced labor and another crime (cumulative sentence); one perpetrator received 12 years imprisonment for forced labor and other crimes (cumulative sentence); and one perpetrator received 10 years imprisonment for forced labor and other crimes (cumulative sentence). Although the 2012 criminal code removed a requirement that trafficking include a commercial transaction, reportedly judges continued to seek this evidence. National police generally limited their investigations to transnational trafficking cases, and local police to investigations of internal cases; NGOs criticized local police for lack of sensitivity toward trafficking victims. Observers raised concerns law enforcement regularly underreported trafficking offenses.

Anti-trafficking experts reported police categorized children between the ages of 14 and 18 as “juveniles” instead of children and under Hungarian law this allows the courts to impose punishment for crimes and misdemeanors instead of treating them as victims, particularly in prostitution related offenses, and police generally failed to identify or remained reluctant to investigate certain trafficking cases involving child victims, including vulnerable children in state-run care institutions. There were no reported investigations, prosecutions, or convictions for official complicity; some observers, however, expressed concerns about potential police protection of suspected traffickers. There were no standard trainings on trafficking provided for law enforcement professionals and only ad hoc training courses were conducted. During the reporting period, national police cooperated with their counterparts from Belgium, France, Austria, and the Netherlands on joint investigation teams pursuing sex trafficking cases. The national prosecutor’s office organized training for 195 regional prosecutors on data collection, police investigations, victim identification, and indictments on trafficking cases. The judicial office organized trafficking training at the national and regional level for 840 judicial personnel. Officials extradited 52 foreign nationals accused of trafficking to other European countries. The government began to develop a new digital data collection system to gather victim-related statistical information.

## PROTECTION

The government maintained insufficient protection efforts, as specialized services for child victims (including shelter) did not exist and law enforcement arrested children exploited in commercial sex as misdemeanor offenders, including sentencing 12 children to imprisonment based on their involvement in commercial sex. The victim assistance service of the Office of Justice identified nine victims (five males and four females, including two minors), compared with eight victims in 2015. Of these, three were victims of forced labor in the construction industry, five of forced prostitution and one of domestic servitude. The victims received the following care services: one person received information on legal assistance, four persons received financial aid, and three persons received psychological

assistance. The national crisis management and information service registered 23 victims (10 men and 13 women), compared with 27 in 2015. Fourteen of the 23 victims received shelter. The national bureau of investigation identified one victim and Hungarian embassies abroad identified a total of 11 victims. Therefore, in total, the government identified 44 victims during the reporting period. NGOs reported assisting approximately 143 trafficking victims—77 female victims, 26 male victims, 40 minors (including indirect victims).

The government did not adequately identify victims among vulnerable populations, such as adults and children exploited in commercial sex, adults who previously lived in and children living in government-run institutions, and unaccompanied minors seeking asylum. In addition, the government did not effectively screen unaccompanied minors to identify potential trafficking victims. The government decree on the trafficking victim identification mechanism listed the institutions responsible for identifying victims, the questionnaire to be completed with suspected victims, and procedural protocols. There was, however, a lack of clear legal definition and unified professional standards for identifying trafficking victims, as well as a lack of widespread dissemination of identification protocols among front-line responders. In early 2017, the government enacted a new asylum detention law that requires mandatory detention of all asylum-seekers until the final decision is issued in their cases; without proper screening, this may result in the detention of trafficking victims. During the reporting period, however, the government allocated 7 million forints (\$23,830) to improve the screening of trafficking victims among third country nationals and asylum-seekers.

All victims were eligible for government-provided financial support, psychological services, legal assistance, witness care, access and referral to a shelter, however, victims were only eligible for state compensation if the crime was violent, committed deliberately, and caused serious damage to the victim's health. Victim assistance services remained scarce, uncoordinated, and inadequate, and risk re-victimizing the victim. Authorities did not report how many trafficking victims received state-ordered restitution in 2016. Experts also criticized the government's lack of harmonized guidelines on protective services for victims, noting the referral system was ineffective. Two government-funded, NGO-run shelters reported providing care for 64 victims (62 in 2015) during the reporting period, including 28 women (including one minor) and 11 adult men, as well as 25 dependent children accompanying adult victims. In addition, other NGOs provided housing for 40 female trafficking victims identified during the reporting period, nine male victims, two minor victims, as well as 12 dependent children. In 2016, the Ministry of Human Capacities developed a unified service protocol and set minimum standards for its human trafficking shelters. NGOs, however, noted a lack of trained staff, funding, and available accommodations and services, particularly for long-term needs such as reintegration. The government could provide Hungarians repatriated as trafficking victims with various victim support services and accommodation in shelters. These services, however, were insufficient because they did not provide victims with housing beyond six months and appropriate services for long-term reintegration were lacking. The Office of Justice issued a new protocol to provide practical guidance to local officials on the kinds of information to be provided to trafficking victims and guidance on avoiding secondary victimization.

Child victims could receive general care through the child protection system, but this system had insufficient staff or

resources to provide tailored care or security, leaving victims vulnerable to being re-trafficked. Experts criticized the lack of assistance and specialized shelters for child trafficking victims. The government recognized repatriation of child victims is provided by state authorities but there were no appropriate reintegration facilities for children; secondary victimization of children was common. In 2016, the government set up a professional working group, including NGOs and relevant government agencies, to focus on research, protection, prevention, and victim assistance regarding child sex trafficking in state care institutions.

The government provided 19 million forints (\$64,681, the same as 2015) to two NGO-run shelters in 2016 that could reserve a total of 16 beds for trafficking victims. Victims generally were not allowed to leave the shelters unless accompanied by a chaperone. Authorities provided 2 million forints (\$6,809, the same as 2015) to another NGO to support its shelters providing services to trafficking victims. The government provided 1.5 million forint (\$5,106) to support the operation of the national crises management and information telephone service, which can be used for reporting trafficking. There was a lack of sufficient funding for victim assistance services.

NGOs continued to report that authorities sometimes penalized adult and child sex trafficking victims treated as criminals as opposed to victims; reportedly courts ruled to reimburse the victims for the criminal penalties they received. Furthermore, authorities penalized 88 children, including 85 girls and three boys, for prostitution offenses; 42 children received a warning, 17 received a fine, 12 received prison sentences, 13 were sentenced to community service work, three were sentenced to confiscation, and there was no information on the penalty of one child. The government has consistently failed to implement a 2011 EU directive requiring individuals under 18 years of age involved in prostitution be considered as trafficking victims regardless of consent.

Foreign victims could receive a 30-day reflection period to decide whether to assist law enforcement, during which they were eligible for temporary residence permits during legal proceedings against their traffickers. The government did not issue any temporary residence permits, permanent resident permits, or exemptions from deportation for trafficking victims during the reporting period. NGOs remained concerned about inadequate government protection for victims who testified against traffickers; no victims participated in the witness protection program during the reporting period.

## PREVENTION

The government increased prevention and coordination efforts. The government had an anti-trafficking coordinator who chaired the national coordination mechanism, an entity including government actors and civil society organizations. Coordination among these entities remained uneven. The government had a 2013-2016 anti-trafficking national strategy. Experts criticized the national strategy for not providing a clear definition of trafficking victims, not focusing on vulnerable populations such as child or Roma victims, and inadequate training of law enforcement officials; some were also concerned that officials did not encourage victims to avail themselves of victim services. According to experts, the government's training of labor inspectors remained inadequate. The government did not release regular reports assessing its anti-trafficking efforts, but operated a government and social media site that provided information on government activities related to combating



human trafficking.

The government contributed 25 percent of the funding for six trafficking-related projects awarded by the EU, worth a total of 137 million forints (\$466,383). Half of this funding, 70 million forints (\$238,298) went to an international organization to conduct a social media public awareness campaign on sex and labor trafficking. In addition, an international organization received 14 million forints (\$47,660) to establish a victim transnational referral mechanism between Hungary and Switzerland. The national police received 20 million forints (\$68,085) to provide trafficking awareness training for 600 police officers and front-line practitioners. The immigration and asylum office received 7 million forints (\$23,830) to improve the screening of trafficking victims among third country nationals and asylum-seekers. The Ministry of Justice received 18 million forints (\$61,277) to design a new digital platform to collect statistical information on trafficking victims across the government and NGOs. The national police received eight million forints (\$27,234) to set up regional coordination mechanisms in prevalent trafficking regions in the country.

Authorities continued multiple awareness campaigns on human trafficking for NGOs and government agencies involved in victim identification, as well as to teenagers, students, educational institutions, and foster homes. The government continued its labor trafficking awareness campaign to advisors, young adults, and NGOs connected to the European Employment Service Network (EURES) regarding safe employment abroad, and also to local and national labor departments. Human trafficking prevention programs, however, continued to lack a systematic approach, coherence, and cooperation among actors.

The government initiated modest efforts to reduce the demand for sex trafficking and forced labor. The government disseminated among its domestic tour operators the global code of ethics of the UN world tourism organizations and information on criminal sanctions within domestic law to sensitize tour agencies on child sex tourism. The government had no authority to impose fines or punishment on a foreign labor exchange agency that commits trafficking offenses, but it can inform the relevant foreign government if a problem arises. For the first time in 2016, 30 consular diplomats-in-training participated in a trafficking awareness session; existing Hungarian consular staff was also trained on human trafficking.

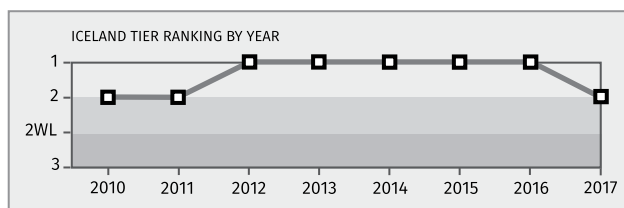
## TRAFFICKING PROFILE

As reported over the past five years, Hungary is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. Vulnerable groups include Hungarians in extreme poverty, undereducated young adults, Roma, asylum-seekers and unaccompanied minors, and homeless men. Hungarian women and children are subjected to sex trafficking within the country and abroad, mostly within Europe—with particularly high numbers in the Netherlands, France, Belgium, Germany, Italy, Ireland, Austria, Switzerland, and the United Kingdom. Hungarian men and women are subjected to forced labor domestically and abroad, including in the United Kingdom, the Netherlands, Belgium, Ireland, Austria, Germany, and Canada. During the reporting period, press and NGOs also cited Turkey, Spain, United Arab Emirates, Australia, Iceland, and Sweden as other sex and labor trafficking destination countries for Hungarian women, girls, men, and transgender persons. NGOs have reported a new phenomenon of selling disabled victims for sex trafficking. Hungarians, particularly Romani women and girls and those

from state care institutions, are exploited in sex trafficking in large numbers in Austria by Hungarians of Roma and non-Roma origin. A large number of Hungarian child sex trafficking victims exploited within the country and abroad come from state-provided childcare institutions and correctional facilities, and traffickers recruit them upon leaving these institutes. Hungarian women lured into sham marriages to third-country nationals within Europe are reportedly subjected to forced prostitution. There are strong indicators labor trafficking of Hungarian men in Western Europe has intensified in agriculture, construction, and factories. Trafficking victims from Eastern European countries transit Hungary en route to Western Europe. Hungary is a transit country for asylum-seekers and illegal migrants, some of whom may be or may become trafficking victims. Within the country, Romani children are exploited in forced begging, child sex trafficking involving both girls and boys, and forced petty crime.

## ICELAND: TIER 2

The Government of Iceland does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made significant efforts to meet the minimum standards during the reporting period by opening a center offering free comprehensive services to victims of abuse, including trafficking, and establishing specialized teams to investigate trafficking and educate government employees on the crime. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. The government did not prosecute or convict any suspected traffickers for the sixth consecutive year and decreased investigations of suspected traffickers. Therefore, Iceland was downgraded to Tier 2.



## RECOMMENDATIONS FOR ICELAND

Intensify efforts to investigate, prosecute, and convict suspected traffickers; significantly increase and report efforts to identify trafficking victims and refer victims to care facilities for assistance; increase training for all police, prosecutors, and judges on detecting and prosecuting trafficking crimes; prioritize building trust between law enforcement and victims and provide protection, residence, and work permits to encourage victims to participate in the investigation and prosecution of traffickers; provide specialized services, including shelters for male and child trafficking victims; enhance training methods for collecting evidence against suspected traffickers to avoid overreliance on victim testimony; develop procedures for identifying victims of forced marriage; involve labor inspectors in victim identification; expand training for officials on proactive identification of trafficking victims, particularly among migrant workers, unaccompanied children, and asylum-seekers; and develop a current national anti-trafficking action plan and provide adequate funding to law enforcement for its implementation.

## PROSECUTION

The government maintained law enforcement efforts, but did not prosecute and convict any suspected traffickers for the sixth consecutive year. Article 227a of the criminal code criminalizes both sex trafficking and forced labor and prescribes penalties of up to 12 years imprisonment; these are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Law enforcement reported 16 investigations in 2016, compared with 23 investigations in 2015. The government has not reported prosecuting or convicting any trafficking cases since 2010. Police authorities reported one cooperative international investigation during the year, compared with two in 2015. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The police established a special investigative unit dedicated to combating trafficking and prostitution, and a special email address for tips or inquiries about possible human trafficking cases. The police college curriculum included instruction on victim identification and investigation of trafficking cases.

## PROTECTION

The government decreased efforts to identify trafficking victims and refer victims to care facilities, but increased efforts to shelter and provide services to victims. The government identified four victims in 2016 (four in 2015). All four victims were subjected to forced labor. Authorities referred one victim to care facilities for assistance. In December 2016, the government renewed its two-year agreement to provide funding for an NGO-run domestic abuse shelter to provide emergency shelter to female trafficking victims and their children. The 2017 state budget allocated 71 million krona (\$629,042) to the domestic abuse shelter. In 2016, the state budget allocated 70.6 million krona (\$625,498) to the shelter, compared with 65.1 million krona (\$576,770) for 2015. The Ministry of Welfare provided the shelter with an additional 350,000 krona (\$3,101) for the provision of services for trafficking victims. The shelter maintained a team of specialists to manage cases involving possible trafficking victims. Victims had access to free legal, medical, psychological, and financial assistance, whether or not they stayed at the shelter or cooperated with authorities. Municipal social service agencies provided services and financial assistance to trafficking victims, and the welfare ministry reimbursed the municipalities for all associated expenses. In 2016, the government refunded 22.3 million krona (\$197,572) to municipal governments for expenses related to “foreign citizens in distress,” which may have included trafficking victims. The government allocated 71 million krona (\$629,042) in the 2016 state budget to a separate NGO offering psychological services to victims, compared with 65.5 million krona (\$580,314) in 2015. The government in collaboration with several NGOs opened a center offering free comprehensive services to abuse victims, including trafficking victims, as a two-year pilot project. There were no shelter services or specialized care available for male victims, though they could access general social services and receive referrals to NGOs providing food, shelter, legal advice, and healthcare. Municipal and state child protection services were responsible for assisting unaccompanied children, including child trafficking victims.

The national police commissioner published detailed procedures for police to use to identify, contact, and deal with possible trafficking victims to provide them with assistance. The government distributed information on the EU-issued “Guidelines for the Identification of Victims of Trafficking” and NGO-developed interview guidelines to government employees

most likely to come into contact with trafficking victims. The directorate of immigration had written procedures to identify trafficking victims and provide them with information and resources, including during the interview process for asylum-seekers. Immigration and police officers maintained a pocket checklist to identify potential victims and inform them of available services. NGOs stated these procedures worked effectively in practice. Witness protection for trafficking victims was not mandated by law, but the government provided it in practice. Victims could file civil suits against traffickers or seek restitution from the government, but no victims did during the reporting period. Prior to January 2017, any foreign trafficking victim could obtain a six-month residence permit; temporary residence permits issued after that date were valid for nine months. An additional one-year renewable residence permit was available to victims who cooperated with law enforcement or who may have faced retribution or hardship in their home countries; however, victims with either temporary residence permit could not apply for a permit to work legally in the country. The government issued one temporary residence permit in 2016. Trafficking victims have left the country pending investigations because they were legally unable to work or obtain permanent residence permits. There were no reports authorities detained, fined, or jailed victims for illegal acts committed as a result of being subjected to trafficking.

## PREVENTION

The government increased efforts to prevent trafficking. The directorate of labor (DOL) established a three-member team to respond to suspected trafficking cases and educate government employees on trafficking and identifying possible victims. DOL monitored the operations of companies that hired foreign “posted workers” by reviewing hiring contracts, checking paychecks against bank statements showing payout of wages, and conducting targeted visits to talk to employees and supervisors. The government reported developing a 2017 action plan to replace its 2013-2016 plan. The government held 30 sessions on victim identification and assistance for approximately 2,000 government and municipal specialists in law enforcement, welfare services, healthcare services, labor, and education. In May 2016, the government organized a public symposium on trafficking issues, focusing on forced labor. Throughout the reporting period, the government demonstrated efforts to reduce the demand for commercial sex acts and forced labor. The government included anti-trafficking language in its code of conduct for diplomatic personnel but provided no trafficking-specific training.

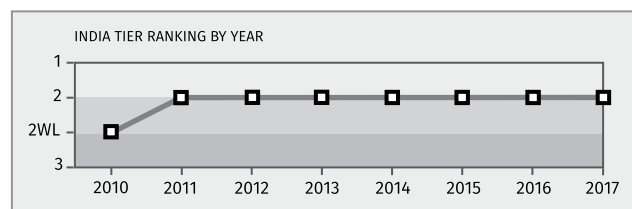
## TRAFFICKING PROFILE

As reported over the past five years, Iceland is a destination and transit country for women subjected to sex trafficking and men and women subjected to labor trafficking. Women from Eastern Europe, the Baltics, and South America are subjected to sex trafficking, often in nightclubs and bars. Men and women from the Baltics, Eastern Europe, South America, and East Asia are subjected to forced labor in construction, tourism, and restaurants. Foreign “posted workers” are at particular risk of forced labor as the traffickers pay them in their home countries and contract them to work for up to 183 days in Iceland to avoid taxes and union fees, limiting tax authorities’ and union officials’ ability to monitor their work conditions and pay. Traffickers also subject women to domestic servitude, forced labor, and sex trafficking and men to forced labor; NGOs note these cases are rarely reported to the police. Traffickers reportedly exploit the visa-free regime in the Schengen Zone

and the European Economic Area to bring victims to Iceland for up to three months and move them out of the country before they must register with local authorities..

## INDIA: TIER 2

The Government of India does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, India remained on Tier 2. The government demonstrated increasing efforts by increasing the number of victims identified, investigations completed, and traffickers convicted, as well as its budget for shelter programs for female and child trafficking victims. The government adopted an action plan for children, which included plans to prevent child trafficking and protect child victims. However, the government did not meet the minimum standards in several key areas. Overall victim identification and protection remained inadequate and inconsistent and the government sometimes penalized victims through arrests for crimes committed as a result of being subjected to human trafficking. The government's conviction rate and the number of investigations, prosecutions, and convictions was disproportionately low relative to the scale of trafficking in India, particularly with respect to bonded and forced labor. Despite reports of officials complicit in trafficking, the government did not report investigating such allegations.



## RECOMMENDATIONS FOR INDIA

Increase prosecutions and convictions for all forms of trafficking, including forced and bonded labor, and of officials allegedly complicit in trafficking, respecting due process; establish and fully resource anti-human trafficking units (AHTUs) in all districts, including by providing additional dedicated, trained staff and by clarifying the mandate of AHTUs; develop and implement standard operating procedures (SOPs) to harmonize victim identification and referral, and train officials on their use; address jurisdictional issues in the investigation of suspected traffickers and use of testimony when trafficking crimes cross state lines; cease the penalization of trafficking victims; protect victim confidentiality and privacy, including on government-issued identification documents; develop and adopt a national action plan to combat trafficking; improve central and state government implementation of protection programs and compensation schemes to ensure trafficking victims receive benefits, release certificates, and compensation funds; take steps to eliminate all recruitment fees charged to workers; promptly disburse government funding for shelters and develop monitoring mechanisms to ensure quality of care; continue to increase the transparency of government efforts to combat trafficking and provide disaggregated data on efforts to criminally investigate, prosecute, and punish sex and labor trafficking; provide funding for states to establish fast-track courts that deal with all forms of human trafficking; and provide

anti-trafficking training or guidance for diplomatic personnel to prevent their engagement in or facilitation of trafficking crimes, and to provide personnel the tools to identify and assist trafficking victims in their work.

## PROSECUTION

The government increased law enforcement efforts, although investigations, prosecutions, and convictions remained low for the scale of human trafficking in India. Section 370 of the Indian Penal Code (IPC) prohibits slavery, servitude, and most forms of sex trafficking and prescribes penalties ranging from seven years to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Section 370 does not define the "prostitution of children" younger than age 18 as an act of human trafficking in the absence of coercive means, as required by the 2000 UN TIP Protocol, although other statutes criminalize the "prostitution of children." Section 370 criminalizes government officials' involvement in human trafficking, prescribing sentences up to life imprisonment. Bonded labor is specifically prohibited under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which prescribes sufficiently stringent penalties of up to five years imprisonment, and the Bonded Labor System (Abolition) Act (BLSA), which prescribes penalties of up to three years imprisonment that are not sufficiently stringent. The Child Labor (Prohibition and Regulation) Act, the Juvenile Justice Act, and other provisions of the IPC prohibit many forms of forced labor; however, these provisions were unevenly enforced and their prescribed penalties are not sufficiently stringent, allowing for only fines or short prison sentences in some cases. The government frequently used the Immoral Traffic Prevention Act (ITPA) and various provisions of the IPC, which have sufficiently stringent penalties, to prosecute sex trafficking. During the reporting period, the government drafted new anti-trafficking legislation, sought public comment, and revised the draft; the bill remained under review by the Cabinet, awaiting introduction to parliament at the end of the reporting period.

During the reporting period, the national crimes record bureau (NCRB) issued the 2015 Crime in India Report, the most recent law enforcement data available. In 2015, police investigated 4,203 trafficking cases, including 3,363 cases of sex trafficking, 77 cases of bonded labor, and 763 trafficking cases under article 370 where further case details were not published to clearly categorize the cases between sex or labor trafficking. This was an increase from the investigation of 3,056 trafficking cases in 2014, including 2,604 cases of sex trafficking, 46 cases of bonded labor, and 406 cases under article 370. During 2015, the government completed the prosecutions of 2,387 traffickers, including 2,180 alleged sex traffickers, 16 alleged labor traffickers, and 191 traffickers under article 370, compared with the completion of prosecution of 2,596 alleged traffickers in 2014. In 2015, courts convicted 815 traffickers and acquitted 1,556 individuals with an additional 16 persons discharged. This was an increase from 577 traffickers convicted in 2014, 1,990 persons acquitted, and 29 persons discharged. The acquittal rate decreased from 77 percent in 2014 to 65 percent in 2015. The courts' convictions under the BLSA remained notably low at only four in 2015, although bonded labor offenders may also be convicted under the Prevention of Atrocities Act and those statistics were not reported. The government did not report sentences for convictions. Indian media commented the figures reported by the NCRB did not reflect the large scale of human trafficking crimes in India, as many cases were not registered by police or were settled at the complaint stage. Inconsistent



application of the law across jurisdictions, corruption among officials, and a lack of awareness or capacity in some parts of the country resulted in incidents of inaction on trafficking crimes by police and prosecutors.

In December 2015, the Supreme Court directed the government to establish an organized crime investigative agency by December 2016 to investigate human trafficking cases and rescue and rehabilitate victims; the establishment of such an agency was pending the passage of the draft anti-trafficking bill, although the Ministry of Home Affairs (MHA) had allocated 832 million Indian rupee (INR) (\$12.3 million) to fund the agency. AHTUs continued to serve as the primary investigative force for human trafficking crimes. At the beginning of the reporting period, of the more than 600 districts, 226 had active AHTUs; it is unknown if additional AHTUs were established during the reporting period. State and local governments partnered with NGOs and international organizations to train AHTU officers. Some NGOs reported significant cooperation with AHTUs on investigations and police referral of victims to NGOs for rehabilitation services. However, others noted some AHTUs continued to lack clear mandates, which created confusion with other district- and state-level police units and impeded their ability to proactively investigate cases. Coordination across states remained a significant challenge in cases where the alleged trafficker was located in a different state from the victim—jurisdictional barriers prevented confessions from one state being used as evidence in another. NGOs noted some police offices were overburdened, underfunded, and lacked the necessary resources, such as vehicles and computers, to combat trafficking effectively. Some police used AHTU resources and personnel for non-trafficking cases. NGOs noted prosecutors and judges did not have sufficient resources to properly prosecute and adjudicate cases.

Official complicity in human trafficking occurred at varying levels of government. The government did not report comprehensive data on investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In May 2016, a member of the Goa legislative assembly was arrested under IPC Section 370 for allegedly purchasing a girl from her mother and raping her; both the legislator and the girl's mother were released on bail, and at the end of the reporting period, the Goa police continued to investigate the case. However, media also reported allegations of a few complicit officials whom the government did not investigate and who remained in government. Some corrupt law enforcement officers reportedly protected suspected traffickers and brothel owners from law enforcement action, received bribes from sex trafficking establishments and sexual services from victims, and tipped off sex and labor traffickers on forthcoming raids. There were no reports of investigations into such cases of complicity.

## PROTECTION

The government increased efforts to protect victims. The government did not provide comprehensive information on the number of trafficking victims it identified. However, the NCRB reported the government's identification of at least 8,281 victims in 2015 compared with 6,216 victims in 2014. Of the victims identified in 2015, 5,407 were subjected to sex trafficking, 426 were subjected to bonded labor, and 2,448 were victims identified in relation to a case investigation under article 370 and not further categorized into victims of sex or labor trafficking. A 2009 MHA non-binding directive advises state officials to use SOPs for proactive victim identification and referral to protection services; however, it is unclear if

all 29 states employed such SOPs. In 2016, the Ministry of Women and Child Development (MWCD) published SOPs for cases of missing children, mandating the transfer of cases not resolved within four months to an AHTU. MWCD and MHA implemented TrackChild, a system to identify missing children nationally. MWCD continued to support the national Childline hotline, an emergency phone service for children in need of assistance, including child victims of forced labor and sex trafficking. State- and district-level law enforcement continued to carry out operations to rescue and rehabilitate missing and exploited children, some of whom may have been subjected to forced labor or sex trafficking. Some state- and district-level law enforcement actively partnered with NGOs to identify, rescue, and provide rehabilitation services to victims; however, other police officers undertook rescue operations without further investigating or charging suspects. In other cases, police arrested and charged alleged traffickers, but in some cases some of the alleged traffickers posted bail and while awaiting trial purportedly intimidated witnesses and subjected new victims to trafficking.

MWCD continued to fund NGO and government-run shelter and rehabilitation services for women and children through the *Ujjawala* program, specifically for female sex trafficking victims, and the *Swadhar Greh* program, for women in difficult circumstances. The central government's budget for the *Ujjawala* program increased from 180 million INR (\$2.65 million) in 2015-2016 to 240 million INR (\$3.54 million) in 2016-2017 and the *Swadhar Greh* budget increased from 500 million INR (\$7.37 million) to 900 million (\$13.3 million). NGOs continued to report the number of government shelters was insufficient and overcrowding compromised victim rehabilitation. Both government- and NGO-run shelters faced shortages of financial resources and trained personnel, particularly of counselors and medical staff. NGOs relied primarily on donor contributions to provide victim services, although some received government funds. The disbursement of government funding to NGOs was sometimes delayed for multiple years and corruption reportedly drained some resources intended for victim care. Some victims waited months for transfer from temporary "transit homes" to shelters that provide long-term care due to shortages of government funds, shelter staff, or police escorts. Child victims were placed in private shelters or in government juvenile justice homes, some of which may have housed child victims with children accused of crimes. Children largely received the same government services as adults.

In May 2016, the central government revised its program for the rehabilitation of bonded laborers to increase compensation and include female sex trafficking and child forced labor victims to receive compensation and assistance. Government-authorized compensation increased from 20,000 INR (\$295) to 100,000 INR (\$1,470) per adult male victim and 200,000 INR (\$2,950) per adult female or child victim. Authorized-compensation increased to 300,000 INR (\$4,420) for cases of bonded or forced labor involving transgender and disabled persons or sex trafficking of women and children. In contrast to the previous iteration of the program, the central government fully funded the compensation without matching funds from state governments; however, the release of compensation to victims was contingent on administrative and court processes that may take several years to conclude. At the end of the reporting period, it was unclear if information on the revised program had been disseminated to local officials for implementation and if any victims had received the increased compensation. Rescued bonded laborers are entitled to "release certificates" enabling them to receive government-funded services. Many victims

received certificates at or soon after their rescue, especially in areas where there was significant coordination between the government and NGOs. Others experienced lengthy delays before obtaining the certificates. During the reporting period, the Tamil Nadu government identified 282 bonded laborers and provided them immediate compensation of 1,000 INR (\$14.75), rice, and household commodities; the government also enrolled 83 former bonded laborers in the revised central government program for compensation and provided four households with land. Other than bonded labor victims, adult male trafficking victims did not receive care or funding from the government. Victims had access to government hospitals for emergency medical services, although long waiting lists made it difficult to obtain surgery and other procedures and NGOs often had to pay for victims' emergency medical treatment.

Foreign victims received the same access to shelters and services as Indian nationals. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Authorities detained foreign sex trafficking victims to government aftercare homes until repatriation, sometimes as long as four years, and did not permit them to work in the local economy. The repatriation of foreign victims could take years due to a number of constraints, including some victims' lack of identity documents. NGOs stated children who could not identify their home state or country were unable to be returned to their families or place of origin. The governments of India and Bangladesh reportedly continued to implement their 2015 MOU on human trafficking, which included coordination on repatriation; Bangladeshi victims were typically repatriated within 21 days. To protect both Indian and foreign national victims during trial, prosecutors may request the victim be permitted to testify by video or behind a screen, the proceeding be closed to the media and public, and irrelevant and potentially harmful questions be barred; it is unknown if these protections were used for trafficking victims during the reporting period.

MHA guidelines to all state governments encouraged police not to charge victims for crimes committed while subjected to human trafficking, including foreign women and child victims for immigration violations. However, in certain cases, the government continued to penalize victims as a result of inconsistent identification and screening efforts, including sex trafficking victims who were prosecuted for prostitution and foreign trafficking victims charged with immigration violations. In 2014, the government began denying travel of trafficking victims and their family members, including by confiscating the passports of Indians who received a visa from a foreign government indicating the person was a trafficking victim in the foreign country or was a family member of a victim. The government revised this policy in 2015 to allow these victims and their families to renew their passports and travel if documentation of the victim's trafficking experience was provided and the Indian government determined the person to be a trafficking victim. However, some victims continued to cite lengthy delays, requests from the government for private or otherwise sensitive information, and inconsistent application of the policy when attempting to renew their passports. In 2016, the government stamped the passports of some recipients of the foreign government's visas, for both trafficking victims and their eligible family members, identifying them as trafficking victims involved in a particular investigation, civil, or criminal case. While the stamp requested authorities permit the visa holder to travel without hindrance, some NGOs familiar with this practice noted it made some victims fearful of reprisal and penalization and served as a deterrent to victims interacting with authorities.

## PREVENTION

The government maintained overall efforts to prevent human trafficking. The government did not have a national action plan to combat trafficking; however, in January 2017, MWCD launched the national plan of action for children, which included plans to prevent and protect children from all forms of trafficking and to conduct research and analysis. The central advisory committee to combat trafficking of women and children for commercial sexual exploitation is the government's lead authority on trafficking issues; it is unknown if the committee met during the reporting period. Some state governments had state-level action plans, taskforces, and MOUs to combat trafficking. MWCD and Ministry of Railways increased the number of railway stations hosting NGO staff to provide immediate support to unaccompanied children, who may be missing, abandoned, or runaways and are vulnerable to exploitation, including trafficking. In December 2016, the President launched an NGO campaign to end child labor, child trafficking, and violence against children. The government continued to publicly award civil society members for their work against human trafficking. Some state governments conducted anti-trafficking awareness campaigns or made in-kind contributions to NGO-run campaigns.

The government registered foreign recruitment agencies and Indian migrant workers through the eMigrate online system. MEA provided counseling and other resources to those considering migrant work at five resource centers in Chennai, Gurgaon, Hyderabad, Kochi, and Lucknow; it also administered a welfare fund in 43 Indian missions globally and provided shelter to migrants in distress in several countries in the Middle East. In October 2016, India and Bahrain signed an agreement to increase cooperation on organized crime, including human trafficking, and in January 2017, India and the United Arab Emirates signed a MOU to enhance prevention of human trafficking and the recovery and repatriation of trafficking victims. MEA funded the repatriation of Indian victims abroad through its mandatory insurance reserves, foreign employer security deposit policies, and receipts from overseas consular fees. The government permitted licensed foreign employment recruiters to charge migrant workers up to 20,000 INR (\$295) for recruitment fees and costs; however, observers stated migrant workers were frequently charged more than the maximum and obtained loans to pay the recruiters, thereby increasing their debt and vulnerability to labor exploitation. The government prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. MEA worked with the central bureau of investigation to address cases of recruitment fraud and trafficking allegations and frequently revoked recruitment licenses. Within India, some states regulated aspects of the informal labor sector, including the Jharkhand government, which passed legislation in November 2016 requiring employment placement agencies to be licensed and prohibiting recruitment fees for domestic work.

In November 2016 the government began a process of demonetization, removing 500 and 1,000 INR notes (\$7.37 and \$14.75) from circulation as legal tender. Some NGOs commented sex trafficking was temporarily reduced until other forms of payment were established—some NGOs reported a resultant increase in other methods of payment including online payments. Other NGOs stated workers in the informal economy, including brick kiln workers, were at times paid in void currency notes or were not paid at all due to cash shortages—both situations subsequently increased the workers' vulnerability to debt bondage and forced labor. In February 2017, the national human rights commission held a two-day

seminar on the prevalence of bonded labor and challenges to its elimination. The government provided for the reimbursement of 450,000 INR (\$6,640) per district for a census of bonded labor in its May 2016 revision of the bonded laborers rehabilitation program. Despite India being a destination for child sex tourism, the government did not report measures to reduce child sex tourism. The government also did not report efforts to reduce the demand for commercial sex acts or forced labor. The Indian military conducted training on trafficking for its personnel before deployment on peacekeeping or similar missions. The government did not provide information about any anti-trafficking training provided to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the last five years, India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Forced labor constitutes India's largest trafficking problem; men, women, and children in debt bondage—sometimes inherited from previous generations—are forced to work in brick kilns, rice mills, agriculture, and embroidery factories. Most of India's trafficking problem is internal, and those from the most disadvantaged social strata—lowest caste *Dalits*, members of tribal communities, religious minorities, and women and girls from excluded groups—are most vulnerable. Within India, some are subjected to forced labor in sectors such as construction, steel, and textile industries, wire manufacturing for underground cables, biscuit factories, pickling, floriculture, fish farms, and ship breaking. Thousands of unregulated work placement agencies reportedly lure adults and children under false promises of employment into sex trafficking or forced labor, including domestic servitude.

In addition to bonded labor, some children are subjected to forced labor as factory and agricultural workers, carpet weavers, domestic servants, and beggars. Begging ringleaders sometimes maim children to earn more money. Some NGOs and media report girls are sold and forced to conceive and deliver babies for sale. The "Provident Funds" or "*Sumangali*" scheme in Tamil Nadu, in which employers pay young women a lump sum, used for education or a dowry, at the end of multi-year labor contracts may amount to conditions of forced labor. Separatist groups, such as the Maoists in Bihar, Chhattisgarh, Jharkhand, Maharashtra, West Bengal, and Odisha, force some children, reportedly as young as 6 years old, to act as spies and couriers, plant improvised explosive devices, and fight against the government.

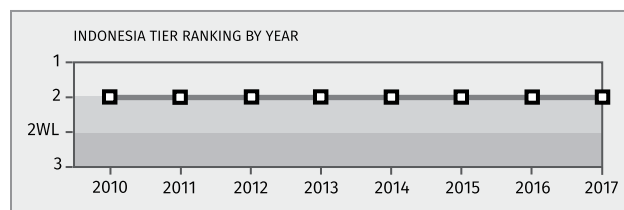
Experts estimate millions of women and children are victims of sex trafficking in India. Traffickers use false promises of employment or arrange sham marriages in India or Gulf States and subject women and girls to sex trafficking. In addition to traditional red light districts, women and children increasingly endure sex trafficking in small hotels, vehicles, huts, and private residences. Traffickers increasingly use websites, mobile applications, and online money transfers to facilitate commercial sex. Children continue to be subjected to sex trafficking in religious pilgrimage centers and by foreign travelers in tourist destinations. Many women and girls, predominately from Nepal and Bangladesh, and from Europe, Central Asia, Africa, and Asia, including minority populations from Burma, are subjected to sex trafficking in India. Prime destinations for both Indian and foreign female trafficking victims include Kolkata, Mumbai, Delhi, Gujarat, Hyderabad, and along the India-Nepal border; Nepali women and girls are increasingly subjected to sex trafficking in Assam, and other cities such as Nagpur and Pune. Some corrupt law enforcement officers protect suspected

traffickers and brothel owners from law enforcement efforts, take bribes from sex trafficking establishments and sexual services from victims, and tip off sex and labor traffickers to impede rescue efforts.

Some Indian migrants who willingly seek employment in construction, domestic service, and other low-skilled sectors in the Middle East and, to a lesser extent, other regions, face forced labor, often following recruitment fraud and exorbitant recruitment fees charged by labor brokers. Some Bangladeshi migrants are subjected to forced labor in India through recruitment fraud and debt bondage. Some Nepali, Bangladeshi, and Afghan women and girls are subjected to both labor and sex trafficking in major Indian cities. Following the 2015 Nepal earthquakes, Nepali women who transit through India are increasingly subjected to trafficking in the Middle East and Africa. Some boys from Bihar and Uttar Pradesh are subjected to forced labor in embroidery factories in Nepal. Burmese Rohingya, Sri Lankan Tamil, and other refugee populations continue to be vulnerable to forced labor in India.

## INDONESIA: TIER 2

The Government of Indonesia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Indonesia remained on Tier 2. The government demonstrated increasing efforts by obtaining more convictions for trafficking offenses, conducting training for officials and public awareness campaigns targeted to communities at higher risk of trafficking, and creating new mechanisms to strengthen its victim identification procedures in furtherance of its 2015-2019 National Action Plan to Eradicate Trafficking in Persons. However, the government did not meet the minimum standards in several key areas. Officials' unfamiliarity with trafficking indicators and anti-trafficking laws impaired proactive victim identification among vulnerable populations and law enforcement efforts. Inadequate data collection, information sharing, and coordination among government agencies hampered implementation of the national anti-trafficking strategy, and blanket regional labor migration restrictions incentivized widespread emigration through illicit channels rife with trafficking vulnerabilities. Despite endemic corruption among officials that impedes anti-trafficking efforts and enables traffickers to operate with impunity, only two officials were prosecuted for trafficking offenses.



## RECOMMENDATIONS FOR INDONESIA

Increase efforts to investigate, prosecute, and convict labor recruitment agencies, brokers, and corrupt public officials involved in trafficking; develop and implement procedures to identify potential victims among vulnerable groups, including returning migrant workers, persons in prostitution, and fishing vessel crew members; train marine ministry staff and labor inspectors on victim identification and referral procedures;



provide anti-trafficking training for judges, prosecutors, police, and social workers; take steps to eliminate recruitment fees charged to workers by labor recruiters; proactively offer identified victims reintegration services; promote safe and legal migration with trafficking prevention measures; increase resources for the anti-trafficking taskforce and improve its coordination across ministries; establish a data collection system to track anti-trafficking efforts at all levels of law enforcement; train hospital staff and other health care providers about provisions guaranteeing government-funded care for trafficking victims; and create a national protocol that clarifies roles for prosecuting trafficking cases outside victims' home provinces.

## PROSECUTION

The government increased some law enforcement efforts. The 2007 anti-trafficking law prohibits all forms of trafficking and prescribes penalties of three to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December, the Supreme Court issued a new regulation expanding the courts' ability to prosecute corporations for complicity in trafficking. NGOs and officials reported corruption continues to obstruct the government's ability to increase trafficking prosecutions, including against trafficking syndicate leaders. Corrupt officials reportedly continued to facilitate the issuance of false documents, accept bribes to allow brokers to transport undocumented migrants across borders, protect venues where sex trafficking occurs, practice weak oversight of recruitment agencies, and thwart law enforcement and judicial processes to hold traffickers accountable. Despite these trends, the government initiated prosecutions against only two low-level officials for complicity in trafficking offenses.

In June 2016, the government issued a regulation that aimed to improve coordination and cooperation between ministries and increase prosecutions for trafficking offenses. However, officials reported ineffective coordination among police, witnesses, prosecutors, and judges continued to hinder the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved numerous jurisdictions or other countries. Mediation outside of court also impeded successful prosecutions, as victims were generally unwilling to participate in criminal proceedings if they or their families received financial settlements from traffickers. The Supreme Court implemented a comprehensive prosecutorial recordkeeping mechanism, but statistical discrepancies continued due to lack of coordination with law enforcement entities, whose own informal self-monitoring practices remained underdeveloped, and due to the decentralized nature of Indonesia's court system. This dynamic, along with incomplete knowledge of the anti-trafficking law and its scope among law enforcement and judicial authorities, impaired the determination of the total number of anti-trafficking investigations, prosecutions, and convictions.

The anti-trafficking unit of the Indonesian national police reported 110 new trafficking investigations during 2016—a decrease from 221 reported the previous year, though figures from 2015 may have included forced marriage or organ trafficking cases. The Supreme Court reported 256 convictions, compared to 119 the previous year; convictions included sentences up to seven years. The police reported referring 46 cases to prosecution, compared with 66 in 2015; the perpetrators in at least 30 of the 46 cases were convicted. The other 16 cases are still being deliberated in the courts. In December, the Ministry of Foreign Affairs (MFA) conducted training for 25 investigators and prosecutors in three key provinces

on the 2007 anti-trafficking law. Still, a lack of familiarity with the anti-trafficking law led some prosecutors and judges throughout the country to decline cases or use other laws to prosecute traffickers. During the reporting period, the police investigated a high-profile trafficking case involving a migrant worker from East Nusa Tenggara (NTT) who had committed suicide in Kuala Lumpur. The president instructed the police anti-trafficking unit and local authorities to conduct a joint investigation of trafficking syndicates operating in NTT, where they succeeded in arresting 16 suspects—recruiters, travel document forgers, and airport ground handlers all connected to seven previously unknown trafficking syndicates—throughout Indonesia. Among the arrestees were two immigration officers suspected of complicity in trafficking; their prosecutions were ongoing at the end of the reporting period. In a separate case, a suspect arrested for operating an online prostitution business was convicted under the anti-trafficking law and sentenced to four years in prison, along with a fine of 120 million rupiah (\$8,969). During the reporting period, authorities continued to investigate five of the companies involved in subjecting hundreds of Burmese fishermen to forced labor on fishing boats in Ambon in 2015. The government convicted a child sex tourist from Australia and sentenced him to 15 years in jail under the Child Protection Law.

## PROTECTION

The government maintained protection efforts. Officials did not collect comprehensive data on victims identified, but disparate government entities sometimes reported their own statistics. In 2016, the Ministry of Women's Empowerment and Child Protection (MoWECP) reported partnering with a communications company to collate open source information on 943 trafficking victims featured in 65 print, online, and broadcast media sources as an attempt to broaden victim identification methods. Separately, the Commission for the Protection of Children officially identified 307 child trafficking victims. However, it was unclear if either of these processes led to investigations or the provision of victim protective services. The government's overseas crisis center complaint system received 4,761 complaints from workers placed overseas, including 56 confirmed trafficking cases and 1,928 cases with trafficking indicators. Although the government reportedly initiated investigations based on these complaints, figures were unavailable. The government body managing this complaint system also led an interagency effort to establish five integrated one-stop service centers to assist and educate Indonesians aiming to travel abroad for work and those returning from overseas. One of the service centers reported assisting 4,500 deportees with safe migration education, renewal of passports, working visas, and reintegration services. An international organization partnered with the government to identify and provide services to 336 Indonesian and foreign trafficking victims, including 159 individuals subjected to trafficking in the fishing industry. The MFA also assisted 478 Indonesian trafficking victims overseas through its consulates and embassies—an increase from 413 in the previous reporting period. In 2016, the MFA repatriated 13,714 Indonesian nationals, and foreign governments deported 27,855, compared to 9,039 repatriations and 85,490 deportations in 2015. The MFA screened for and positively identified 602 Indonesian trafficking victims among these two figures, compared to 541 in 2015, and directly assisted in the repatriation of 460 of them, compared to 306 in 2015. It secured a total of \$240,398 in restitution for these victims, provided them with short-term shelter and other services upon return, and referred them to local government entities for further care.

While the government had standard operating procedures for proactive victim identification, it did not consistently employ them, nor did it follow positive identification with investigative or protective procedures in a majority of cases. It continued to rely on international organizations and NGOs to identify victims, especially foreign victims in Indonesia, and to supplement the protective services it funded. Although the government ratified the ILO Maritime Labor Convention in September and established a fishing vessel victim screening protocol in 2015, it did not uniformly adhere to either mechanism during the reporting period. The government continued to work with NGOs to identify trafficking victims among the crews of ships grounded or destroyed as part of the 2014 moratorium on illegal fishing vessels, but figures were unavailable at the end of the reporting period.

The government initiated new mechanisms to facilitate improved victim protection services throughout the reporting period, but it was unclear how often it used these mechanisms. In January, the MFA collaborated with industry and civil society, including migrant worker advocacy groups, to launch a mobile application that provided safe travel tips, a social media platform, and a panic button in case of emergencies for Indonesian citizens traveling abroad. The application connects users to the MFA's hotline and the closest Indonesian overseas embassies and consulates. In April, the MFA established a taskforce to encourage undocumented and overstay Indonesian migrant workers to request repatriation. The Ministry of Home Affairs also issued formal instructions to allocate funding for district-level anti-trafficking taskforces to facilitate victim repatriation. For the fourth year in a row, a draft law on the protection of domestic workers in Indonesia stalled in the national legislature. An international organization reported trafficking victims were often unaware of government reintegration services, and follow-up services for victims who had departed shelters remained insufficient. The Ministry of Health was responsible for paying victims' health care, which national police hospitals were obligated to provide free of charge; NGOs and government officials reported some hospital staff were unaware of this duty or unwilling to provide care without compensation.

During the reporting period, the government's witness protection unit provided legal assistance to at least 165 trafficking victims, compared to 88 in 2015. Since multiple agencies provided legal assistance with varying degrees of adherence to recordkeeping protocols, the total number who received such aid is unknown. The law allows victims to obtain restitution from their traffickers, and most of the victims involved in 152 cases received compensation during the year. There were no reports that the government punished victims for crimes committed as a result of being subjected to trafficking, but inadequate efforts to screen vulnerable groups for trafficking indicators, including during raids to arrest persons in prostitution or combat illegal fishing, may have resulted in the punishment or deportation of unidentified trafficking victims. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

## PREVENTION

The government increased efforts to prevent trafficking. Most prevention efforts occurred at the district and provincial levels; taskforce funding and activities varied greatly across regions. During the reporting period, the National Anti-trafficking Taskforce, housed within MoWECF, drafted and circulated localized trafficking prevention and case management instructions for seven high-risk provinces. The taskforce met

its goal of establishing provincial-level taskforces in all 34 provinces—up from 31 in 2015—and increased the number of local and district-level taskforces from 191 to 196. MoWECF also established community watch groups in 25 villages in five regencies throughout Indonesia. Insufficient funding and lack of coordination within and between local taskforces and with the national taskforce at times impeded anti-trafficking efforts. In June, the government issued new regulations to improve coordination between ministries to prevent trafficking in furtherance of its national action plan, and in August promulgated a seven-ministry MOU on preventing the trafficking of Indonesians overseas. The government unveiled new policies and mechanisms aimed at preventing trafficking in the fishing industry, including two formal regulations on human rights certifications for fishing companies and a fishing industry training academy featuring trafficking-specific curriculum materials. The government also engaged in income-generating, awareness-raising, and capacity building activities targeted to communities at higher risk of trafficking, including in economically challenged rural and border regions. The Ministry of Education and Culture conducted training workshops for more than 80 education stakeholders, and the government-funded 26 NGOs in 13 provinces to implement these trainings. The MFA carried out public awareness campaigns in 19 migrant worker source regions throughout Indonesia, as well as in primary destinations, including Saudi Arabia, China, South Korea, Taiwan, Hong Kong, Singapore, Malaysia, and Brunei. The MFA, in collaboration with six other ministries, produced and disseminated an anti-trafficking campaign video for social media users. In 2016, the president issued a policy directive barring Indonesian women from working as maids in Malaysia beginning in 2017. The government continued its moratorium on permits for Indonesians to seek domestic work in 21 countries in the Middle East, and it expanded the ban to include Malaysia. According to NGOs, the ban had the unintended consequence of incentivizing an increase in Indonesian labor migration to these regions through illicit and often dangerous recruitment and smuggling channels that could have made them more vulnerable to trafficking.

During the reporting period, the labor ministry revoked the licenses of 29 private labor recruitment agencies suspected of trafficking or other illegal practices and suspended an additional 191 agencies pending review, compared to 24 revocations and eight suspensions in 2015. These actions did not lead to criminal investigations or prosecutions, although one of the agencies was confirmed to have been directly involved in trafficking. The government made efforts to reduce the demand for forced labor and commercial sex acts, including through continued use of a system developed to track money laundering among known criminal networks—some of which are connected to sex tourism. It provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions, and it conducted training on trafficking victim identification and domestic migrant worker protections for diplomatic personnel.

## TRAFFICKING PROFILE

As reported the previous five years, Indonesia is a major source, and to a much lesser extent, destination and transit country for women, men, and children subjected to forced labor and sex trafficking. Each of its 34 provinces is a source and destination of trafficking. The government estimates 1.9 million of the 4.5 million Indonesians working abroad—many of whom are women—are undocumented or have overstayed their visas, increasing their vulnerability to trafficking. The actual figure

is likely higher, as a significant number of migrant workers traditionally circumvent government overseas placement and permitting requirements, often at the instigation of traffickers. A significant number of Indonesians are exploited in forced labor and debt bondage in Asia and the Middle East, primarily in domestic service, factories, construction, and manufacturing, on Malaysian palm oil plantations, and on fishing vessels throughout the Indian and Pacific Oceans. Malaysia remains the top destination for Indonesian migrant workers; the government estimates more than one million of the 1.9 million Indonesian workers in irregular status are in Malaysia. Undocumented workers are at greater risk for trafficking. During the reporting period, Indonesian victims were also identified in the Pacific Islands, Africa, Europe, and North America (including the United States). Indonesian women and girls are subjected to sex trafficking primarily in Malaysia, Taiwan, and the Middle East.

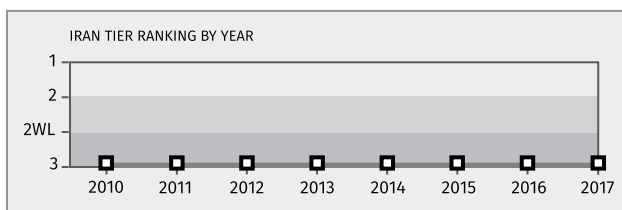
There were extensive reports of Indonesian fisherman in forced labor on Chinese and Taiwanese trawlers in 2016. Many of these vessels belong to Thai parent companies operating under the auspices of Thai-Indonesian shell companies, and utilized double-flagging and other illicit methods to contravene interception by the Indonesian authorities—a byproduct of the government's 2014 moratorium on foreign fishing vessels. Taiwanese companies work with dozens of recruitment agencies in Burma, Indonesia, and Thailand to hire fisherman, assign them fake Thai identity and labor permit documents, and force them to fish long hours in Indonesian waters for low or unpaid salaries while incurring severe physical abuse, including in the waters surrounding Benjina and Ambon. The shell companies prohibit the fishermen from leaving their vessels and reporting these abuses by threatening to expose their fake identities to the authorities or by detaining them on land in makeshift prisons. Reports continued of Indonesian fishermen subjected to labor trafficking on board South Korean fishing vessels in non-Indonesian waters, where similar practices of coercion and deprivation are not uncommon.

NGOs estimate labor recruiters are responsible for more than half of Indonesian female trafficking cases overseas. The government and NGOs note that, as awareness of trafficking increases, traffickers are recruiting more victims from eastern Indonesian provinces with lower general awareness of the crime. Migrant workers often accumulate significant debt from both Indonesian and overseas labor recruitment outfits, making them vulnerable to debt bondage. Some companies use debt bondage, withholding of documents, and threats of violence to keep migrants in forced labor. Endemic corruption among government officials facilitates practices that contribute to trafficking vulnerabilities in the travel, hospitality, and labor recruitment industries.

In Indonesia, women, men, and children are exploited in forced labor in fishing, fish processing, and construction; on plantations, including palm oil; and in mining and manufacturing. Many women and girls are exploited in domestic servitude and sex trafficking. Victims are often recruited with offers of jobs in restaurants, factories, or domestic service, but are subjected to sex trafficking. Debt bondage is particularly prevalent among sex trafficking victims. Women and girls are subjected to sex trafficking near mining operations in Maluku, Papua, and Jami provinces. Child sex tourism is prevalent in the Riau Islands bordering Singapore, and Bali is a destination for Indonesians traveling to engage in child sex tourism.

## IRAN: TIER 3

The Government of Iran does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Iran remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including operating some centers where trafficking victims reportedly could receive assistance. The government also agreed to improve cooperation with a few countries in the region to combat trafficking. However, as in previous reporting periods, the government did not share information on its anti-trafficking efforts. Public information from NGOs, the media, and international organizations indicate the government did not take significant steps to address its extensive trafficking problem. Trafficking victims remained highly vulnerable to punishment, including death, for unlawful acts committed as a direct result of being subjected to trafficking. Allegations continued that Iranian officials coerced Afghan men into combat roles in Syria, and the Iranian government provided financial support to militias fighting in Iraq that recruited and used child soldiers.



## RECOMMENDATIONS FOR IRAN

Cease coercing individuals into combat in Syria and cease support for armed militias that recruit and use children in Iraq; ensure sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking; while respecting due process, investigate and prosecute sex trafficking and forced labor cases; institute procedures to identify trafficking victims, particularly among vulnerable populations such as persons in prostitution, street children, and undocumented migrants; offer specialized protection services to trafficking victims, including shelter and medical, psychological, and legal assistance; develop partnerships with international organizations to combat trafficking; increase transparency of anti-trafficking policies and activities; and become a party to the 2000 UN TIP Protocol.

## PROSECUTION

The government did not report anti-trafficking law enforcement efforts and officials continued to be complicit in trafficking crimes. Human rights activists reported the government did not initiate anti-trafficking investigations due to a lack of political will and widespread corruption. Iranian law does not prohibit all forms of trafficking. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power, or abuse of a victim's position of vulnerability for purposes of prostitution, slavery, or forced marriage. The prescribed penalty under this law is up to 10 years imprisonment for the trafficking of adults and capital punishment for offenses against children. Both penalties are sufficiently stringent. The penalty for the trafficking of adults, however, is not commensurate with penalties prescribed under Iranian law for rape. The constitution and labor code prohibit forced labor and debt bondage, but the



prescribed penalty of a fine and up to a one-year imprisonment is not sufficiently stringent. Courts accord legal testimony by women only half the weight accorded to the testimony by men, thereby restricting female trafficking victims' access to justice. Moreover, female victims of sexual abuse, including sex trafficking victims, were subject to prosecution for adultery, which is defined as sexual relations outside of marriage and is punishable by death. The government did not report statistics on investigations, prosecutions, or convictions of traffickers. There is no evidence the government held complicit officials accountable for trafficking offenses, despite widespread reports of Iranian officials alleged complicity in the coerced recruitment and use of Afghan men for combat. The government did not report providing anti-trafficking training to its officials.

## PROTECTION

The government made few efforts to protect trafficking victims. There was no evidence the government identified or provided appropriate protection services to any trafficking victims during the reporting period. The government reportedly continued to punish trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as adultery, prostitution, and illegal immigration. The government did not distinguish between trafficking victims, those seeking refugee status, and undocumented immigrants, and held foreign trafficking victims in detention centers and jails pending deportation, where some experienced severe physical abuse that sometimes led to death. The government did not protect Afghan refugees from coerced recruitment by Iranian officials for combat in Syria; authorities detained and deported refugees who refused recruitment.

The government did not operate shelters for trafficking victims. However, the Iranian state welfare organization reportedly operated emergency centers for persons at risk of trafficking, which offered counseling, legal services, and healthcare; however, it was unknown whether the government assisted trafficking victims at these centers in 2016 because it did not report this data. Though government-operated health clinics also reportedly offered health services to potential trafficking victims, it was unknown whether the government provided services to any victims in these clinics in 2016 because it did not report this data. The government did not appear to provide other social or legal protection services for trafficking victims and it was not clear if it provided support to NGOs providing limited services to victims. The government did not encourage trafficking victims to assist in the investigation or prosecution of traffickers and did not provide witness support services. It did not provide foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

## PREVENTION

The government made negligible efforts to prevent human trafficking. The government made no efforts to prevent its officials from coercing Afghan refugees to serve in combat brigades deployed to Syria. The government did not have a national coordinating body or agency leading its anti-trafficking efforts, nor did it dedicate resources to address human trafficking in the country. The government did not improve transparency on its anti-trafficking policies or activities, nor did it make discernible efforts to partner with NGOs or international organizations to combat human trafficking. In 2016, the government agreed to improve cooperation to combat trafficking with Poland, Spain, and Turkey in 2016. The government made

no discernible efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism by Iranian citizens traveling abroad. The government did not implement anti-trafficking awareness campaigns. Children of Afghan refugees—either registered or unregistered—continued to have difficulty obtaining legal documentation, while children born to Iranian mothers and non-Iranian fathers were not Iranian citizens under law and therefore remained undocumented; these policies increased these populations' vulnerability to exploitation. There was no evidence the government provided anti-trafficking training for its diplomatic personnel. The government has not ratified the UN Convention against Transnational Organized Crime, and Iran is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Organized groups reportedly subject Iranian women, boys, and girls to sex trafficking in Iran, Afghanistan, the Iraqi Kurdistan Region (IKR), Pakistan, United Arab Emirates (UAE), and Europe. Some Iranian women, who seek employment to support their families in Iran, are vulnerable to sex trafficking. Iranian girls between the ages of 13 and 17 are targeted by traffickers for sale abroad; younger girls may be forced into domestic service until their traffickers consider them old enough to be subjected to child sex trafficking. In 2016, there was a reported increase in young Iranian women in prostitution in Dubai; some of these women may be trafficking victims. From 2009-2015, the transport of girls from and through Iran en route to other Persian Gulf states for sexual exploitation reportedly increased. Iranian girls were subjected to sex trafficking in brothels in the IKR, especially Sulaimaniya; in some cases this exploitation was facilitated by Iranian trafficking networks. In 2015, the media reported Kurdistan Regional Government officials were among the clients of these brothels. In Tehran, Tabriz, and Astara, the number of teenage girls exploited in sex trafficking reportedly continues to increase. "Temporary" or "short-term" marriages lasting from one hour to one week—for the purpose of commercial sexual exploitation—are reportedly increasing in Iran. Trafficking rings reportedly use Shiraz, Iran, as a transit point to bring ethnic Azeri girls from Azerbaijan to the UAE for commercial sexual exploitation. Street children in Iran are highly vulnerable to trafficking. Organized criminal groups kidnap or purchase and force Iranian and migrant children, especially Afghan refugee children, to work as beggars and street vendors in cities, including Tehran. These children, who may be as young as three years old, are coerced through physical and sexual abuse and drug addiction.

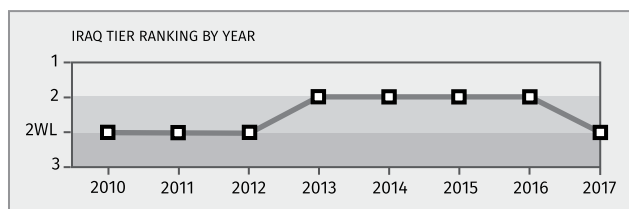
Afghan migrants and refugees, including children, are highly vulnerable to forced labor, debt bondage, and sex trafficking, while Pakistani migrants are also vulnerable to forced labor in Iran. Afghan boys in Iran are vulnerable to sexual abuse by their employers and harassment or blackmailing by the Iranian security service and other government officials. Traffickers subject Afghan migrants, including children, to forced labor in construction and agriculture in Iran. Trafficking networks smuggle Afghan nationals living in Iran to Europe and force them to work in restaurants to pay off debts incurred by smuggling fees. Pakistani men and women migrants in low-skilled employment, such as domestic work and construction, are targeted by organized groups and subjected to forced labor, debt bondage, restriction of movement, non-payment of wages, and physical or sexual abuse. Increasingly, despite labor code protections for registered foreign workers, employers seek adjustable contracts that increase these workers' vulnerability

to exploitative work practices such as coerced overtime and denial of work benefits.

In 2016, an international organization and the media reported the Iranian government and the Islamic Revolutionary Guards Corps (IRGC) coerced male Afghans resident in Iran, including migrants and refugees, to fight in military brigades deployed to Syria by threatening them with arrest and deportation to Afghanistan. In 2015 and 2016, the Iranian government provided funding to the militia Asa'ib Ahl al-Haq—also known as the League of the Righteous—which reportedly organized training camps for high school and university students, some of whom may be under the age of 18, in southern Iraq. According to an Iraq-based source, the Iranian government also provides funding to the militia Abu Fadhl al-Abbas Brigades, which used children in combat on the front-line in Fallujah, Iraq.

## IRAQ: TIER 2 WATCH LIST

The Government of Iraq does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by providing financial compensation to trafficking victims taken captive and exploited by ISIS, while the Defeat-ISIS Campaign—led by the Iraqi government—contributed to the release of women and children held captive by ISIS, most of whom were likely trafficking victims. The government also improved its institutional capacity to investigate trafficking crimes. However, the government did not demonstrate increasing efforts compared to the previous reporting period. There continued to be reports alleging the Popular Mobilization Forces (PMF) and tribal forces recruited and used child soldiers; some PMF units received financial and material support from the Iraqi government in 2016. The government did not provide protection services to children recruited and used as soldiers by various armed groups, including ISIS, rendering these children vulnerable to abuse and arrest by security forces. There were some reports indicating the government continued to punish and deport victims of forced labor and sex trafficking. In addition, the government did not report identifying any trafficking victims, which was a decline from the previous reporting period. NGOs were not legally permitted to operate trafficking shelters, and some that did so were subject to legal action by the government. Therefore, Iraq was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR IRAQ

Continue to make efforts to stop the recruitment and use of child soldiers by the PMF and tribal forces, hold complicit individuals accountable for child soldiering, and provide protection services to child soldiers; ensure trafficking victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as prostitution, immigration violations, and child soldiering; increase adequate and unhindered access

to protection services for victims of all forms of trafficking and their children, including trauma and psycho-social counseling, and medical care, long-term shelter, reintegration services, employment training, and financial assistance in Iraq and the Iraqi Kurdistan Region (IKR); finalize regulations to enable full implementation of the anti-trafficking law; make significant efforts to investigate, prosecute, convict, and stringently sentence traffickers, including complicit government officials, even when victims do not press charges or participate in legal proceedings against their trafficker; develop and institute guidelines for proactive victim identification and referral to protection services, and train government officials on these procedures; ensure staff at the government-run shelter in Baghdad are adequately trained on victim identification and protection; establish a legal framework for NGOs to operate shelters for victims and provide in-kind support to such organizations; amend the anti-trafficking law to prohibit and punish all forms of trafficking consistent with the 2000 UN TIP Protocol; and establish and implement a legal framework in the IKR that criminalizes all forms of human trafficking and prescribes sufficiently stringent penalties.

## PROSECUTION

The government maintained law enforcement efforts, but it did not adequately prosecute those complicit in the recruitment and use of children within the PMF. Iraq's 2012 anti-trafficking law does not prohibit all forms of human trafficking. The law's definition of human trafficking is not consistent with the 2000 UN TIP Protocol; it requires a monetary transaction and does not consider the facilitation of "child prostitution" a trafficking crime. An article in the penal code does criminalize "the prostitution of a child" and provides a penalty of up to 10 years imprisonment, which is sufficiently stringent to deter the crime, although not commensurate with the penalties prescribed for rape. The anti-trafficking law prescribes penalties for sex trafficking that range from temporary imprisonment and a fine to the death penalty, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Penalties for labor trafficking range from temporary imprisonment and a fine to the death penalty, which are sufficiently stringent. The labor law conflicts with the anti-trafficking law, as its penalties include a fine and imprisonment not exceeding six months, which are not sufficiently stringent. The government continued to lack implementing regulations for the anti-trafficking law, hindering its ability to enforce the law, bring traffickers to justice, and protect victims. The Kurdistan Regional Government (KRG) did not have a law that specifically prohibited all forms of human trafficking, nor did it endorse or adopt the Iraqi government's anti-trafficking law.

The government reported investigating 314 potential trafficking cases, 17 of which were prosecuted and received a final verdict; however, it did not report the details of these cases. Nineteen of the 314 cases were still under investigation at the end of the reporting period. The government reported that Iraqi courts upheld the convictions in 221 trafficking cases, some of which were initiated in previous reporting periods, but it did not provide the details of these cases to determine if any trafficking offenders received adequate and stringent sentences to deter the crime. In comparison, in 2015 the government prosecuted 113 offenders and convicted 29 traffickers. According to NGOs, the government did not initiate a trafficking prosecution unless a victim pressed charges, yet most victims did not do so because they did not know the identity of their trafficker or were fearful of retaliation. From March 2015 to January 2017—a timeframe that partially runs outside of the reporting period—the KRG

reported conducting 71 investigations of employment firms allegedly involved in abuses of foreign workers, and issued financial penalties or suspended operations of 22 companies; however, none of these investigations resulted in criminal prosecution. In August 2016, KRG authorities conducted an investigation into 2015 allegations that some Asayish officials allegedly ignored, or may have accepted bribes to ignore, cases of “temporary” marriages among girls in Domiz refugee camp. Although the investigation reportedly found cases of “temporary” marriage, it did not uncover any cases of sex trafficking inside the camp nor hold criminally accountable officials for their alleged involvement in these arrangements, which can lead to sexual exploitation. The Iraqi government denied allegations reported over several years that officials were complicit in trafficking crimes, including among law enforcement, internal security forces, and paramilitary forces in Iraq or the IKR; however, the government did not receive reports of officials complicit in trafficking crimes in 2016.

The Iraqi government did not provide information on efforts to prosecute members of the PMF for credible reports of recruitment and use of children. The PMF are composed primarily of Shia militias that generally support government security objectives, but also include Sunni and other tribal volunteers. Many PMF elements were formed in response to Grand Ayatollah Sistani’s 2014 *fatwa* to defend Iraq against ISIS, though a large segment instead represent pre-2014 Shia militias—many of which are partially supported by Iran—that have taken on the PMF moniker. In 2016, some PMF units received financial and material support from the Iraqi government, and a February 2016 order from the Iraqi prime minister declared the PMF to be formally affiliated with the Iraqi armed forces. In December 2016, the Iraqi prime minister signed a law that formalized the status of the Popular Mobilization Commission, an umbrella organization for the PMF, as a component of the Iraqi armed services. This law is intended to bring the PMF under government control once the law is fully implemented. In August 2016, the Iraqi government conducted an investigation into credible allegations that government-supported local tribal forces recruited children out of Debaga IDP camp. The government, however, did not provide information of the result of this investigation and whether it prosecuted the alleged perpetrators for child soldier recruitment.

Violence and security challenges, lack of control over parts of the country, budget constraints, and an influx of IDPs and refugees, particularly in the IKR, continued to severely hinder the Iraqi government’s ability to combat trafficking. Nevertheless, the Ministry of Interior’s (MOI) anti-trafficking department remained active during the reporting period. In June 2016, the KRG designated sub-committees of police and judicial officials focused on investigating sex trafficking in each IKR province. In December 2016, the IKR Judicial Council created investigative courts in each province to handle human trafficking cases; however, the KRG did not report how many investigations these sub-committees or courts conducted. The Iraqi government, in partnership with NGOs, continued to provide anti-trafficking trainings to officials. However, the government’s inter-ministerial anti-trafficking committee, which included a representative from the KRG MOI, reported judges and first responders lacked understanding of the anti-trafficking law and did not adequately implement it or protect victims during legal proceedings. Iraqi police continued to conflate human trafficking with crimes of prostitution, begging, and illegal migration.

## PROTECTION

The government continued to identify and provide protection services to women and children exploited by ISIS, but it did not provide information on efforts to identify and provide adequate protection services to victims of other forms of trafficking, including child soldiers. The Iraqi government did not report identifying any trafficking victims in 2016, which was a decline from the 40 identified in the previous reporting period. In 2016, the KRG facilitated the release of approximately 900 Yezidis held captive by ISIS, out of a cumulative total of 2,900 freed since 2014, most of whom were likely trafficking victims. The KRG also reported receiving an unknown number of victim referrals from the embassies of the Philippines and Indonesia requesting assistance, and the KRG provided the victims with temporary shelter and repatriation. The Iraqi government did not have formal procedures for proactively identifying trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution, or for the referral of victims to appropriate protection services. However, NGOs reported that some Iraqi law enforcement officials referred victims to protection services. The KRG continued to rely on victims identifying themselves to authorities, referring for services only those who participated in legal proceedings against their traffickers. Throughout the reporting period, trafficking victims continued to be vulnerable to arrest, imprisonment, abuse, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution, immigration violations, and child soldiering. An international organization reported that KRG authorities arrested, detained, and interrogated approximately 180 child soldiers between the ages of 11 and 17 years old for their alleged association to ISIS; 17 of those interviewed reported torture during interrogation. Sentences for prostitution violations in Iraqi courts—including for children—were excessive, ranging from 15 years to life imprisonment. Iraqi authorities continued to forcibly deport foreign migrant workers for overstaying their visas, with no effort to screen this vulnerable population for trafficking. However, an international organization reported the government provided repatriation services to an unknown number of forced labor victims in 2016.

The Iraqi government and the KRG provided limited protection services to victims of all forms of trafficking, and victim care varied by location. No facilities in Iraq or the IKR offered specialized services to child trafficking victims, including those recruited and used by armed groups—including ISIS, PMF, and tribal militias—or victims with disabilities. The Iraqi government continued to operate a trafficking shelter in Baghdad and trained shelter staff on psycho-social counseling and legal assistance; however, the shelter remained unused during the entire reporting period due to security concerns and a lack of funding to pay staff salaries. The government continued to operate some temporary shelters and holding facilities for foreign workers awaiting repatriation; however, these facilities did not provide appropriate services for victims and may have operated as detention centers. The Ministry of Health (MOH) continued to oversee the provision of medical and psychological assistance to trafficking victims in provincial health facilities, but it was unclear how many victims received these services during the reporting period. MOH hired and trained an unknown number of mental health professionals during the reporting period and provided private, confidential spaces in health facilities for patients to discuss their trauma. The government continued to operate 16 family protection units located in police stations around the country, which were responsible for assisting women and child victims of abuse and



trafficking. The units focused primarily on family reconciliation instead of victim protection and did not have a regular referral system; the government did not report if the units referred any trafficking victims to appropriate protective services in 2016.

The Iraqi parliament continued to make use of its emergency plan—initiated in May 2015—to implement UN Security Council Resolution 1325, which established a coordination mechanism to recover victims exploited by ISIS and provide survivors with protection, rehabilitation, compensation, and other forms of support. In 2016, the Iraqi government provided financial compensation to more than 700 Yezidis who were former ISIS captives through this compensation program. The KRG also continued to provide limited essential services to victims of ISIS, including shelter, rehabilitation, medical care, and psycho-social assistance. While the KRG continued to operate three women's shelters in the IKR that offered some assistance for trafficking victims—where space was limited and service delivery was poor—most victims at the shelters were victims of domestic violence. Syrian victims were denied access to these shelters unless they reported trafficking or other crimes to the police first, which prevented most Syrians from receiving assistance at the shelters.

The Iraqi government did not provide funding or in-kind assistance to NGOs providing victim care, but government officials cooperated with NGOs in limited cases to provide support to victims. NGOs were not allowed to legally operate shelters, but some continued operation without official approval; these facilities remained vulnerable to legal action by the government and threats of violence by extremist groups. Neither the Iraqi government nor the KRG encouraged victims to assist in investigations and prosecutions of trafficking offenders. NGOs reported that trafficking victims often did not pursue legal action against their traffickers due to lack of awareness of their legal rights or fear of retaliation. The government and the KRG did not provide foreign victims relief from deportation or offer legal alternatives to their removal to countries in which they may face hardship or retribution. The KRG did not offer special residency status benefits to foreign trafficking victims, but it reportedly did not deport victims unless they committed a crime.

## PREVENTION

The government made some efforts to prevent human trafficking, including making efforts to dissuade some PMF factions from recruiting children; however, the PMF reportedly continued to recruit and use children under the age of 18. Iraqi law prohibits voluntary recruitment of any person under age 18 into the governmental armed forces, including governmental paramilitary forces, militia groups, or other armed groups; however, in most cases the government faced security challenges to successfully prevent the recruitment and use of children by the PMF or other armed groups that received support from the government. The government also did not prevent PMF factions in southern Iraq from child recruitment and sponsoring military training camps for high school students, which included some children under the age of 18. However, to dissuade PMF commanders from accepting children who volunteer to fight for the PMF, the government refused to enroll child volunteers in payment programs and did not provide salaries for any child volunteers. Although there were no reports of child soldiers used within the Iraqi military including KRG Peshmerga or MOI forces, the government continued to provide training to military officers on child soldier issues.

The government's inter-ministerial anti-trafficking committee met several times in 2016. In 2016, the government did not have the financial resources to fund new anti-trafficking awareness campaigns, but it continued to work with NGOs on awareness campaigns. The anti-trafficking committee continued efforts to raise awareness about trafficking issues among religious organizations, NGOs, universities, and airports; it also made public statements on radio and television. The KRG also conducted several outreach events with foreign domestic workers to improve awareness of their rights. The Iraqi government continued to fund, operate, and publicize its anti-trafficking hotline, but it was unclear if it facilitated the identification of any victims during the reporting period. Similarly, the KRG operated a hotline where trafficking victims could seek assistance and report labor abuses. The Iraqi government took some efforts to reduce the demand for commercial sex acts; however, it did not take efforts to reduce the demand for forced labor or child sex tourism. The KRG took efforts to reduce the demand for forced labor. The government did not report if it provided anti-trafficking training or guidance for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Iraq is a source and destination country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor. The ongoing violent conflict with ISIS continues to gravely increase the population's vulnerability to trafficking, in particular women and children. As of January 2017, more than 3.03 million Iraqis were displaced across the country, and more than 225,000 Syrian refugees remained displaced in the IKR. ISIS militants have kidnapped and held captive thousands of women and children from a wide range of ethnic and religious groups, especially from the Yezidi community and continue to sell them to ISIS fighters in Iraq and Syria, where they are subjected to forced marriage, sexual slavery, rape, and domestic servitude. There are reports ISIS executed captives if they refused to marry fighters. The media has reported that ISIS sold some captives to wealthy individuals in Gulf countries, while unverified reports suggested that some Yezidi captives have been moved to Syria, Turkey, and Saudi Arabia. ISIS maintained an organized system to buy and sell women and girls for sexual slavery, including sales contracts notarized by ISIS-run courts. In 2015 and 2016, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape and sex trafficking—and became IDPs because ISIS still controlled their homelands; these victims remain highly vulnerable to various forms of exploitation, including re-trafficking.

Children remain highly vulnerable to forcible recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIS, the PMF, tribal forces, the Kurdistan Worker's Party (PKK), and Iran-backed militias. ISIS continued to abduct and forcibly recruit and use children in combat and support roles, including as human shields, informants, bomb makers, and suicide bombers; some of these children are as young as 8 years old and some are mentally disabled. In 2015 and 2016, an international organization and media reported that ISIS forced hundreds of boys from the Ninewa Governorate to guard checkpoints and serve as informants and suicide bombers. ISIS continued to train children at military training and indoctrination camps; numerous media reports and public videos show children attending these camps. In January 2017, international media and KRG sources reported that ISIS abducted 400 Yezidi children and trained them for combat roles, including as suicide bombers, while in the same

month ISIS abducted 150 children from Tal Afar and forcibly recruited them into a training camp.

NGOs, an international organization, and the media report factions of the PMF recruit and use children under the age of 18 in operations in Fallujah and other areas of the country, while PMF-affiliated media continue to celebrate the service and sacrifice of child soldiers. In April 2016, an international organization verified 12 reported cases of recruitment and use of children by militias affiliated with the PMF, and noted that some of those children had been killed in combat. In July 2016, an international organization also verified five additional cases of recruitment and use of children by militias affiliated with PMF units who took direct part in hostilities. Some PMF groups accepted children into their ranks from poor neighborhoods in Basrah, who leave school to “volunteer” for the PMF; many of them view this as fulfilling a religious duty, while others view it as a way to earn a living and gain greater social status. According to NGOs and tribal force commanders, children fighting with the PMF are unregistered and do not receive state benefits or regular salaries. In August 2016, an international NGO reported that Sunni tribal militias affiliated with the PMF had recruited at least seven children from the Debaga IDP camp in northern Iraq. Witness accounts reported that Iraqi Security Forces (ISF) members facilitated the recruitment of children from the camp. The PKK and Sinjar Resistance Units (YBS)—a Yezidi armed militia group—forcibly recruited and used Kurdish and Yezidi boys and girls, some as young as 12 years old, in combat and support roles in northern Iraq. According to an international organization and the media, the Iraqi government reportedly pays the salaries of the YBS.

Refugees and IDPs face heightened risk of trafficking due to their economic and social vulnerability. NGOs report trafficking networks in the IKR target refugees and IDPs, operating with assistance from local officials, including judges, officials from the Asayish forces, and border agents. In 2015, members of the IKR Parliament and NGOs reported some personnel from the Asayish forces facilitated the sex trafficking of women and girls in Syrian refugee camps in the IKR, primarily in Domiz refugee camp, as well as sex trafficking of girls outside of the camps. NGOs report Asayish guards not only allowed men to enter a camp to solicit commercial sex with refugee girls, but the guards also solicited sex from the refugee girls, including granting them permission to leave the camp in exchange for sex. Reports from 2015 indicated IDPs and some Syrian refugee women were forced into prostitution by a trafficking network in hotels and brothels in Baghdad, Basrah, and other cities in southern Iraq after agents of the network promised to resettle them from the IKR; the women’s children were also forced to beg on the street. Some Syrian refugee men entered into employment without legal work contracts in Iraq, which increased their vulnerability to trafficking. Some displaced Iraqi families reportedly sell their children to other families to secure better futures; these children are at risk of trafficking.

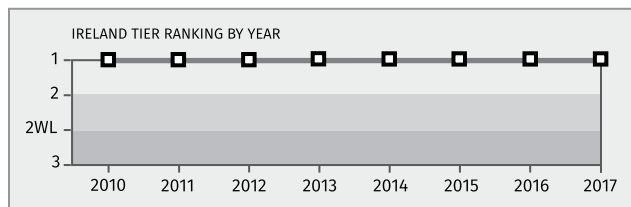
Traditional practices, including child forced and “temporary” marriages and *fasliya*—the exchange of family members to settle tribal disputes—also place women and girls at increased risk of trafficking within the country. For example, in October 2016, the media reported a girl from the Nada tribe in Maysan Province was forced to marry a man of another tribe as a resolution for the killing of a man by someone in the Nada tribe. Child protection organizations continue to report incidents of child marriage—which could increase a child’s vulnerability to exploitation—increased among IDPs and Syrian refugees in the IKR, as heads of households sought ways to generate

income and reduce the family’s economic burden. Syrian girls from refugee camps in the IKR are forced into early or “temporary marriages” with Iraqi or other refugee men; some KRG authorities allegedly ignore, or may accept bribes to ignore, such cases, including those in which girls are sold multiple times. Anecdotal reports also suggest some Iraqi law enforcement officials have allegedly frequented brothels known for sex trafficking or accepted bribes to allow sex trafficking in locations openly facilitating prostitution. Media and other observers reported in 2015 that an Iranian sex trafficking network operated brothels in Erbil where Iranian girls were exploited in commercial sex; the media reported a KRG official allegedly paid \$3,000 for an Iranian sex trafficking victim. There were anecdotal reports, including from a June 2016 local television station, of child sex trafficking of girls primarily from Iran and Syria, as well as some from the IKR, in Sulaimaniya. Criminal gangs force children to beg and sell drugs in Iraq, while gangs also exploit teenage girls—including refugee women and girls from camps—throughout the country in sex trafficking. NGOs also report cases in which girls who have run away from their families out of fear of honor killings are exploited in commercial sex by criminal networks. Trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation. Iraqi women and girls are also subjected to sex and labor trafficking in the Middle East and Turkey.

Some men and women from throughout Asia and East Africa who migrate to Iraq are subjected to forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. Some foreign migrants are recruited for work in other countries in the region but are forced, coerced, or deceived into working in Iraq and the IKR. In January 2016, the Ministry of Labor and Social Affairs reported approximately 140,000 foreign workers lacked formal work permits; NGOs reported some employers and recruitment agents exploit workers’ illegal status by withholding salaries and subjecting workers to substandard living conditions. The Kurdistan Independent Human Rights Commission reported 69 percent of 480 foreign workers surveyed in the IKR in January 2016 were not paid their agreed salaries and 18 percent reported violent acts their employers committed against them.

## IRELAND: TIER 1

The Government of Ireland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Ireland remained on Tier 1. The government demonstrated serious and sustained efforts by implementing its second national action plan, significantly increasing its prosecutions, including prosecuting the country’s first case of forced labor under the trafficking law, and increasing funding for victim services. Although the government meets the minimum standards, it has not obtained a trafficking conviction since 2013, and had deficiencies in certain areas of victim identification, suitable housing for victims that prevent re-traumatization, and viable avenues for victim compensation.



## RECOMMENDATIONS FOR IRELAND

Vigorously investigate, prosecute, and convict suspected offenders of both sex and labor trafficking using the trafficking law; improve victim identification and referral mechanisms, and in particular, increase efforts to identify and protect victims of labor trafficking, forced criminality, and asylum-seekers; exempt victims from penalization for crimes committed as a result of being subjected to trafficking; offer specialized accommodation to victims, particularly for women and traumatized victims; establish an independent national rapporteur to help identify and address gaps in anti-trafficking strategy and efforts; and explore new possibilities for victim compensation, particularly for those involved in sex trafficking.

## PROSECUTION

The government increased law enforcement efforts. The 2008 Human Trafficking Act, amended in 2013, criminalizes all forms of trafficking and prescribes penalties up to life imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The law broadly defines sexual exploitation to include the sexual abuse of children, and conflates possession or creation of child pornography with human trafficking, making it inconsistent with the 2000 UN TIP Protocol. The Criminal Justices (Sexual Offences) Bill 2015 was enacted in February 2017 and criminalizes the purchase of sexual services from a trafficked person, for which it prescribes significant penalties. In such cases, the burden of proof shifts to the accused, who must prove they were unaware the victim was trafficked. The Criminal Justice Bill includes measures against child grooming and includes additional support and protection for victims during the criminal trial process.

Authorities initiated investigations of 90 new trafficking-related cases in 2016, compared to 91 in 2015 and 79 in 2014. Of the 90 cases, 61 involved sexual exploitation, 17 were labor exploitation, four were forced criminality, two were for both sexual and labor exploitation, and six were uncategorized. Police continued pre-trial reviews of at least 13 cases for possible trafficking indicators related to cannabis sector arrests. During the calendar year, the government prosecuted nine individuals for human trafficking crimes; this is a significant increase from previous reporting periods (zero prosecutions in 2015; one prosecution in 2014; two prosecutions in 2013). The government prosecuted three of the individuals under the 2013 amended trafficking act, marking the first forced labor case to proceed to prosecution under that law. There were 29 trafficking cases pending prosecution, 18 of which were new suspected trafficking cases. The government did not report any criminal convictions in 2016 for sex trafficking or forced labor under the anti-trafficking act, and there have been no convictions under this law since 2013.

In late 2015, the government moved its human trafficking investigation and coordination unit into a new national protective services bureau to consolidate specialized expertise

on human trafficking. During the reporting period, 69 police officers and 300 new probationer police officers received a three-day training course on trafficking awareness and 68 national police who work as immigration officers received trafficking awareness training. An additional 18 senior investigating officers received trafficking training. The government did not report any investigations, prosecutions, convictions, or sentencing of government officials, diplomats, or peacekeeping officials for alleged complicity in trafficking offenses. Law enforcement cooperated with various foreign governments on trafficking investigations, including extraditions.

## PROTECTION

The government maintained victim protection efforts, but lacked specialized accommodation for female victims and had deficiencies in its victim identification, referral, and compensation process. Authorities identified 95 suspected trafficking victims in 2016, compared with 78 in 2015 and 46 in 2014. Of the victims identified in 2016, 52 were exploited in sex trafficking, 38 in labor trafficking, one in both sex and labor trafficking, and four in forced criminality in the selling of heroin; 50 were female and 45 were male. The increase in male victims compared to last year was driven by one case involving 23 Romanian male victims. Victims identified in 2016 in Ireland included 39 individuals from Romania, 19 Irish children, 10 from Nigeria, and the rest from Eastern Europe, Africa, South Asia, and South America. Seventy percent of victims were EU nationals.

Experts raised concerns about the government's ability and efficiency to identify human trafficking victims and its efficiency in doing so. NGOs noted only non-European nationals are officially recognized by the government as suspected human trafficking victims. Observers reported concerns the existing identification system does not capture trafficking victims who are asylum-seekers. Asylum-seekers cannot be identified as victims of trafficking if they have an asylum proceeding pending and in general asylum-seekers are not permitted to work. NGOs reported the victim identification framework is lacking coherence, making it difficult for NGOs to work with the interagency on identifying victims. Due to deficiencies in the victim identification and referral process, the government continued reviewing the current system to identify areas for improvement and planned to examine a new model for victim identification and issue a revised national referral mechanism in 2017.

The current national referral mechanism requires victims be referred by law enforcement before shelter, health, and legal services can be provided. The government and NGOs provided victims with a wide range of services, including health services (physical and psychological), immigration, legal, accommodation, welfare and rent allowance, police assistance, residence permits, repatriation, translation and interpretation assistance, and access to education for dependent children. The government provided €275,000 (\$289,779) to an NGO for assistance for sex trafficking victims, compared with €225,000 (\$237,092) in 2015. The government also provided €41,428 (\$43,654) to another NGO to assist labor trafficking victims, with a substantial increase from €9,564 (\$10,078) in 2015. The government also provided €200,000 (\$210,748) to five NGOs for vulnerable populations, including those more susceptible to trafficking.

According to the government, in practice, domestic and foreign victims have equal access to all state services. Experts, however,



are of the view that victims who are European nationals (non-Irish citizens) were excluded from accessing social assistance support until they are granted an exemption of the Habitual Residence Condition. Although the government was responsive in emergency situations and provided short-term residency arrangements for victims, NGOs stated these accommodations in the direct provision system, a generally criticized system which have been established for asylum-seekers and were mixed-gender housing, had inadequate privacy, were unsuitable and potentially unsafe for traumatized victims, and undermined victim recovery. Experts also noted a lack of specialized services in the centers for female victims who have been traumatized due to psychological, physical, or sexual violence. In 2016, the government granted two trafficking victims a 60-day period of recovery and reflection, to recover and escape the influence of traffickers, and decide whether to assist law enforcement, during which victims were prohibited from working. Experts were concerned a potential victim must be identified by the police in order to avail of the 60-day recovery and reflection period. The government gives suspected foreign trafficking victims temporary relief from deportation, pending an investigation; police can request an extension of a temporary residence permit and extensions are granted by the immigration and naturalization service within 24-48 hours. Seven victims were granted a six-month temporary residence permit; two of these were granted a reflection period before receiving this permit and the remaining five victims received the permit without requiring a prior reflection period. In addition, three suspected trafficking victims were granted a change of status in immigration. The temporary protection can evolve into a permanent residency status in Ireland, and residency benefits are not linked to a successful conviction of the case. Experts, however, have noted gaps in the government's immigration policies to protect undocumented migrants (including undocumented fisherman) who are vulnerable to trafficking. A labor focused NGO said a government's immigration scheme launched in February 2016 for crew members of the Irish commercial sea-fishing fleets helped alleviate some of the concerns for undocumented fisherman but criticized the scheme as being specifically time bound and not available on a rolling basis.

Victims could obtain compensation through a court order, civil action, state bodies dealing specifically with work-related rights, and the criminal injuries compensation tribunal. NGOs, however, criticized the lack of viable avenues for victim compensation, particularly those involved in sex trafficking. The trafficking law did not protect victims from prosecution for crimes committed as a result of being subjected to trafficking. NGOs noted the process for victims to seek immunity from punishment from criminal activity as a result of their trafficking is complex and required early legal representation. If authorities prosecuted an individual before he or she is formally identified as a trafficking victim, the criminal record cannot be expunged. The national police revised their protocols and increased regional training on identifying trafficking in cannabis cultivation; the police began including a human trafficking specialist in teams conducting these arrests to ensure trafficking victims were identified as such.

## PREVENTION

The government increased anti-trafficking prevention efforts. The justice ministry's anti-trafficking unit coordinated interagency efforts, including the high-level interagency group and five working groups that included NGOs. The working groups, which provide a platform for consultation and civil society, increased their meetings during the reporting period. In October 2016, the

government launched its second national action plan, which included analysis of the possible appointment of a national rapporteur and other independent monitoring mechanisms. The government-funded a consortium of NGOs to develop trafficking training materials for staff of the Reception and Integration Agency (RIA) centers for asylum-seekers and conducted a study group to the United Kingdom to improve victim identification practices. The government-funded an NGO to look at effective implementation of legislative measures targeting demand for trafficking victims. The government hosted a conference on trafficking for labor exploitation and the private sector, and provided advice to companies to prevent labor exploitation in their businesses and supply chains. The government and national police continued their active involvement in the Santa Marta Group, including the national police leading the North Atlantic Maritime Project and hosting an international conference on trafficking in the maritime industry.

The government conducted awareness-raising for a variety of targeted groups, which included university students, social workers, diplomats, labor inspectors, migrant workers, and women's groups. The government also produced a new information booklet on the rights of domestic workers that was available in multiple languages, and is available publicly, as well as through Ireland's diplomatic network. The Ministry for Foreign Affairs and Trade provided €28,000 (\$29,505) in funding to support capacity-building anti-trafficking work in Nigeria, Cameroon, Ghana, Uganda, Kenya, South Africa, and Zambia. The government provided anti-trafficking training to its diplomatic personnel, peacekeeping, and defense forces prior to their deployment abroad on international peacekeeping missions. The national police also provided training to international officers at the UN Army School in Ireland.

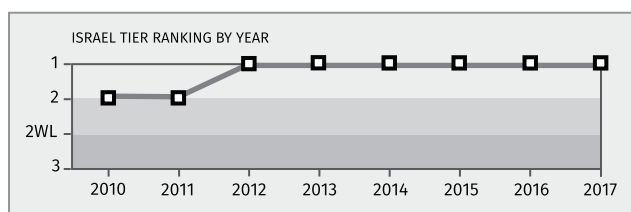
## TRAFFICKING PROFILE

As reported over the past five years, Ireland is a destination and source country for women, men, and children subjected to sex trafficking and forced labor, including forced criminal activity. Irish children are subjected to sex trafficking within the country. Foreign trafficking victims identified in Ireland are from Africa, Asia, and Eastern Europe. Authorities have reported an increase in suspected victims from Nigeria (some related to upheavals from Boko Haram attacking villages), Romania, Brazil, and Pakistan. The Romani community and undocumented migrant workers are high-risk groups susceptible to human trafficking. Victims of forced labor have been identified in domestic work, the restaurant industry, waste management, fishing, seasonal agriculture, and car washing services. Vietnamese and Chinese men who have been prosecuted and sentenced for cannabis cultivation report indicators of forced labor, such as document retention, restriction of movement, and non-payment of wages. The government reported the problem of forced labor in the country is growing. Women from Eastern Europe who are forced into marriage in Ireland are at risk for sex trafficking and forced labor.

## ISRAEL: TIER 1

The Government of Israel fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Israel remained on Tier 1. The government demonstrated serious and sustained efforts by

identifying and providing protective services to victims of all forms of trafficking. It continued to operate shelters and other facilities that provided victims a wide variety of immediate and long-term care and rehabilitative services. The government obtained more convictions of traffickers and its trafficking victim compensation fund began to disburse funds in 2016. The government continued to implement strong anti-trafficking prevention measures. Although the government meets the minimum standards, it issued sentences that were inadequate based on the nature of the crime to some convicted traffickers. While the government identified and provided some care to trafficking victims among the detained irregular African migrant population, because of inadequate screening, it continued to detain unidentified victims for long periods for immigration violations.



## RECOMMENDATIONS FOR ISRAEL

Impose stricter sentences on convicted traffickers, consistent with the seriousness of the crime; proactively screen irregular migrants who endured abuses in Egypt's Sinai Peninsula to ensure trafficking victims are not penalized, including by detention, for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration violations; continue to provide protection for all trafficking victims, including shelter and medical and psycho-social treatment; increase and train the number of labor inspectors, social workers, and interpreters in the agricultural, construction, and caregiving sectors; increase training for law enforcement, including police and prison officials, in victim identification, and enforcement of labor and sex trafficking laws; negotiate full-scale bilateral labor agreements in the caregiving sector; and increase enforcement of foreign worker labor rights.

## PROSECUTION

The government maintained efforts to prosecute traffickers, but several convicted traffickers received lenient sentences. The 2006 anti-trafficking law criminalizes all forms of human trafficking and prescribes penalties of up to 16 years imprisonment for the trafficking of an adult, up to 20 years imprisonment for the trafficking of a child, up to 16 years imprisonment for slavery, and up to seven years imprisonment for forced labor. These penalties are sufficiently stringent and those pertaining to sex trafficking are commensurate with those prescribed for other serious crimes, such as rape. Under 376A of the Penal Law 5737-1977, holding a person's passport against their will carries a penalty of three to five years imprisonment.

In 2016, police initiated 310 investigations of potential trafficking crimes (279 for sex trafficking and 31 for forced labor), compared to 392 investigations (234 sex trafficking and 158 forced labor) in 2015. In 2016, the government initiated three prosecutions for suspected sex traffickers and none for forced labor, compared with nine sex trafficking and no forced labor prosecutions in 2015. It continued 18 prosecutions that were initiated in previous reporting periods, including 17 for sex trafficking and one for forced labor. In 2016, the government

convicted 16 individuals for sex trafficking—including eight for “purchasing prostitution services from a minor,” two of which were also convicted for “facilitating prostitution of a minor”—and one for forced labor, compared to three for sex trafficking and none for forced labor in 2015. Some courts issued sentences as high as seven years imprisonment; however, many traffickers received sentences of ‘community service’ similar to probation and financial penalties, which provide inadequate deterrent effect given the serious nature of the crime. In 2016, eight offenders were given sentences under the trafficking statutes that ranged from “service to the community” to seven years imprisonment, while three convictions awaited sentencing at the end of the reporting season.

The government continued to report challenges in prosecuting trafficking cases, as many victims preferred repatriation and were unwilling to remain in Israel to serve as witnesses in criminal cases against their traffickers. In 2016, the government coordinated with Ukraine on a sex trafficking case. The government reported two investigations of government officials suspected of trafficking-related complicity. The government continued to provide extensive anti-trafficking training, awareness-raising workshops, and seminars to more than 360 officials in various ministries, including training for police officers on procedures for appropriately handling child sex trafficking cases.

## PROTECTION

The government maintained efforts to identify and protect victims of all forms of trafficking, but unidentified victims among the African migrant population remained vulnerable to detention for immigration violations and therefore could not access full government services appropriate for victims of trafficking crimes. The government continued to circulate victim identification guidelines widely to relevant ministries, which regularly referred potential victims to the police to open investigations and ensure provision of protective services. Authorities continued to cooperate with NGOs on victim identification and referral. However, only one police officer in the country is authorized to interview and adjudicate applications for status as a victim of trafficking, leading to significant delays. Partly as a result of this understaffing, authorities identified only 47 trafficking victims and referred them to shelters in 2016, compared to 63 identified victims in 2015.

The government continued to provide a wide range of protective services for victims of all forms of trafficking. The government continued operating a 35-bed shelter for female trafficking victims and a 35-bed shelter for male trafficking victims; shelter residents were provided work permits and allowed to leave freely. These shelters offered one year of rehabilitation services, including job training, psycho-social support, medical treatment, language training, and legal assistance. The government also funded transitional apartments with 18 beds for trafficking victims, and a six-bed transitional apartment for male trafficking victims. In 2016, the female shelter assisted 29 victims, including 19 victims newly referred to the shelter. In 2016, the men's shelter assisted 23 newly referred trafficking victims, including 12 male sex trafficking victims, and continued to assist 28 victims who entered the shelter in 2015. Twelve Eritrean men resided in the men's transitional apartments during the reporting period. The Ministry of Social Affairs continued to operate a day center in Tel Aviv for male and female trafficking victims who chose not to reside at a shelter and to assist with victims' transition from the shelter to the community. The day center provided psycho-social services and food aid, and social workers

at the center were trained to identify individuals at risk of trafficking and refer them to shelter services. In 2016, the center provided services to 182 men and women, primarily Eritrean. The government also operated six centers for child sex trafficking victims and at-risk youth vulnerable to sex trafficking, which provided medical and rehabilitation services to children; the government assisted 450 minors at these centers in 2016, but reported that none of them were trafficking victims. Additionally, for identified trafficking victims who opted not to stay in shelters, the government provided an official letter that protected them from potential arrest for immigration violations and emergency contact numbers for shelters and relevant ministries. Identified trafficking victims living outside of shelters were also entitled to receive free emergency medical and psychiatric treatment at various government-funded health facilities; authorities continued to train medical care providers in identification and treatment of trafficking victims.

The government forfeiture fund established in 2006 to use property and money confiscated from traffickers to assist victims began disbursing funds, allocating 518,306 shekels (\$134,940) in 2016. The Ministry of Justice (MOJ) legal aid branch continued to provide free legal aid to trafficking victims. In 2016, the branch received 150 legal aid requests from victims, including 77 irregular migrants who may have been subjected to trafficking in the Sinai and 14 victims with disabilities. In 2016, the government issued victims 36 initial B1 visas—unrestricted work visas—and 38 extensions. By law, all victims residing in the shelters were provided B1 visas. The government coordinated with Canadian officials to organize a deposition via videoconference from an Israeli sex trafficking victim, although the victim ultimately decided not to testify. The government continued to encourage victims to assist in the investigation and prosecution of their traffickers, but did not require their participation as a condition for receiving visas and protective assistance; victims could also opt to leave the country pending trial proceedings. The government allowed trafficking victims to work during the investigation and prosecution of their traffickers. In total, the government provided medical care to 122 identified trafficking victims, including 11 children.

Although trafficking victims were not punished for acts committed as a direct result of being subjected to human trafficking, the government lacked a formal process to identify or proactively screen for victims among irregular migrants, who may have been exploited in Egypt's Sinai Peninsula, detained for immigration violations. As a result, authorities regularly detained unidentified trafficking victims among the irregular African migrant population—including those who were abused in the Sinai—for immigration violations under the Law of Infiltration for one year without trial or conviction. Although the government characterized Holot as an open facility to house irregular migrants, an international organization and Holot residents claimed it is a de facto detention center due to its remote location in the desert and restrictions on movement. NGOs and the MOJ struggled to identify and gain the release of victims from Holot, and from the Saharonim and Giv'on prisons, and reported non-responsiveness on the part of the Population Immigration and Border Authority (PIBA) to claims that a detainee is a victim of trafficking. The National Anti-Trafficking Unit (NATU) reported it conducted an inter-ministerial visit to Holot in February 2017 to improve identification of trafficking victims among detainees. Following the inspection, the government began to plan a training for all Israeli Prisons Service workers at Holot, Saharonim, and Giv'on facilities. The government released one trafficking victim from Holot and 13 from the Giv'on prison and referred them

to protective services during the reporting period.

## PREVENTION

The government maintained strong efforts to prevent and raise awareness of human trafficking among the public and government officials. NATU continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period and NATU officials appeared regularly in the media to raise awareness of trafficking. NATU created a new inter-ministerial forum to facilitate knowledge-sharing within the legal departments of each ministry; the forum met twice during the reporting period. NATU continued to chair an inter-ministerial committee appointed to study women and children in commercial sex in Israel. The Knesset Committee on Trafficking in Women and Prostitution met regularly and coordinated with various ministries to address sex trafficking issues and policies during the reporting period. The government provided anti-trafficking training for its diplomatic personnel.

PIBA, under the Ministry of Interior, continued to monitor recruitment agencies and manpower companies for labor law violations. The Ministry of Labor, Social Affairs, and Social Services (MLSS) which employed 261 labor inspectors and contracted translators during routine inspections, issued 1,518 administrative warnings and imposed seven fines on employers for labor violations in 2016. MLSS's ombudswoman for foreign workers' rights received and responded to 1,500 complaints of labor law violations and referred these complaints to relevant authorities for follow-up or investigation. The government partnered with the Ministry of Health to produce and distribute an informational brochure on victim identification and relevant anti-trafficking resources, translated into Hebrew, Arabic, English, and Russian, to health services companies, hospitals, manpower companies, local authorities, and other government officials. In accordance with PIBA procedures for recruitment agencies in the caregiving sector, it continued to require every agency to hire a licensed social worker responsible for supervising the conditions of foreign caregivers, including home visits, and for informing relevant authorities about labor violations. The government, in collaboration with a NGO, continued to operate a 24-hour hotline to assist foreign workers who are in Israel under bilateral agreements. The hotline employed nine translators in six languages: Thai, Bulgarian, Russian, Nepalese, Sinhalese, and Romanian. In 2016 the hotline received 1,026 calls, the majority from Thai agricultural workers.

The government continued efforts to reduce the demand for commercial sex acts and to address sex tourism. In 2016, law enforcement collaborated to shut down six brothels for a period of 30 to 90 days. The anti-trafficking unit worked with tourism organizations to promote awareness of sex trafficking in the hotel and hospitality sector.

## TRAFFICKING PROFILE

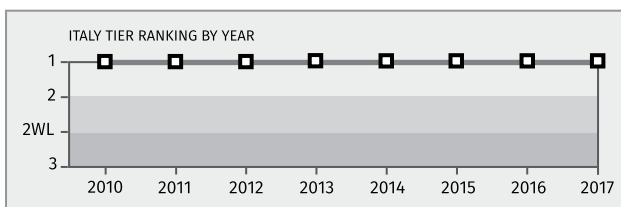
As reported over the past five years, Israel is a destination country for men and women subjected to forced labor and sex trafficking as well as, to a lesser extent, a source country for men and women subjected to sex trafficking within Israel. Foreign workers, primarily from Southeast Asia, Eastern Europe, and the former Soviet Union, migrate to Israel for temporary contract labor in construction, agriculture, and caregiving; some of these workers are subjected to forced labor. An international organization reported in 2015 that some Thai men and women are subjected to forced labor in Israel's agricultural sector,



where their passports were withheld, and they experience long working hours, no breaks or rest days, and difficulty changing employers due to limitations on work permits. A 2013 report noted men from the Philippines, Sri Lanka, and India worked on fishing boats under harsh conditions, some of which constitute human trafficking, distinguished by isolation, long working hours, and withheld salaries. Caregivers are highly vulnerable to forced labor due to their isolation inside private residences, high recruitment fees, and their lack of protection under the labor law. The Philippine Embassy reports Filipino workers pay recruiters in the Philippines high fees to secure work in Israel and the requirement to repay this amount results in significant hardship for the workers and increases their vulnerability to forced labor. Persons with disabilities, particularly foreigners, are vulnerable to forced labor, in particular in street begging. Women from Eastern Europe and the former Soviet Union, Uzbekistan, China, and Ghana, as well as Eritrean men and women, are subjected to sex trafficking in Israel; some women arrive on tourist visas to work willingly in prostitution, but are subsequently exploited by sex traffickers. NGOs report some Palestinian LGBTI persons are vulnerable to abuse and exploitation, due to their legal status and restrictions on work eligibility for Palestinian nationals in Israel. Some Israeli women and girls may be victims of sex trafficking in Israel. Since 2007, thousands of African migrants have entered Israel from Egypt's Sinai Peninsula. Although the flow of these migrants arriving in Israel has dramatically decreased from more than 17,000 in 2011, at least 18 irregular migrants arrived in Israel in 2016. Many of these migrants were kidnapped in the Sinai Peninsula and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel. Eritrean and Sudanese male and female migrants and asylum-seekers are highly vulnerable to sex and labor trafficking in Israel.

## ITALY: TIER 1

The Government of Italy fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Italy remained on Tier 1. The government demonstrated serious and sustained efforts by publishing guidelines for the identification of trafficking victims among the large influx of irregular migrants, asylum-seekers, and unaccompanied children, increasing funding for NGOs providing shelter and other assistance to victims, and increasing the number of investigations of trafficking cases and convictions of traffickers compared to the previous year. Although the government meets the minimum standards, it did not indict any trafficking suspects in 2016 under the 2003 Measures Against Trafficking in Persons law according to partial data for the year, and did not report data on the specific length of sentences imposed on convicted traffickers. Government-supported NGOs remained underfunded in light of the need, and many victims among vulnerable groups went unidentified, especially at reception centers charged with screening and processing the large number of migrants and refugees. The government also did not implement any nationwide public awareness campaigns.



## RECOMMENDATIONS FOR ITALY

Vigorously investigate and prosecute trafficking cases, including of allegedly complicit government officials, and convict and sentence traffickers with dissuasive sanctions; implement guidelines under the national plan to improve identification of possible trafficking victims among both migrants and asylum-seekers; increase efforts to screen foreigners working in prostitution as possible trafficking victims; consistently train law enforcement, migration officers, first responders, and other officials across all regions and localities on identification and referral procedures; provide adequate long-term funding to NGOs assisting victims; improve specialized services for child trafficking victims and expand accommodation for male victims; establish a national coordination structure that involves all relevant public bodies and NGOs, compiles comprehensive data that disaggregates between sex and labor trafficking cases, monitors efforts, and discloses the information to the public; allow asylum-seekers to obtain legal employment while their applications are reviewed; simplify applications for victim compensation to encourage more victims to report trafficking crimes; increase international cooperation with source and transit countries, especially Nigeria, to counter trafficking rings; make efforts to reduce the demand for child sex tourism and increase prosecutions of participants, in particular Italians who purchase sex from children abroad; implement nationwide awareness-raising activities on all forms of trafficking; and address demand for commercial sex and availability of inexpensive goods that drive trafficking, including through supply chain and government procurement policies.

## PROSECUTION

The government increased law enforcement efforts. The 2003 Measures Against Trafficking in Persons law prohibits all forms of trafficking and prescribes penalties of eight to 20 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The government reported disaggregated statistics to identify trafficking crimes versus crimes related to prostitution. The government did not disaggregate law enforcement statistics involving labor trafficking crimes. Under the Measures Against Trafficking in Persons law (trafficking law), authorities investigated 102 cases of trafficking in 2016, compared with 65 in 2015 and 44 in 2014. The government did not indict any defendants under the trafficking law in 2016, compared with 17 in 2015 and 16 in 2014. Trial courts convicted nine traffickers under the trafficking law in 2016, compared to one in 2015 and 11 in 2014. Appellate courts reported convictions of 23 defendants in 2016, compared to 11 in 2015 and 11 in 2014. Data for 2016 was partial, a compilation of reports from 80 percent of prosecutors and 60 percent of courts. The government did not report specific data on sentences imposed under the trafficking law in 2016 or in years prior, and stated only that convicted traffickers generally received prison sentences ranging from six to nine years. The government also prosecuted cases under laws relating to slavery and exploitation to prostitution, outside of the definitions

within the trafficking law, and statistics for those cases are not included above.

The training curriculum for law enforcement agencies included victim identification and investigation of trafficking crimes; the government did not report how many officers received training. There were isolated reports of government officials complicit in human trafficking. Authorities launched one investigation involving a police officer and his wife accused of providing apartments to Brazilian workers, who were suspected trafficking victims, and demanding excessive rent.

## PROTECTION

The government increased funding for trafficking victim assistance, but overall protection remained weak and uncoordinated given the number of victims in need. The government did not report how many victims it identified or statistics on the form of trafficking or the age, gender, or nationality of victims identified or assisted. Police reported assisting 101 trafficking victims. The Department of Equal Opportunity (DEO), the entity responsible for coordinating protection efforts, reported government-supported NGOs assisted 851 potential victims in 2016 (which likely included the 101 assisted by police), similar to the 800 victims assisted in 2015; however, this figure did not clearly differentiate between victims of trafficking and other forms of exploitation. Of the total, 172 were men and seven were transgender. Children represented nearly 10 percent of the trafficking victims receiving assistance, mostly boys forced to beg or commit robbery. Approximately 45 percent were from Nigeria, although an international organization estimated up to 75 percent of the more than 11,000 Nigerian women and unaccompanied children who arrived in Italy in 2016 were trafficking victims. The government relied predominantly on NGOs and international organizations to provide shelter and services to victims, which continued to cite insufficient funding and lack of a formal referral mechanism as serious problems. Experts reported the reception centers were too few, unsuited for trafficking victims, and accessible to traffickers to recruit victims. These issues persisted in reception areas where migrants and refugees waited for shelter and contributed to increased instances of labor and sex trafficking. The government allotted €14.5 million (\$15.28 million) exclusively to trafficking victim assistance programs implemented by NGOs in 2016, a significant increase from €8 million (\$8.43 million) allocated in 2015. Local governments provided additional funds to victim assistance programs, although figures were not available. Government-funded NGOs provided separate facilities for men and unaccompanied children.

Article 13 of the Law on Trafficking in Persons (228/2003) provides for three to six months of victim assistance, and after initial assistance, victims may be eligible for temporary residency and work permit. Adult victims were entitled to a six-month temporary residence permit that was renewable if the victim found employment or enrolled in a job training program, and the government granted 340 such permits to victims in 2016. Child victims automatically received a residence permit until age 18 and were accommodated in generalized children's centers or in open centers established for trafficking victims who were also asylum-seekers. Children received counseling and were enrolled in local public schools with the support of mentors. However, by November 2016, an estimated 38 percent of unaccompanied children identified by authorities had left the centers. The government granted 324 temporary residence permits for victims of exploitation in 2015; it was unclear how

many recipients were trafficking victims. Although victims were not required to cooperate with law enforcement to obtain a residence permit, some NGOs and international organizations reported authorities gave preference to those who cooperated.

Police worked in collaboration with NGOs and international organizations to screen for trafficking victims as part of standard registration procedures at most ports of entry. NGOs reported, however, many trafficking victims went unidentified among the irregular migrants, asylum-seekers, and unaccompanied children due to officials' inconsistent use of identification criteria. Therefore, although the law protects victims from being penalized for unlawful acts committed as a result of being subjected to trafficking, unidentified victims may have been treated as regular asylum-seekers or illegal migrants, the latter sometimes subject to prosecution and deportation. To address the need for better identification on entry, the Ministry of Interior published guidelines in December 2016 for the identification of trafficking victims among asylum-seekers to be used by the regional committees that adjudicate asylum applications.

## PREVENTION

The government maintained limited trafficking prevention efforts. In October 2016, the government began implementation of the anti-trafficking national action plan through an interagency committee representing multiple government agencies, and which included grants for 18 NGO-run projects to assist victims and promote their social inclusion. The DEO, under the leadership of the Undersecretary of State to the Presidency of the Council of Ministers, was the designated coordinator of the interagency steering committee on trafficking and also monitored and evaluated protection and prevention programs. Government officials, NGOs, and international organizations cited insufficient coordination on anti-trafficking efforts. During the first three quarters of 2016, the government inspected 94,025 companies, identified over 30,000 unregistered workers, and found 1,124 workers without residence permits; the government did not report whether it screened or identified potential trafficking cases as a part of their inspection process. The government did not implement any nationwide public awareness campaigns. Local authorities and NGOs continued to distribute brochures, posters, bumper stickers, and media advertisements providing information on victim assistance. The government's hotline for victims of trafficking received more than 2,900 calls for information, of which 899 related to trafficking. Local municipalities and police supported education campaigns led by NGOs aimed at reducing the demand for commercial sex. Although Italians engaged in child sex tourism in various countries abroad, the government did not address the demand for child sex tourism or prosecute Italian citizens who participated, nor did it make any tangible efforts to reduce the demand for forced labor. The government expanded its international anti-trafficking efforts focusing on assistance to vulnerable youth populations, including a communication campaign in the Horn of Africa and West Africa to inform potential migrants of the risks of trafficking. The government provided anti-trafficking training to diplomats, as well as troops prior to deployment with international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Italy is a destination, transit, and source country for women, children, and men subjected to sex trafficking and forced labor. Victims originate from Nigeria, Romania, Morocco, China, and other countries. Female victims

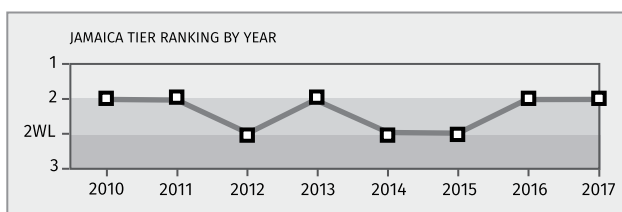
are often subjected to sex trafficking in Italy after accepting promises of employment as dancers, singers, models, restaurant servers, or caregivers. Romanian and Albanian criminal groups force Eastern European women and girls into commercial sex. Nigerians represent 21 percent of victims, with numbers nearly doubling in 2016 to approximately 7,500 victims. Nigerian women and girls are subjected to sex and labor trafficking through debt bondage and coercion through voodoo rituals. Men from Africa, Asia, and Eastern Europe are subjected to forced labor through debt bondage in agriculture in southern Italy and in construction, house cleaning, hotels, and restaurants in the north. Chinese men and women are forced to work in textile factories in Milan, Prato, Rome, and Naples. Children subjected to sex trafficking, forced begging, and forced criminal activities are from Romania, Nigeria, Brazil, Morocco, and Italy, particularly Romani and Sinti boys who may have been born in Italy. Transgender individuals from Brazil and Argentina are subjected to sex trafficking in Italy. Unaccompanied children are at risk of trafficking, particularly boys from Somalia, Eritrea, Bangladesh, Egypt, and Afghanistan, who often work in shops, bars, restaurants, and bakeries to repay smuggling debts. Italian men engage in child sex tourism abroad, including in countries across Africa, Latin America, and East Asia.

The estimated number of trafficking victims in Italy increased significantly due to the continued dramatic flow of migrants and asylum-seekers arriving by boat from sub-Saharan Africa. Italy received 181,436 irregular arrivals by sea in 2016, added to the 154,000 arrivals in 2015. More than one-half requested asylum, demonstrating possible vulnerability to trafficking. One international organization estimated more than 7,500 likely trafficking victims arrived from Nigeria alone in 2016, compared to an estimated 2,800 in 2015. Most rely on smugglers at some point during their journey and in some instances are subjected to human trafficking en route or upon arrival in Italy. Although the government operated temporary centers throughout the country to house asylum-seekers, the system was stretched beyond capacity; international organizations reported increased incidents of labor and sex trafficking of asylum-seekers as a result of the reception centers being unsuited for victims of trafficking and too accessible to traffickers who recruit victims. A shortage of shelters also resulted in less capacity to adequately monitor conditions. Under Italian law, asylum-seekers are not allowed to work while their applications are under review, and migrants often sought illegal employment in informal sectors, increasing their vulnerability to trafficking. Of total arrivals in 2016, 25,846 were unaccompanied children, mostly boys and a majority from Africa. Many went north to other European countries, while others looked for employment outside protected shelters. Children remaining in Italy were particularly vulnerable to trafficking in the informal agriculture, hospitality, and construction sectors, or were forced by traffickers into begging.

## JAMAICA: TIER 2

The Government of Jamaica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Jamaica remained on Tier 2. The government demonstrated increasing efforts by securing two convictions, prosecuting nine trafficking cases against 13 alleged traffickers, and investigating 40 potential new trafficking cases. The government developed a new victim protection protocol for health, labor, and child welfare officials, identified eight

trafficking victims who were provided government shelter and services, and increased awareness-raising efforts. However, the government did not meet the minimum standards in several key areas. The government did not hold complicit officials accountable, publish a standard victim protection protocol, or publish an annual report monitoring its efforts.



## RECOMMENDATIONS FOR JAMAICA

Vigorously prosecute, convict, and punish traffickers, including any officials complicit in sex or labor trafficking; increase efforts to identify and assist victims of forced labor and sex trafficking, including sex trafficking of Jamaican children; dedicate adequate funding to implement the national action plan; fully implement government-wide standard operating procedures to guide police, labor inspectors, child welfare officials, and health workers in the proactive identification of local and foreign victims of forced labor and sex trafficking, including children exploited in commercial sex in night clubs, bars, and massage parlors; continue to support victims during the criminal justice process whether the victim resides in Jamaica or abroad to ensure the admissibility of testimony; implement the national rapporteur's mandate to investigate reports of human trafficking, report on violations of the rights of victims, and provide an annual report to the government; and continue efforts to raise awareness about human trafficking of both Jamaican citizens and foreign nationals.

## PROSECUTION

The government maintained efforts to investigate, prosecute, and convict traffickers. The government prohibits all forms of trafficking through its comprehensive Trafficking in Persons (Prevention, Suppression, and Punishment) Act. The sentence for trafficking in persons and conspiracy to commit trafficking is up to 20 years imprisonment, a fine, or both. The sentence for aggravated trafficking in persons—in cases of serious injury, repeat offenses, or by a person in a position of authority among other factors—is up to 30 years imprisonment, a fine, or both. These penalties are sufficiently stringent; however, when allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. In April 2014, officials enacted the Criminal Justice Act, which may be used to prosecute traffickers who are members of a "criminal organization" with penalties of five to 15 years imprisonment or a fine or both. A number of new laws, including most notably the Evidence (Amendment) Act of 2015, the DNA Evidence Act of 2015, and the Jury (Amendment) Act of 2016, are expected to strengthen the judicial system's ability to admit relevant evidence in trafficking cases and improve the jury system. The Jamaican cabinet approved an amendment to the Trafficking Act to allow such cases to be tried by a judge rather than a jury; the parliament will consider the amendment in 2017.

Authorities initiated 40 new trafficking investigations compared with 30 in 2015; 30 of these investigations led to police operations in search of traffickers, victims, and evidence. Officials



prosecuted three new trafficking cases and continued prosecuting six trafficking cases against 10 alleged traffickers compared to nine cases against 10 alleged traffickers in the previous reporting period. The government secured two convictions, compared to two in the previous reporting period. The primary trafficker received concurrent sentences of 16 years for rape, 14 years for trafficking in persons, and 10 years for facilitating trafficking in persons and was ordered to pay two million Jamaican dollars (\$15,630) in restitution to the victim. The other trafficker received a three-year suspended sentence. The independent commission of investigations had authority to investigate all alleged abuses by police officers and government officials, but in practice does not pursue allegations of trafficking. The former deputy chairman of Jamaica's anti-doping committee faced charges of living off the earnings of prostitution, a crime under the Sexual Offenses Act; the prosecution remained ongoing at the close of the reporting period.

The Ministry of Justice allocated \$32.5 million Jamaican dollars (\$253,900) for anti-trafficking efforts in fiscal year 2016-2017. The government trained 1,063 police officers on trafficking, compared to 563 in the previous reporting period. The Jamaican Constabulary Force (JCF) trained 70 judges and approximately 2,000 justices of the peace responsible for deciding whether a minor can leave the country with a non-parent custodian. Jamaican officials also participated in trafficking in persons trainings funded by foreign government and international organization sources. The government cooperated with the governments of the United Kingdom, Antigua, Guyana, and Trinidad and Tobago on trafficking cases.

## PROTECTION

The government maintained efforts to protect victims. Authorities identified eight confirmed trafficking victims—all females—during the reporting period, compared to four confirmed victims—three men and one girl—in 2015. The government developed a victim protection protocol and a standard operating procedure for health, labor, and child welfare officials, but these had not been published. Other government officials continued to use a standard operating procedure for victim identification and granting temporary immigration status; these procedures recently led to the identification of two minor trafficking victims and a referral to the JCF anti-trafficking unit. The JCF anti-trafficking unit, when taking trafficking victims into protective custody, was required to notify the taskforce, partner NGOs, and, in some cases, the Child Development Agency. The JCF anti-trafficking unit then made arrangements for the transportation and transfer of victims to a shelter care facility, either NGO- or government-run, which provided services regardless of whether or not the victim cooperated with law enforcement. Immigration officials continued to screen and conduct risk assessments of potential victims. The children's registry did not report reports received of suspected trafficking cases for this reporting period compared to 52 reports of suspected trafficking in the previous reporting period.

The government offered protection to the eight identified victims and referred them to government or NGO care facilities for medical services, psychological services, and financial assistance for basic necessities. The government's trafficking shelter, which could house 12 people, assisted two female victims, who received medical and dental care, psychological counseling, food and basic necessities, legal services, and access to recreation. The government reportedly provided support to victims after their departure from government shelters on a case-by-case basis, including medical and psychological care. The government had

difficulty securing witness testimony of victims who had been repatriated and of those who feared reprisal. The government encouraged victim testimony by providing victims an orientation to the criminal justice process and equipping some courtrooms for remote video testimony to enable testimony from abroad. Authorities provided 6.3 million Jamaican dollars (\$49,220) for victim assistance in 2016, compared with 13 million Jamaican dollars (\$101,600) for victim assistance in 2015. In accordance with Jamaica's anti-trafficking law, the government provided relief from deportation for one foreign national victim identified in the previous reporting period; this relief also included food, long-term shelter, education, and counseling. The government coordinated with another Caribbean government in preparation for the repatriation of a Jamaican victim, including by preparing relevant documents. There were no reports of the government punishing victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased efforts to prevent trafficking. The national anti-trafficking taskforce, through sub-committees on prevention, protection, and prosecution, continued to implement its national anti-trafficking plan valid through 2018. The Ministry of National Security spent 813,000 Jamaican dollars (\$6,350) toward anti-trafficking prevention efforts in fiscal year 2016-2017. The cabinet appointed a national rapporteur on trafficking in persons in early 2015 to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government; the rapporteur planned to release this report in 2017. The government engaged in public awareness activities on all forms of trafficking, including a campaign in schools and the media, a film screening, a comic book, an animated mini-series, and the distribution of 70,000 copies of a pamphlet in a leading newspaper. The government's efforts resulted in the sensitization of more than 17,000 students, teachers, government officials, and community members. The labor ministry, prior to the departure of Jamaican participants in an overseas seasonal agricultural program, educated them about the risks of trafficking. The taskforce educated members of the tourism industry in major resort areas on indicators of trafficking and encouraged them to report suspected sex tourism. The government did not report any child sex tourism investigations, prosecutions, or convictions. Police conducted operations in an area known for the commercial sex trade, which resulted in the screening of 23 individuals for trafficking indicators and detention of several purchasers of commercial sexual services. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training to diplomatic personnel, including the requirement for such personnel to enter into employment contracts with their domestic workers.

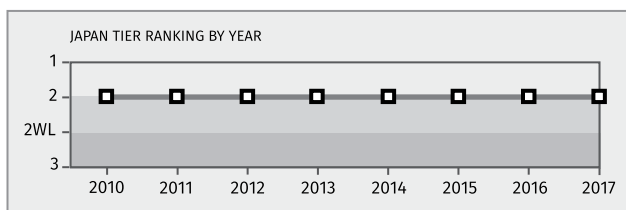
## TRAFFICKING PROFILE

As reported over the past five years, Jamaica is a source and destination country for adults and children subjected to sex trafficking and forced labor. Sex trafficking of Jamaican women and children reportedly occurs on streets and in night clubs, bars, massage parlors, and private homes, including in resort towns. Traffickers increasingly use social media platforms to recruit victims. Jamaican citizens have been subjected to sex trafficking and forced labor abroad, including in other Caribbean countries, Canada, the United States, and the United Kingdom. Communities vulnerable to sex trafficking and forced labor include young women and girls from poor and single-

parent households, residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," migrant workers, and workers in the informal sector, particularly on family farms and in markets and shops. Child domestic workers may be subject to domestic servitude. Many children are reported missing in Jamaica; some of these children are subjected to forced labor or sex trafficking. Foreign nationals are subjected to forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. NGOs and other local observers report child sex tourism is a problem in Jamaica's resort areas.

## JAPAN: TIER 2

The Government of Japan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Japan remained on Tier 2. The government demonstrated increasing efforts by passing legislation in November 2016 enhancing oversight of the Technical Intern Training Program (TITP) to protect program participants from exploitation; prosecuting and convicting more traffickers compared to the previous year; and identifying 50 trafficking victims, including four labor trafficking victims. However, the government did not meet the minimum standards in several key areas. There appear to be significant gaps in the laws Japan relies on to prosecute human trafficking cases, which hamper the government's ability to investigate, prosecute, and convict the full range of trafficking crimes identified in international law. In addition, the treatment of some child sex trafficking victims as delinquents rather than victims left them without proper services and the crimes of their traffickers uninvestigated and unpunished. Despite reports and allegations from NGOs of possible labor trafficking offenses under the TITP, the government did not identify any TITP participants as trafficking victims or prosecute traffickers involved in the use of TITP labor as traffickers.



## RECOMMENDATIONS FOR JAPAN

Update the legal framework to fully criminalize all forms of trafficking in accordance with the definition in international law, including to criminalize those who recruit, transport, transfer, or receive individuals for forced labor or sex trafficking; increase the penalties for crimes used to prosecute trafficking crimes to a maximum of no less than four years imprisonment and disallow the alternative of a fine; for sex trafficking crimes, ensure penalties are commensurate with those in place for other serious crimes, such as rape; significantly increase efforts to investigate and prosecute labor trafficking cases; fully implement the oversight and enforcement measures contained in the TITP reform law; increase enforcement of bans on excessive deposits, "punishment" agreements, withholding of passports, and other practices by organizations and employers that contribute to forced labor; enhance victim screening to ensure trafficking

victims, including but not limited to migrant workers under the TITP program and children, are properly identified and referred to services, and not detained or forcibly deported for unlawful acts committed as a direct result of being subjected to trafficking; increase resources to provide specialized care and assistance to trafficking victims, including designated shelters for trafficking victims; aggressively investigate, prosecute, convict, and punish Japanese citizens who engage in child sex tourism overseas; and accede to the 2000 UN Transnational Organized Crime Convention and the 2000 TIP Protocol.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Japan's criminal code does not prohibit all forms of trafficking in persons as defined by international law; the government relies on various provisions of laws relating to prostitution, abduction, child welfare, and employment to prosecute trafficking in persons crimes. Article 7 of the Prostitution Prevention Law criminalizes forced prostitution, including by threat or the use of violence and inducing a person into prostitution by deception, embarrassment, or taking advantage of influence through kinship. When deception is used, the punishment is a maximum of three years imprisonment or a fine; when violence or threats are used, the punishment is a maximum of three years imprisonment, or three years imprisonment and a fine, respectively. Other related provisions such as articles 10 and 12 make it a crime to conclude a contract or to own a business in which a person is made to engage in prostitution, and violations of these articles carry respective punishments of a maximum of three years imprisonment or a fine of ¥10,000 (\$85), and a maximum of 10 years imprisonment and a fine up to ¥300,000 (\$2,560). An act related to sexual exploitation of children criminalizes the "trafficking of children for the purpose of child prostitution" and prescribes sentences of up to 10 years imprisonment. When prosecuting child sex trafficking cases that do not meet the conditions of this act, the government frequently relies upon the 1947 Child Welfare Act, which broadly criminalizes harming a child—to include causing a child to commit an obscene act, delivering a child to another knowing that the other is likely to cause the child to commit such an act, or keeping a child with the intent of causing a child to commit an act harmful to the child. The Child Welfare Act prescribes sentences of up to 10 years imprisonment, fines, or both for causing a child to commit an obscene act, or up to three years imprisonment, fines, or both for other acts. Article 226-2 of the penal code criminalizes the buying and selling of human beings for profit or indecency, and prescribes a maximum sentence of up to 10 years imprisonment. It also criminalizes buying and selling a person for the purpose of transporting him or her across international borders, and prescribes a penalty that ranges from two years to 20 years imprisonment. The Employment Security Act makes it a crime for a person to engage in labor placement or recruitment "by means of violence, intimidation, confinement, or other unjust restraint on mental or physical freedom" or to recruit laborers for "work harmful to public health or morals." It prescribes sentences of up to 10 years imprisonment or a fine not exceeding ¥3 million (\$25,630). Article 5 of the Labor Standards Act prohibits forced labor through the use of physical violence, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of workers. While the law criminalizes the recruitment of labor by force, it does not clearly criminalize using fraud or coercion to compel a person to labor. The government states that acts such as transporting, transferring, or receiving someone for the purpose of forced labor are implicitly criminalized under article

227 paragraph 3 of the penal code. To the extent that Japan's laws criminalizing trafficking offenses provide penalties of at least four years imprisonment, they are sufficiently stringent and commensurate with penalties for other serious crimes. However, to the extent that they allow for a fine in lieu of imprisonment, the punishment for sex trafficking offenses is not commensurate with those for other serious crime, such as rape. Civil society organizations cited the absence of a comprehensive trafficking law as hindering the government's ability to identify and prosecute trafficking cases.

The government reported investigating 44 cases for crimes related to human trafficking in 2016, the same as in 2015. It initiated prosecution of 43 suspected traffickers in 2016 (26 in 2015) and convicted 37 traffickers (27 in 2015) during the reporting period. Ten of the 37 convicted traffickers received only fines. The government did not prosecute or convict any suspected traffickers involved in the use of TITP labor. However, as a result of labor inspections in TITP work places, it referred 40 cases for prosecution as labor violations that carry lesser penalties. The government reported investigating 809 cases of "children in prostitution," which is a form of sex trafficking, compared with 728 in 2015. In 2015, the most recent year statistics were available, the government prosecuted 495 people and convicted 409 defendants (including defendants prosecuted before 2015) under article 4 (Child Prostitution) of the "Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children." The government continued to conduct numerous anti-trafficking trainings for police officers, prosecutors, judges, and immigration bureau officers on identifying victims and investigating trafficking cases. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained efforts to protect trafficking victims. The government identified 50 trafficking victims, compared with 54 in 2015. Of these, the government identified 37 female sex trafficking victims (20 in 2015) and four labor trafficking victims (seven in 2015), as well as nine victims of labor trafficking who may also have been exploited in sex trafficking (27 in 2015). National Police Agency (NPA) officials used an IOM-developed handbook and the Inter-Ministerial Liaison Committee's manuals to identify victims and refer victims to available services. The NPA also distributed a handbill for potential victims with emergency contact information in 10 languages. The government did not adequately screen for and identify victims among vulnerable groups, which continued to hamper protection efforts. Only two victims identified in 2016 were male, and the government has never identified a forced labor victim in TITP, despite substantial evidence of trafficking indicators, including debt bondage, passport confiscation, imposition of exorbitant fines, arbitrary deduction of salaries resulting from non-contractual infractions, attempted forceful deportation by both sending and receiving organizations, and confinement. Despite 577 children identified as involved in commercial sex by police, the government officially identified only 10 children as sex trafficking victims. Some victims were reluctant to approach authorities, fearing reprisals from traffickers or concerns over the government's ability to aid them. Police treated some potential child sex trafficking victims as delinquents, counseling them on their behavior instead of investigating their cases for possible trafficking crimes. Consequently, the children were not formally identified as trafficking victims, and were not referred to specialized services.

The government continued to lack trafficking-specific victim services but funded Japan's Women's Consulting Center (WCC) shelters and domestic violence shelters, which assisted 15 of the identified victims (21 in 2015). Other victims received assistance in NGO shelters, where they are eligible for government subsidized medical care, or returned to their homes; however, it was unclear how many received assistance at NGO shelters. The government allocated ¥3.5 million (\$29,840) for shelter protection for male victims during 2016 and assisted two male victims during the reporting period. WCC shelters provided food, basic needs, psychological care, and coverage of medical expenses, and allowed the victims to leave the facilities when accompanied by facility personnel. The availability and quality of victim services varied by location; prefectures where government officials had more experience with trafficking cases had more know-how for services.

According to a local NGO, foreign trafficking victims were not eligible for the entire range of social services available to Japanese victims. The government-funded legal support center provided pro bono legal services to destitute victims of crime for both criminal and civil cases; it was unclear whether any trafficking victims applied for or received such services. The government continued to fund a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to foreign victims. Twenty-three victims, including one labor trafficking victim, received services and returned to their home countries through this program during the reporting period. A local NGO reported some police attempted to delay the repatriation of some victims against their will in order to persuade them to testify in cases against their traffickers. Although the law prohibits trafficking victims from being denied entry into Japan or deported, inadequate screening of vulnerable groups meant some unidentified victims were likely arrested and deported for crimes committed as a direct result of being subjected to human trafficking, including immigration violations. Temporary, long-term, and permanent residence benefits were available to victims who feared returning to their home country. The government did not report granting any long-term residence visas to victims in 2016 but did provide short-term visas to 24 victims. Victims had the right to file civil suits to seek compensation from their traffickers; some foreign workers, including potentially unidentified trafficking victims, and sex trafficking victims filed civil suits for non-payment of wages. However, given that companies ordered to provide restitution often declared bankruptcy, receiving restitution remained nearly impossible.

## PREVENTION

The government increased efforts to prevent trafficking. It issued its second annual report on government actions to combat trafficking and tracked measures against the stated goals of its anti-trafficking action plan. In November 2016, the government passed the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (TITP reform law), which seeks to strengthen protections for TITP participants by establishing criminal penalties for violations such as withholding of passports. The TITP reform law established a new oversight organization in January 2017 that will provide a reporting system for workers experiencing abuse and conduct inspections of employment and supervising organizations. To reduce debts incurred by TITP participants through recruiting organizations in source countries, the government plans to pursue bilateral memoranda of cooperation with those countries. Labor and immigration officials conducted joint



inspections at 23 organizations associated with employing TITP participants in 2016 and detected violations of labor laws at 21 organizations; correction orders were issued in these cases and four were referred for prosecution. The MOJ banned two companies, 35 supervising organizations, and 202 implementing organizations from receiving TITP interns in 2016. A government council issued a report on the phenomenon of *enjo kosai*, also known as “compensated dating” or the “JK business” (JK stands for *joshi-kosei*, or high school girl), and on the issue of coerced participation in pornographic materials, in consultation with local NGOs and experts.

The government continued to advertise the multilingual emergency contact hotline number at local police and immigration offices and with NGOs and governments of source countries. It conducted trafficking awareness campaigns by disseminating information online, through radio programs, posters, and brochures and by disseminating leaflets to NGOs, immigration and labor offices, and diplomatic missions in Japan and overseas. To reduce demand for commercial sex, including child sex tourism, the government continued to distribute posters and brochures, including in transportation hubs, and distribute a handbook to travelers with warnings about the government’s ability to prosecute Japanese citizens who engage in child sex tourism abroad. The government has extraterritorial jurisdiction to prosecute Japanese nationals who engage in child sexual exploitation abroad; however, it did not report any such prosecutions during the reporting period. The government provided anti-trafficking training for troops prior to their deployment abroad on international peacekeeping missions and to its diplomatic personnel. Japan is the only G-7 country that is not a party to the 2000 UN TIP Protocol; however, the Cabinet submitted draft legislation to the Diet in March 2017 that, if passed, would allow the government to become a party to the protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers, mainly from Asia, are subjected to conditions of forced labor, including some cases through the government’s TITP. Some men, women, and children from Northeast Asia, Southeast Asia, South Asia, South America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Traffickers use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for forced prostitution in bars, clubs, brothels, and massage parlors. Traffickers strictly control the movement of victims using debt bondage, threats of violence or deportation, blackmail, passport retention, and other coercive psychological methods; victims of forced prostitution sometimes also face debts upon commencement of their contracts. Most victims are required to pay employers fees for living expenses, medical care, and other necessities, leaving them vulnerable to debt bondage. Brothel operators may add “fines” for alleged misbehavior to victims’ original debt, and the process used to calculate these debts is typically not transparent. Trafficking victims may transit Japan before enduring exploitation in onward destinations, including East Asia and North America.

Japanese citizens, particularly runaway teenage girls, children of foreign and Japanese citizens who have acquired citizenship, and their foreign mothers, are also subjected to sex trafficking. *Enjo kosai*, also known as “compensated dating,” and variants

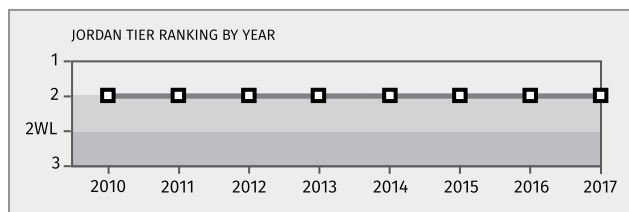
of the “JK business” continue to facilitate the sex trafficking of Japanese children. Sophisticated and organized prostitution networks target vulnerable Japanese women and girls—often in poverty or with mental disabilities—in public areas such as subways, popular youth hangouts, schools, and online; some of these women and girls become trafficking victims. Some model and actor placement agencies use fraudulent recruitment techniques to coerce Japanese women and men into signing vague contracts, and then force them through threats of breach of contract or other legal action to engage in sexual acts to produce pornographic materials. Organizations in Japan contact children of Japanese fathers and Filipino mothers to assist them and their mothers to acquire citizenship and move to Japan for a fee; once in Japan, some mothers and children are exploited in sex trafficking to pay off the debt incurred for the organizations’ services. Reports continue that Japanese men remain a source of demand for child sex tourism in Asia.

Cases of forced labor occur within TITP, a government-run program originally designed to foster basic technical skills among foreign workers that has effectively become a guest-worker program. During the “internship,” many migrant workers are placed in jobs that do not teach or develop technical skills—the original intention of TITP; some of these workers continued to experience conditions of forced labor. Many technical interns are Chinese, Cambodian, and Vietnamese citizens, some of whom pay up to \$10,000 for jobs and are employed under contracts that mandate forfeiture of the equivalent of thousands of dollars if they leave. Reports continue of sending organizations in the interns’ host countries under this program charging participants excessive fees and deposits, and requiring contracts subjecting participants to fines if they fail to comply with their labor contract or other term of agreement. Some employers confiscate trainees’ passports and other personal identity documents and control the movements of interns to prevent their escape or communication with persons outside the program.

## JORDAN: TIER 2

The Government of Jordan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Jordan remained on Tier 2. The government demonstrated increasing efforts by assisting an increased number of victims in 2016, compared to the previous year, including providing services at a shelter dedicated to victims of all forms of trafficking, including men, women, and children. It made efforts to improve implementation of a national victim referral mechanism for authorities to systematically identify and refer victims to protection services. The government also continued to work in cooperation with NGOs and international organizations to investigate potential trafficking crimes, identify and protect trafficking victims, and train officials. The government demonstrated continued strong efforts to investigate, prosecute, and convict traffickers. However, the government did not meet the minimum standards in a few key areas. In particular, under Jordan’s anti-trafficking law, penalties for some trafficking offenses are neither sufficiently stringent nor commensurate with other grave crimes. During the reporting period, the government sought to improve this weakness and drafted amendments to the penal code to strengthen available sentences for trafficking offenses; these draft provisions

remained pending review at the end of the reporting period. Additionally, victims continued to be vulnerable to arrest and imprisonment for acts committed as a direct result of being subjected to trafficking, such as immigration violations, while government efforts to identify potential trafficking victims among those in detention remained weak.



## RECOMMENDATIONS FOR JORDAN

Enact and implement draft amendments to the anti-trafficking law to ensure penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other serious crimes; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations or escaping from an abusive employer; significantly increase training for law enforcement, prison officials, and labor inspectors throughout the country to proactively screen for, identify, and refer to protection services trafficking victims among vulnerable populations, such as detained foreign migrants, domestic workers, workers in the agricultural sector, and women in prostitution; fully implement the national victim referral mechanism; continue to prosecute, convict, and punish sex trafficking and forced labor offenses with adequate jail time and investigate and punish individuals for withholding workers' passports under Jordan's passport law; continue to regularly cooperate with NGOs to identify and refer victims to protection services; continue to allocate adequate funding for operation of the government's trafficking shelter and train shelter staff to identify and provide specialized care to victims; issue regulations governing work in the agricultural sector and increase labor inspections in this sector; and regulate and investigate fraudulent labor and recruitment practices.

## PROSECUTION

The government maintained robust anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law criminalizes all forms of sex and labor trafficking. Penalties for sex trafficking and forced labor of adults are a minimum of six months imprisonment and/or a fine ranging from 1,000-5,000 Jordanian Dinars (\$1,410-\$7,060). Penalties of less than one year imprisonment are not sufficiently stringent, and by allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crime, such as rape. The law imposes penalties of not more than 10 years imprisonment and a fine ranging between 5,000 and 20,000 Jordanian dinars (\$7,060-\$28,250) for the sex trafficking and forced labor of children, as well as for the sex trafficking of adults and other forms of adult trafficking in certain specified circumstances. Such circumstances include when the crime is transnational in nature or committed by an organized criminal group or a spouse, parent, guardian or public servant, if a weapon is used, or if the victim is a female with a disability or is injured. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape or kidnapping. In keeping with international law,

means of force, fraud, or coercion are not required to prove a crime of sex trafficking of children. The withholding of passports by an employer—a potential indicator of trafficking—is a crime under Jordan's passport law with six months to three years imprisonment and financial penalties. During the reporting period, the government drafted amendments to the penal code that would enhance sentences for trafficking offenses and establish a fund to be used to protect trafficking victims. The draft amendments were submitted to the prime minister for review in January 2017 and remained pending at the end of the reporting period.

The government continued strong efforts to investigate potential trafficking cases and prosecute and convict trafficking offenders in 2016, on par with efforts in 2015. The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued to investigate potential trafficking crimes. In 2016, the anti-trafficking unit investigated a total of 366 potential trafficking cases, 290 of which included labor violations involving domestic workers; the unit also inspected six recruitment agencies for mistreatment of foreign workers. Of the 366 investigations, the unit determined that 30 of these cases—involving 51 alleged traffickers—met the criteria for potential trafficking crimes, including sexual exploitation, forced labor of domestic workers, and other forced labor crimes. The government continued its effort from the previous year to investigate potential trafficking cases in the garment sector. For example, in July 2016, the MOL and an international organization jointly conducted inspections of two garment factories in the Qualified Industrial Zone in Irbid after allegations of abuse and other labor violations were reported by an NGO; although the investigations concluded labor violations took place, there was inadequate evidence to prove trafficking crimes occurred. Furthermore in February 2017, following allegations of labor abuses in another garment factory, the government ordered its immediate closure; it did not, however, investigate this factory for trafficking crimes.

The Ministry of Justice reported it initiated the prosecution of 39 new trafficking cases in 2016 and continued prosecution of 19 trafficking cases initiated in previous years. Of these 58 cases, 32 remained pending at the end of the reporting period. Of the 26 cases concluded in 2016, the government convicted 10 traffickers; in eight cases, offenders received sentences ranging from one to 15 years imprisonment, while offenders in two cases received sentences of six months imprisonment. Additionally, of the cases concluded in 2016, six resulted in full acquittals and three in convictions for lesser crimes, including fraud and passport withholding. NGOs and foreign embassy representatives continued to report the government preferred to settle potential cases of domestic servitude through mediation, rather than referring them for criminal prosecution. NGOs also raised concerns that the long litigation process for trafficking cases gave employers time to pressure victims to drop their cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses during the reporting period; it did not report updated information on two members of the General Intelligence Directorate who were charged with trafficking crimes in 2015.

The anti-trafficking unit continued to place specially trained officials in cities outside the capital, including Aqaba, Irbid, and Ramtha, but resources were primarily concentrated in Amman. The anti-trafficking unit reported conducting 30 anti-trafficking training workshops for hundreds of police, border guards, and labor inspectors; some of these trainings were held in coordination with NGOs and international organizations.

## PROTECTION

The government maintained efforts to proactively identify trafficking victims, provide protection services to victims, and work in partnership with civil society organizations in these efforts. During the course of investigations, the government identified and referred to protection services 65 potential victims of sexual exploitation, domestic servitude, and forced labor. This was a decline from the 124 victims the government identified in 2015. During the reporting period, the anti-trafficking unit continued to receive referrals of potential trafficking victims from NGOs, an international organization, and police stations in Amman. Government officials and civil society organizations acknowledged that labor inspectors, police, and detention center officials—particularly those outside of Amman—lacked the specialized training to proactively identify and refer trafficking victims to protection services. Nevertheless, the government continued to use and improve the national victim referral mechanism, which it finalized and launched in 2015. In 2016, the government worked in cooperation with an international organization to develop detailed standard operating procedures for stronger implementation of the referral mechanism.

The government continued to operate and provide assistance to victims at a shelter solely dedicated to protecting trafficking victims, which provided a wide range of services, including psycho-social care, medical treatment, legal assistance, vocational training, and specialized services for children. The shelter's staff included specialists in psychology, social work, nursing, and education. The facility had the capacity to serve 35 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country available for men. In 2016, the shelter served a total of 56 trafficking victims, the majority of whom were women; this represents an increase from 18 victims in the previous reporting period. The anti-trafficking unit referred the majority of the victims to the shelter, but NGOs also referred some victims. Other facilities that served female victims of gender-based violence also served potential trafficking victims. Despite the government's protection efforts, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents, or if their employers or recruitment agencies filed false claims of theft against them. Many foreign workers were unable to return to their home countries, while some remained in Jordanian detention, due to pending criminal charges against them or their inability to pay overstay penalties or plane fare home. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer to care victims among foreign migrant workers in administrative detention or charged with crimes. To address this problem, the Public Security Directorate (PSD) continued to work in cooperation with a local NGO to identify and assist victims at police stations and prison rehabilitation centers, as well as to train PSD personnel and assist in the repatriation of victims. Victims were not able to file civil suits against their traffickers for restitution. However, the government encouraged victims to assist in the prosecution of their traffickers by providing legal and reintegration assistance. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government maintained strong prevention efforts. The inter-ministerial anti-trafficking committee continued to meet regularly during the reporting period. The government continued

to draft a new national anti-trafficking action plan and strategy, but it was not finalized at the end of the reporting period. The government continued to raise awareness about trafficking crimes. For example, the anti-trafficking unit cooperated with the Ministry of Education and an international organization to raise awareness of trafficking in public universities and high schools in various cities in the country. In addition, the director of the anti-trafficking unit held awareness-raising discussions on three radio and television shows in 2016. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, in the garment sector, and at the MOL unit in charge of domestic worker issues. MOL continued to operate a hotline to receive labor complaints, which offered interpretation services in some source-country languages.

The government continued to take efforts to reduce the demand for forced labor and commercial sex acts. The government continued to make efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation, by conducting awareness campaigns on the dangers of forced marriage, establishing Sharia courts in Syrian refugee camps, and requiring Ministry of Interior approval for all marriages of Syrians to people of other nationalities, including Jordanians. Since adopting a policy in March 2016 that eased restrictions on Syrian refugees' legal work status, the government issued 38,000 work permits to Syrian refugees. Under a policy initiated in February 2016, the government continued to allow Syrian refugees access to education in public schools during the reporting period, including an additional 50,000 Syrian refugee children. MOL hired 11 new labor inspectors in 2016, increasing the total number to 237; they are responsible for enforcing the labor code, including inspecting child labor violations across the country; this continued a steady increase of inspectors over the past several years. In 2016, MOL conducted 85,253 labor inspections in the formal and informal sectors. The government also conducted labor inspections in the agricultural sector in 2016, but found no labor violations or potential trafficking crimes; nevertheless, MOL officials continued to report that there was not a clear regulatory framework for inspections of this sector, while it also lacked sufficient resources to monitor this sector. The MOL inspected 2,681 recruitment centers in 2016, but it did not report how many it closed or suspended for labor violations. In January 2017, MOL raised the fees for work permits for foreign workers, which could increase workers' vulnerabilities to trafficking if employers attempt to charge workers the amount of the increased fees. The Ministry of Foreign Affairs continued to report its finance department directly paid locally-hired domestic staff of Jordanian diplomats posted abroad, in accordance with labor laws and wage rates in the host country. The government did not provide specific anti-trafficking training for its diplomatic personnel, nor troops or police before their deployment abroad as peacekeepers.

## TRAFFICKING PROFILE

As reported over the past five years, Jordan is a source and destination country for adults and children subjected to forced labor and sex trafficking. Trafficking victims in Jordan are primarily from South and Southeast Asia, East Africa, Egypt, and Syria. Jordan relies on foreign migrant workers—many of whom are undocumented—in several industries, including construction, agriculture, textiles, and domestic work. Jordan's sponsorship system prevents foreign workers from switching employers or receiving adequate access to legal recourse in response to abuse. Some migrant workers from Egypt—the



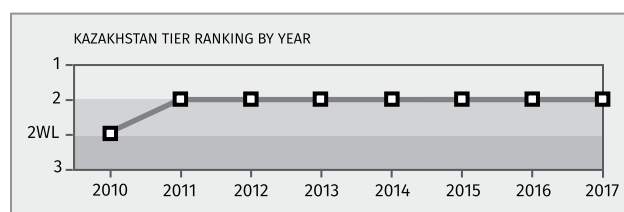
largest source of foreign labor in Jordan—experience forced labor in the construction, service, and agricultural sectors. In 2015, the government estimated there were 53,000 foreign female domestic workers in Jordan, primarily from Southeast Asia and East Africa; some are subjected to forced labor and experience withheld or non-payment of wages, confiscation of identity documents, restricted freedom of movement, long hours without rest, and verbal and physical abuse. The publicized case of a recruitment agent's beating of a Bangladeshi domestic worker, which was caught on camera in December 2015, exemplifies the abuse suffered by some domestic workers in Jordan. Men and women from throughout Asia migrate to work in factories in Jordan's garment industry, where some workers experience withholding of passports, unpaid or withheld wages, forced overtime, unsafe living conditions, verbal abuse and harassment, and restricted movement. As of 2015, workers in 47 percent of the factories in the garment industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan continue to be highly vulnerable to trafficking. Women and children—in particular—among the refugee population often work illegally and informally in the Jordanian economy, which puts them at risk of trafficking; however, the Jordanian government adopted a policy in March 2016 that allows Syrian refugees legal work permits. Prior to adopting this policy, the government estimated 160,000 Syrians were working outside the formal labor market. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in the agricultural and service industries, as well as peddling goods and begging. Because the agricultural sector in Jordan is poorly regulated, children working in this sector may be susceptible to exploitation. There have been reported cases of Syrian refugee women and girls sold into “temporary” or forced marriages to Jordanians and men from the Persian Gulf for the purpose of forced commercial sex. For example, in 2016 the government reported a case involving three Syrian girls and one Syrian woman who were forced by their father into temporary marriages—for the purpose of sexual exploitation—with a national from Saudi Arabia. In addition, international organizations and NGOs reported an increase in early marriages among Syrian refugees in 2015, which may place girls at risk of sexual exploitation and forced labor. Syrian, Lebanese, North African, and Eastern European women may be forced into prostitution after migrating to Jordan to work in restaurants and nightclubs; some Jordanian women working in nightclubs may also be forced into prostitution. As reported by an NGO in 2016, some Egyptian women are forced to beg or forced into prostitution by their Jordanian husbands. Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka have been reportedly forced into prostitution after fleeing their employers. Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be victims of forced labor. There are reports of organized child begging rings involving Jordanian and Syrian children. Some Jordanian and Syrian girls are forced to drop out of school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking.

## KAZAKHSTAN: TIER 2

The Government of Kazakhstan does not fully meet the minimum standards for the elimination of trafficking; however,

it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kazakhstan remained on Tier 2. The government demonstrated increasing efforts by significantly increasing prosecution and conviction of human traffickers, expanding protection of victims by opening four new shelters for human trafficking victims, and approving a budget for shelter and victim assistance. The government also convicted and sentenced a former police officer for collusion in human trafficking. The government continued to fund and implement awareness-raising events. However, the government did not meet the minimum standards in several key areas. Legislative norms allow for “conciliation of parties,” which allows alleged traffickers to pay a settlement to victims to withdraw their criminal cases. Media continued to report allegations of police officers' complicity in human trafficking, but the government reported few investigations or prosecutions of police or other government officials suspected of trafficking crimes.



## RECOMMENDATIONS FOR KAZAKHSTAN

Update laws to align with international standards and exclude exemption from criminal liability due to conciliation of parties under human trafficking crimes or otherwise ensure such crimes are subject to criminal investigation and prosecution; increase efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance; vigorously investigate, prosecute, and convict suspected trafficking cases, respecting due process, including allegedly complicit government officials and police officers; increase funding and resources for anti-trafficking police units; ensure victim identification and assistance is not contingent on successful investigation and prosecution efforts; cease deporting victims and provide legal alternatives to forced repatriation; train labor inspectors to identify victims of forced labor and report potential trafficking cases to the police; and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement or facilitation of trafficking crimes.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Articles 128, 135, 125(3b), 126(3b), 308, and 134 of the penal code criminalize all forms of sex and labor trafficking and prescribe penalties of up to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Amendments to the penal code that went into effect in 2015 increased penalties for crimes committed against children, including sex trafficking. Article 68 of the criminal code allows defendants to pursue settlements by paying monetary compensation to the victim in exchange for having the criminal case withdrawn. Although 2016 amendments preclude the possibility of invoking article 68 in cases of sexual crimes against minors, it still is an option in cases involving other forms of trafficking.

Police investigated 147 trafficking cases, compared to 104 in

2015. In 2016, law enforcement officials initiated 110 new prosecutions for trafficking offenses (97 in 2015), including 92 sex trafficking cases and 18 labor trafficking cases. The government convicted 45 offenders (12 in 2015); of which, 40 sex traffickers received sentences ranging from three to 10 years imprisonment and five labor traffickers received sentences of one to six years. In addition, the government opened 228 investigations of trafficking-related crimes, including pimping and brothel maintenance. NGOs continued to suspect traffickers bribed low-ranking police officials to avoid these charges. Media reported several cases in which police officers were accused of trafficking or sentenced for other offenses that may have involved trafficking. Such cases included a former deputy head of the regional counternarcotic department who allegedly recruited and facilitated sex trafficking and a former police officer convicted for collusion in human trafficking. The government sentenced the former police officer to 10 years in prison with a lifetime ban for work in law enforcement agencies in November 2016.

The government continued to provide a variety of specialized training courses for police, prosecutors, and judges in the identification, investigation, and prosecution of trafficking crimes and funded police participation in international anti-trafficking conferences. In 2016, the judicial institute and Ministry of Internal Affairs (MVD) conducted 13 training sessions for 166 judges and 133 police officers on the protection of trafficking victims during the criminal process and victim identification. More than 170 law enforcement officers and social workers participated in anti-trafficking conferences to exchange best practices in combating human trafficking and training on victim assistance. In all training programs, the government covered participant costs and the venue while international organizations, NGOs, and international donors contributed the expert fees and training materials. During the reporting period, the government jointly investigated 13 cases related to trafficking in cooperation with foreign governments, including Azerbaijan, Belarus, Kyrgyzstan, Russia, and the United Kingdom. In December 2016, the National Commission for Human Rights released the report "On the Protection of Rights of Migrants and Victims of Human Trafficking." The report provided analysis of the implementation of the recommendations from two reports previously published by the National Commission Special Reports "On the Rights of Migrants in Kazakhstan" and "On Current Issues Affecting Human Rights Protection in Combating Trafficking in Persons in the Republic of Kazakhstan."

## PROTECTION

The government increased efforts to protect victims. The government identified 110 trafficking victims, an increase from 92 in 2015. Of those, 82 were victims of sex trafficking and 21 of forced labor. All but 15 of the identified victims were from Kazakhstan; three of the Kazakhstani victims were subjected to trafficking in South Korea and the United Arab Emirates, while the rest were subjected to trafficking in Kazakhstan, recruited from rural to urban areas for both labor and sexual exploitation. All 82 Kazakhstani victims identified by the government received assistance from government-funded programs, however, foreign victims are not eligible for assistance in government-funded shelters. In 2016, NGOs reported assisting 167 trafficking victims (162 in 2015); among these, police referred 55 and international organizations, embassies, NGOs, and self-referrals were responsible for the additional 112. Of all 167 trafficking victims assisted by NGOs, 65 were Kazakhstani and 102 were foreigners; 33 were victims of sex trafficking, 134 of forced labor, 57 were female, 107 male, and three transgender. The

government-funded and NGO-operated trafficking hotline received 841 phone calls in 2016, the vast majority of which were requests for information while six were referred to anti-trafficking police units.

In addition to one government-funded NGO-operated shelter in Astana, the government-funded the opening of three new NGO-operated trafficking shelters in Shymkent, Kostanay, and Almaty in 2016. The four NGO-operated trafficking shelters provide legal, psychological, and medical assistance and are accessible to all trafficking victims, regardless of gender or age. In 2016, the government allocated at least 25.97 million Kazakhstani Tenge (KZT) (\$77,918) to direct victim assistance, including 24 million KZT (\$72,007) for shelter assistance and 1.97 million KZT (\$5,911) for victim assistance during investigations, an increase from 4.7 million KZT (\$14,101) in 2015. The government special social services law entitles trafficking victims to care as "victims of violence." In 2015, the government finalized standard criteria for determining eligibility for a wide range of social services, and in 2016, the government implemented the new standards in the operation of shelters for trafficking victims. Amendments to the penal procedural code made in 2015 allow victims to seek compensation from a government fund; however, the fund has not yet been established, as it requires the adoption of implementing regulations. NGOs reported effective victim referral and police cooperation with anti-trafficking units assigned to each region. Law enforcement units mandated to address migration or trafficking issues have a formal system to identify trafficking victims among at-risk persons, such as undocumented migrants or persons in prostitution. The government encouraged victims to participate in investigations and prosecutions by providing witness protection during court proceedings, access to pre-trial shelter services, and basic provisions such as food, clothing, and medical and legal assistance. In 2016, the government provided 15 foreign victims legal protection, including suspension of deportation proceedings, and special temporary residency throughout the criminal investigation. However, if a criminal case was not initiated, authorities did not recognize and give protective status to foreign victims. NGOs reported foreign victims sometimes experienced problems in accessing local medical care due to a lack of health insurance or residence permits. The government did not offer legal alternatives to removal of foreign victims and forcibly repatriated all victims after expiration of their temporary residency rights. In 2016, there were no reports of authorities criminally punishing victims for crimes as a direct result of being subjected to trafficking.

## PREVENTION

The government maintained prevention efforts, under the direction of the Interagency Trafficking in Person Working Group, led by the Ministry of Health and Social Development in 2016. The government continued implementing a national action plan for 2015-2017, which includes activities to improve anti-trafficking legislation; investigation and prosecution of human trafficking cases; victim identification and assistance; cooperation with international and non-governmental organizations; and prevention efforts such as public awareness programs. The government continued to fund anti-trafficking information and education campaigns targeting potential trafficking victims, including children. The Ministry of Culture and Information funded radio and television programs, as well as the publication of newspaper articles and web-publications, designed to prevent trafficking by raising public awareness. In July 2016, the MVD began a 25-day public information campaign in commemoration of International Day against

Human Trafficking. During the campaign, police participated in TV and radio programs, conducted presentations at hospitals and tourist information and construction offices, and organized flash mobs at sporting events to raise public awareness of human trafficking. The MVD also distributed information in parks, shopping malls, rail stations, airports, hotels, and markets that included the number for the national anti-trafficking hotline. The hotline received more than 841 calls in 2016, which led to the investigation of six cases of human trafficking. The government allocated an undisclosed amount of funding to NGOs for prevention projects, including public awareness campaigns. The government allocated 9.8 million KZT (\$29,403) during the previous year. The government did not take any action to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel; however, Ministry of Foreign Affairs personnel attended trafficking in persons awareness training conducted by an international organization.

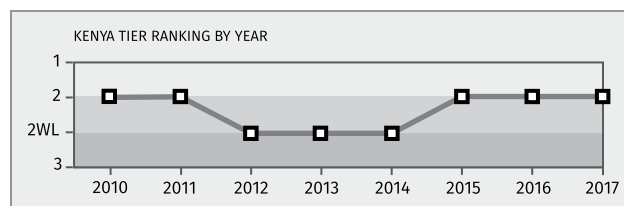
## TRAFFICKING PROFILE

As reported over the past five years, Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Domestic trafficking remains a consistent problem, accounting for most identified victims. Kazakhstani men but also women are subjected to labor exploitation mostly in Russia, but also in the Republic of Korea. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, East Asia, and the United States. Women and girls from neighboring Central Asian and Eastern European countries, as well as from rural areas in Kazakhstan, are subjected to sex trafficking in Kazakhstan; in most cases, traffickers target young girls and women, luring them with promises of employment as waitresses, models, or nannies in large cities. Some children are forced to beg and others may be coerced into criminal behavior. The relative economic prosperity in the government capital Astana, the financial capital Almaty, and the western oil cities Aktau and Atyrau, attract large numbers of Kazakhstanis from rural villages, some of whom become victims of labor trafficking and sexual exploitation. Chinese, Filipino, Kazakhstani, and other Central Asian citizens, in particular Uzbekistani men and women, are subjected to forced labor in domestic service, construction, and agriculture in Kazakhstan. Since Russia banned re-entry for an estimated one million Uzbek migrants, many of them have sought temporary work and residence in Kazakhstan where they remained vulnerable to trafficking. Many victims of trafficking in Kazakhstan indicate they were lured through fraud and deceit, sometimes by friends or acquaintances, and, at times, exploited by small organized criminal groups in Kazakhstan.

## KENYA: TIER 2

The Government of Kenya does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kenya remained on Tier 2. The government demonstrated increasing efforts by launching a national referral mechanism, issuing new registration requirements and a code of conduct for private labor recruitment agencies, and including human trafficking and the anti-trafficking law in its basic police training curricula. The Ministry of Labor (MOL) assigned labor attachés to Kenyan missions in Qatar, the United Arab Emirates (UAE), and Saudi Arabia to protect citizens employed

in those countries. However, the government did not meet the minimum standards in several key areas. It did not allocate any new funding to the victim assistance fund, compared to seven million Kenyan shillings (\$68,326) it allotted during the previous reporting period. Kenyan authorities continued to treat some victims as criminals, and the availability of protective services for adult victims remained negligible. Corruption in sectors of the government perpetuated traffickers' ability to obtain fraudulent identity documents from complicit officials. The government did not conduct nationwide anti-trafficking awareness campaigns.



## RECOMMENDATIONS FOR KENYA

Increase protective services available to adult trafficking victims, particularly those identified and repatriated from overseas; implement the formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and repatriated Kenyans; allocate sufficient resources toward the victim assistance fund; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including government officials suspected of complicity in human trafficking; expand training to all levels of the government, particularly front-line responders, on identifying and handling trafficking crimes; increase oversight of overseas recruitment agencies; use formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; and conduct awareness campaigns throughout the country, including rural areas.

## PROSECUTION

The government continued law enforcement efforts, but incomplete data from the government and conflation of trafficking and smuggling crimes made it difficult to assess those efforts. Section 1 of the Counter-Trafficking in Persons Act of 2010 criminalizes all forms of trafficking and section 3(5) prescribes a sufficiently stringent punishment of no less than 30 years imprisonment or a fine of not less than 30 million shillings (\$292,826). When allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. Sections 14 and 15 of the Sexual Offenses Act of 2006 criminalize the facilitation of child sex tourism and "child prostitution," and prescribe punishment of no less than 10 years imprisonment penalties that are also sufficiently stringent and commensurate with those prescribed for other serious crimes. The government did not report the specific laws under which it prosecuted specific trafficking cases during the reporting period, although it more commonly utilized the 2006 Sexual Offenses Act.

In 2016, around half of Kenya's 47 counties reported anti-trafficking law enforcement data, whereas all counties reported such data in 2015; however, conflation of smuggling and other crimes with trafficking also contributed to the significant increase in law enforcement data that was difficult to disaggregate. The government reported 530 investigations of potential trafficking cases in 2016, of which 59 were for forced labor and 28 for sex



trafficking; the government did not report types of trafficking for the remainder. Investigation data was not reported in 2015. The government reported initiating 281 prosecutions during the reporting year, compared with 762 in 2015 and 65 in 2014. The government reported convicting 105 traffickers, compared to 456 in 2015 and 33 in 2014; however, some convictions may have been for smuggling crimes rather than trafficking. Corruption remained endemic at all levels of government, and traffickers were able to fraudulently obtain identity documents from complicit officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. As reported in 2016, a federal district court in California issued a default judgment against a Kenyan consular officer awarding more than \$288,000 in damages and attorney fees to that officer's former domestic worker who had sued for exploitation. The parties subsequently agreed to a confidential settlement. The national police service, in partnership with an international organization, included content on human trafficking and the anti-trafficking law in its basic training curricula. In January 2017, the government supported training for the anti-trafficking advisory committee members on how to execute the committee's mandate. In conjunction with an international organization, it trained 34 front-line law enforcement officers and investigators on combating trafficking. In addition, the government-funded and conducted a train-the-trainers program for 50 stakeholders from the judiciary, departments of immigration and social protection, and law enforcement agencies; this program focused primarily on national laws and mechanisms for victim identification and referral.

## PROTECTION

The government made modest efforts to protect children, while protection services for adult victims remained negligible. Authorities reported identifying and referring to care 530 trafficking victims in 2016, some of whom were likely involved in smuggling; during the previous year, it reported identifying 153 victims, all of which were internal child trafficking victims. The government placed some child victims in child-specific rescue centers, supported the familial reunification of others, and assisted with the repatriation of non-Kenyan nationals. During the reporting period, the government did not allocate funding for the victim assistance fund; in 2015, the government provided funds for the first time, allocating 7 million Kenyan shillings (\$68,326). NGOs and international organizations played a significant role in victim identification and referral to the Department of Children's Services (DCS). DCS officers participated in police investigations, identification of child trafficking victims, counseling provisions, and referrals to service providers. DCS and a local NGO continued to jointly operate a national 24-hour toll-free hotline for reporting cases of child trafficking, labor exploitation, and domestic abuse; the hotline's main call center was located in a government-owned building in Nairobi. The government reported the hotline received 1,195 reports of child trafficking in 2016, the same number it reported in the previous reporting period. In December 2016, the government issued guidelines, developed the previous year, for implementing the national referral mechanism; however, it did not employ them during the reporting period or train stakeholders on their implementation.

The government's services for adult trafficking victims identified within the country remained negligible. Some NGOs noted the government-maintained list of assistance providers was not comprehensive and contact information for some organizations was not made publicly available, precluding victims from

effectively reaching them. DCS continued to operate eight drop-in referral centers in Eldoret, Garissa, Malindi, Siaya, Kakamega, Nairobi, Nakuru, and Mombasa, and four rescue centers in Garissa, Malindi, Thika, and Machakos, where child victims of violence, including trafficking victims, could stay for up to three months before returning home or being referred to NGO facilities. The government and NGOs provided medical help, psycho-social support, rehabilitation and reintegration services, food and clothing, and referrals to other centers for an unknown number of children, which may have included trafficking victims. NGOs provided protective provisions at times without government support.

To address the exploitation of Kenyan nationals abroad, the MOL assigned labor attachés to Kenyan missions in Qatar, the UAE, and Saudi Arabia to assist citizens employed in those countries. The government also signed a bilateral labor agreement with Qatar to coordinate efforts to reduce cases of exploitative labor and other abuses against Kenyans abroad, to include trafficking. It provided ad hoc repatriation assistance, including housing placement, medical care, psycho-social support, and reintegration services, for its citizens subjected to trafficking outside Kenya; in some cases NGOs and destination-country governments coordinated and funded the repatriation of Kenyan nationals without government support. The government's diplomatic missions worked to improve consular services to victims abroad, although serious gaps remained. Immigration officials continued to conflate smuggling with trafficking and arrested, without screening, potential trafficking victims for traveling with forged documents. Reports alleged authorities treated some victims as criminals, sometimes charging them with labor violations. The government had formal procedures to encourage victims' cooperation in the investigation and prosecution of trafficking crimes; however, there were no reports such procedures were used during the reporting period. Under the anti-trafficking act, officials may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not report using this provision during the reporting period.

## PREVENTION

The government maintained uneven efforts to prevent trafficking. Authorities partially implemented the 2013-2017 national action plan, through limited capacity building for officials and the launch of the referral mechanism. The advisory committee — the governing body for anti-trafficking efforts — convened five times during the reporting period and submitted to the MOL cabinet secretary for review its second annual national action plan to cover years 2017-2022. The government-funded the committee with seven million Kenyan shillings (\$68,326) for anti-trafficking activities. Progress on the advisory committee's database to share relevant ministry information across all 47 counties stalled during the reporting period. The advisory committee reported publishing trafficking posters for DCS offices. The government's anti-trafficking awareness efforts were largely limited due to resource constraints. During the year, it promoted the national 24-hour toll-free hotline for reporting cases of child trafficking, labor exploitation, and domestic abuse.

Following the MOL's revocation of accreditation certificates for hundreds of private employment agencies to conduct robust vetting in the previous reporting period, in June 2016 the government put into force new rules outlining registration requirements and a code of conduct for such agencies. These requirements included informing Kenyan employees seeking

work abroad about their prospective wages, visa fees, airfare, and medical examinations, and specifying that any administrative costs imposed on the employee should not exceed one month's salary. Since the new rules were gazetted, the MOL certified 25 private employment agencies, although the list of certified companies was not publicly available at the close of the reporting period. The MOL continued to require employment agencies sourcing jobs abroad in the hospitality and service sectors to obtain MOL approval of all employment contracts. The MOL required contracts deemed credible to be signed in the presence of a labor ministry officer, and required applicants to register with the Kenyan embassy in the host country. The government did not report efforts to reduce the demand for commercial sex acts. The Ministry of Foreign Affairs provided anti-trafficking training for its diplomatic personnel and vetted employment contracts between Kenyan diplomats posted abroad and their domestic workers to ensure their legality. The government's training for troops deployed overseas on international peacekeeping missions included a module that addressed human trafficking.

### TRAFFICKING PROFILE

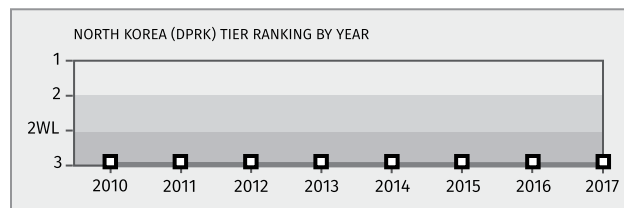
As reported over the past five years, Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, children are subjected to forced labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Boys were increasingly subjected to trafficking. Girls and boys are exploited in commercial sex throughout Kenya, including in sex tourism in Nairobi, Kisumu, and on the coast, particularly in informal settlements; at times, their exploitation is facilitated by family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near gold mines in western Kenya, by truck drivers along major highways, and by fishermen on Lake Victoria. Kenyans are recruited by legal or illegal employment agencies or voluntarily migrate to Europe, the United States, Southeast Asia, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, the UAE, and Oman—in search of employment, where at times they are exploited in domestic servitude, massage parlors and brothels, or forced manual labor. NGOs reported that IDPs who live close to a major highway or local trading center are more vulnerable to trafficking than persons in settled communities. Previous reports allege gay and bisexual Kenyan men are deceptively recruited from universities with promises of overseas jobs, but are forced into prostitution in Qatar and UAE. Nairobi-based labor recruiters maintain networks in Uganda and Ethiopia that recruit Rwandan, Ethiopian, and Ugandan workers through fraudulent offers of employment in the Middle East and Asia. Kenyan women are subjected to forced prostitution in Thailand by Ugandan and Nigerian traffickers. Men and boys are lured to Somalia to join criminal and terrorist networks, sometimes with fraudulent promises of lucrative employment elsewhere.

Kenya's largest refugee camp complex, Dadaab, hosts approximately 250,000 refugees and asylum-seekers, and the security situation inhibits some humanitarian access, assistance, and protective services. Some children in Dadaab and Kakuma refugee camps may be subjected to sex trafficking, while others are taken from the camps and forced to work on tobacco farms. Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya. Reports assert domestic workers from Uganda, herders from Ethiopia, and others from Somalia, South Sudan, and Burundi are subjected to forced labor in Kenya. Trucks transporting goods from Kenya to Somalia returned to Kenya with girls and women

subsequently exploited in brothels in Nairobi or Mombasa. Nepalese and Indian women recruited to work in *mujra* dance clubs in Nairobi and Mombasa face debt bondage, which they are forced to pay off by dancing and forced prostitution.

## KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: TIER 3

The Government of the Democratic People's Republic of Korea (DPRK or North Korea) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, the DPRK remained on Tier 3. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government sponsored human trafficking through its use of forced labor in prison camps and labor training centers, facilitation of forced labor of students, and its provision of forced labor to foreign companies through bilateral contracts. It failed to protect potential trafficking victims when they were forcibly repatriated from China or other countries.



### RECOMMENDATIONS FOR THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

End the use of forced labor in prison camps and among North Korean workers abroad; end the use of the death penalty and other harsh sentences for victims who are forcibly repatriated from destination countries, and provide assistance to trafficking victims in the DPRK and to North Korean victims forcibly repatriated from abroad; criminalize human trafficking and recognize it as a distinct crime from human smuggling; investigate and prosecute trafficking cases, and convict traffickers; establish transparent, bilateral work contracts used to deploy North Korean laborers to neighboring countries; eliminate coercion tactics used to monitor the movements and communications of workers in these contracts; increase transparency by allowing international human rights monitors to evaluate living and working conditions of these overseas workers; forge partnerships with international organizations and NGOs to combat human trafficking; allow North Koreans to receive fair wages, choose their form of work, and leave their employment at will; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government made no known anti-trafficking law enforcement efforts. North Korean laws do not prohibit all forms of human trafficking. Fair trials did not occur in the DPRK, and the government did not provide transparent law enforcement data during the reporting period. The government did not explain what provisions of law, if any, were used to prosecute trafficking offenses or protect victims. An unconfirmed NGO report indicated traffickers are sentenced based on the number of people they exploit: one to three victims results

in 10 years or more in forced labor camps, four to six victims results in an unlimited period in forced labor camps, and seven or more victims results in the death penalty.

During the reporting period, there were no known investigations, prosecutions, or convictions of traffickers. The government did not report whether it provided any anti-trafficking training to its officials. The government did not report any investigations or prosecutions of government officials for alleged complicity in human trafficking offenses.

## PROTECTION

The government did not report any efforts to identify or assist trafficking victims. Government authorities did not provide protective services to trafficking victims and did not permit NGOs to provide these services. The government did not exempt victims from being penalized for unlawful acts committed as a direct result of being subjected to trafficking, and there was no screening of forcibly repatriated North Koreans to determine if they were trafficking victims.

North Koreans forcibly repatriated by Chinese authorities, including potential trafficking victims, were sent to prison camps, where they were subjected to forced labor, and possible torture and sexual abuse by prison guards. North Korean defectors reported instances of the government executing trafficking victims forcibly repatriated from China. Article 30 of the criminal code partially suspends civil rights of prison camp inmates; government officials used this provision to abuse victims in prison camps. The government reportedly subjected some forcibly repatriated victims who were pregnant to forced abortions, and reports indicate infants born to forcibly repatriated victims while in prison were killed. An estimated 20,000 to 30,000 children born to women from the DPRK live in China, and reports show some are unable to be registered upon birth, rendering them stateless and vulnerable to possible exploitation.

## PREVENTION

The government did not report any efforts to prevent human trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to human trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking, train government officials, or screen migrants along the border for signs of trafficking. The government did not make efforts to reduce the demand for commercial sex acts or forced labor, nor did it provide anti-trafficking training to its diplomatic personnel. The DPRK is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, the DPRK is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Government oppression in the DPRK prompts many North Koreans to flee the country in ways that make them vulnerable to human trafficking in destination countries. Within North Korea, forced labor is part of an established system of political repression. The government subjects its nationals to forced labor through mass mobilizations and in North Korean prison camps. The DPRK holds an estimated 80,000 to 120,000 prisoners in political prison camps in remote areas of the country. In many cases, these prisoners have not been charged with a crime or

prosecuted, convicted, or sentenced in a fair judicial hearing. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, or farming for long hours under harsh conditions. Political prisoners are subjected to unhygienic living conditions, beatings, torture, rape, a lack of medical care, and insufficient food. Many prisoners do not survive. Furnaces and mass graves are used to dispose the bodies of those who die in these prison camps.

The North Korean government operates regional, local, or sub-district level "labor training centers" and forces detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly send people to such centers if they are suspected of engaging in simple trading schemes or are unemployed. At the direction of the government, schools force students older than 14 years of age, including those in universities, to work without pay on farms for periods up to a month, twice a year; students who do not meet work quotas set out by the schools face physical abuse. In addition, school principals and teachers exploit students for personal gain by forcing them to work on farms or construction sites.

Many North Korean laborers sent by the government to work abroad under bilateral contracts with foreign governments also face conditions of forced labor. Estimates of the number of overseas workers dispatched and the amount of revenue those workers generated for the DPRK government vary widely; some estimates indicate the number of workers is in the tens of thousands in total. The majority work in Russia and China, but Middle Eastern, African, and other European and Asian countries also host North Korean laborers. Credible reports show many North Koreans working under these contracts are subjected to conditions indicative of forced labor, such as working excessively long hours in hazardous temperatures with restricted pay, for up to three years at a time. North Korean government "minders" restrict and monitor their movement and communications. North Koreans sent overseas do not have a choice in the work the government ultimately assigns them and are not free to change jobs. These workers face threats of government reprisals against them or their relatives in the DPRK if they attempt to escape or complain to outside parties. Workers' salaries are appropriated and deposited into accounts controlled by the North Korean government, which justifies its retention of most of the money by claiming various "voluntary" contributions to government endeavors. Workers receive only a fraction of the money paid to the North Korean government for their work and face punishment if they fail to meet production or work targets. Wages of some North Korean workers employed abroad reportedly are withheld until the laborers return home, increasing their vulnerability to coercion and exploitation by authorities. Other reports note these laborers work on average between 12 and 16 hours a day, and sometimes up to 20 hours per day, and are allowed only one or two rest days per month.

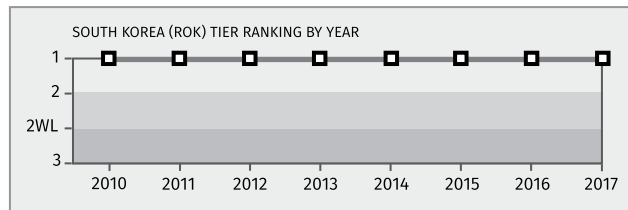
The North Korean government system of harsh punishment through forced labor camps or the death penalty can fuel trafficking in neighboring China. Many of the estimated 10,000 North Korean women and girls who have migrated illegally to China to flee abuse and human rights violations are particularly vulnerable to trafficking, and traffickers reportedly lure, drug, detain, or kidnap some North Korean women upon their arrival. Others offer jobs but subsequently force the women into prostitution, domestic service, or agricultural work through forced marriages. These women are subjected to sexual exploitation by Chinese or Korean-Chinese men,



forced prostitution in brothels or through internet sex sites, or compelled service as hostesses in nightclubs or karaoke bars. These victims often lack identification documents and bear children with Chinese men, which further hinders their ability to escape. If found by Chinese authorities, victims are often forcibly repatriated to the DPRK where they are subject to harsh punishment, including forced labor in labor camps or death.

## KOREA, REPUBLIC OF: TIER 1

The Government of the Republic of Korea (ROK or South Korea) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, South Korea remained on Tier 1. The government demonstrated serious and sustained efforts by increasing the number of trafficking investigations, prosecutions, and convictions compared to the previous reporting period; conducting numerous awareness raising campaigns; providing services to 7,397 potential trafficking victims; and strengthening procedures to prevent trafficking among entertainment visa holders. Although the government meets the minimum standards, it continued to prosecute trafficking crimes under laws with lower penalties, and did not establish formal guidelines to refer victims to services. The lack of sensitivity among some police officials to victim experiences may have re-traumatized victims or put them at further risk. Some potential trafficking victims, including foreign women in prostitution, were detained or deported for crimes committed as a result of being subjected to trafficking.



## RECOMMENDATIONS FOR THE REPUBLIC OF KOREA

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sentences proportionate to the crime committed; train law enforcement officers, prosecutors, and judicial officials to understand "trafficking" as defined in the criminal code which does not require kidnapping, buying and selling, force, or confinement; proactively identify trafficking victims among vulnerable populations—including individuals arrested for prostitution, disabled persons, and migrant workers in all visa categories—using standard victim identification guidelines; establish and implement formal guidelines to refer trafficking victims to services; designate a government entity responsible for coordinating anti-trafficking efforts; actively inspect industries with high potential for exploitation rather than relying on self-reporting of abuse by victims; draft and implement a trafficking-specific national action plan to guide governmental anti-trafficking efforts; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of trafficking vulnerabilities in South Korean government-issued entertainment visas, including verifying contracts and monitoring sponsoring establishments; and continue to investigate and prosecute those who use forced

labor on South Korean-flagged fishing vessels.

## PROSECUTION

The government increased law enforcement efforts. Chapter 31 of the criminal code prohibits all forms of trafficking and prescribes up to 15 years imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2016, the government reported investigating 562 reported trafficking cases (421 in 2015), indicting 426 suspects (347 in 2015), and convicting 213 offenders (64 in 2015); however, only 33 were convicted under trafficking statutes. The government prescribed sentences ranging from fines of KRW 8 million (\$6,649) to seven years imprisonment; instances in which fines are used in lieu of imprisonment are inadequate to deter trafficking crimes. The Ministry of Justice (MOJ) held numerous trainings throughout the year for prosecutors and law enforcement officers on anti-trafficking issues and victim protection. Nonetheless, officials' understanding of human trafficking was sometimes limited and inconsistent; there remained widespread, false perceptions that kidnapping, buying and selling, physical force, or confinement were required to qualify a case as trafficking. As a result, some prosecutors and judges applied trafficking charges to only the most serious cases, and prosecuted and punished most trafficking offenses under the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Trafficking, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse. Five police officers reportedly engaged in commercial sex acts, including with children, during the reporting period. The government ordered one officer to pay a fine of \$2,000 and trial proceedings were ongoing for a second officer at the end of the reporting period; the three others were not subject to prosecution.

## PROTECTION

The government maintained efforts to protect and assist trafficking victims. The government identified and assisted 82 foreign sex trafficking victims, compared with 58 in 2015; the government did not report statistics for South Korean or foreign labor trafficking victims. The government continued to use sex trafficking victim identification guidelines established in 2013. In August 2016, the National Human Rights Commission distributed updated identification guidelines to the MOJ, Ministry of Employment and Labor (MOEL), Ministry of Gender Equality and Family (MOGEF), National Police Agency (NPA) and 17 local governments to encourage more consistent, standardized criteria for victim identification. NPA was responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems; however, the government did not issue or use formal guidelines for referring victims to services. NGOs noted that without a government body designated to coordinate anti-trafficking efforts, establishing standards for conducting proactive victim identification among vulnerable groups remained a challenge. MOGEF supported 92 facilities that provide services specifically to sex trafficking victims and MOEL operated 39 foreign workers' support centers. In 2016, the government assisted 7,397 potential trafficking victims through counseling services, shelter, education, and rehabilitation support. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides trafficking victims with protection from prosecution, authorities detained women in prostitution, particularly foreign

women, during investigations and deported many victims without screening them for indicators of trafficking. Police and other government officials often treated female South Korean sex trafficking victims as criminals, rather than identifying them as trafficking victims. The government maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking. The government offered foreign victims legal alternatives to their removal to countries in which they may face hardship or retribution. As an incentive to encourage foreign trafficking victims to participate in investigations and prosecutions, the government issued G-1 visas with permission to work for up to one year. Victims could file a civil suit to receive restitution, but it is unclear how many victims pursued this option.

## PREVENTION

The government increased efforts to prevent trafficking. To raise awareness of human trafficking, the government conducted public service announcements, advertising campaigns, and events; distributed materials online; publicized its anti-trafficking hotline; and supported sex trafficking awareness programs in schools. In an effort to prevent exploitation among E6-2 entertainment visa holders, the government began to require applicants to submit evidence of more than three years of experience in the field and required applicants from countries with high overstay rates to apply through in-person interviews. MOEL inspected 20,000 workplaces for labor exploitation, including 3,200 businesses with foreign workers. In addition, the government surveyed the conditions of workers, including working hours, living conditions, non-payment of wages, and abuse in 1,720 workplaces and found 3,337 violations; MOEL instructed businesses to address violations, but it was unclear if charges were brought against law violators. MOGEF continued to operate hotlines in 13 languages accessible to trafficking victims, and the Ministry of Oceans and Fisheries continued to operate a hotline for foreign crew members on South Korean fishing vessels. After a South Korean man with intellectual disabilities who was subjected to forced labor on a cattle farm was identified, the government investigated the whereabouts of 13,776 individuals with registered intellectual disabilities in the same province in an effort to prevent additional cases of forced labor. They were unable to locate 10 individuals and received 17 reports of suspected forced labor; all 27 cases were forwarded to the police. The government lacked a trafficking-specific national plan of action, but included proposed anti-trafficking efforts in its human rights national action plan. To curb the demand for commercial sex acts, the government carried out awareness campaigns at airports, railroad stations, and with travel agencies; launched a campaign targeting government employees and certain private companies to prevent Korean tourists from engaging in sex tourism overseas; and, in partnership with the Philippines embassy, distributed leaflets to inform Korean travelers of local sex trafficking laws. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The government denied passport issuance to four South Koreans (15 in 2015) for engagement in sex tourism abroad; however, it did not prosecute or convict any South Korean sex tourists. The government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions and anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, the ROK is a source,

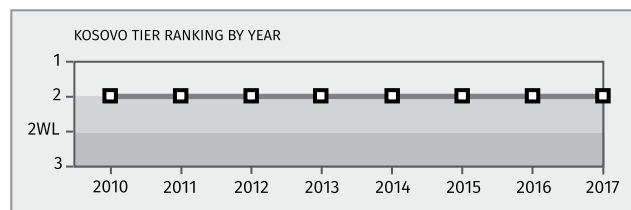
transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. South Korean women are subjected to forced prostitution in South Korea and abroad. Some South Korean women enter destination countries on tourist, work, or student visas, and are forced into prostitution in massage parlors, salons, bars, restaurants, or through internet-advertised escort services. Some victims who owe debts to entertainment establishment owners or loan sharks are forced into prostitution. Some disabled or intellectually disabled South Korean men are vulnerable to exploitation and have been forced to work on salt and cattle farms where they experience verbal and physical abuse, non-payment of wages, long work hours, and poor working and living conditions. Traffickers utilize smartphone applications to exploit victims and South Korean children are vulnerable to sex trafficking and commercial sexual exploitation through online recruitment. In need of money for living expenses and shelter, some runaway girls are subjected to sex trafficking.

Men and women from China, the Philippines, Vietnam, Indonesia, and other countries in Asia, the Middle East, and South America are subjected to forced labor in South Korea and on fishing vessels registered and operated by South Koreans; some women from these regions are subjected to forced prostitution. Migrant workers, especially those from Vietnam, China, and Indonesia, can incur thousands of dollars in debt, contributing to their vulnerability to debt bondage. Approximately 400,000 low-skilled migrant workers, many employed under the government's employment permit system, work in fishing, agriculture, livestock, restaurants, and manufacturing; some of these workers face conditions indicative of forced labor. The ROK is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific. Foreign fishermen aboard small fishing vessels operating beyond the purview of the government or owners' cooperatives are vulnerable to exploitation, including forced labor. Some foreign women on E6-2 entertainment visas—mostly from the Philippines, China, and Kyrgyzstan—are subjected to forced prostitution in entertainment establishments near ports and U.S. military bases. Some women from China, Vietnam, Thailand, the Philippines, and Cambodia, who are recruited for marriage to South Korean men through international marriage brokers, are subjected to forced prostitution or forced labor after their arrival. Some South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines.

## KOSOVO: TIER 2

The Government of Kosovo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kosovo remained on Tier 2. The government demonstrated increasing efforts by identifying more victims and prosecuting and convicting more traffickers than the previous year. Law enforcement conducted proactive investigations, including joint investigations with the Labor Inspectorate. The government-funded the crime victim compensation fund and established a compensation committee to review claims. However, the government did not meet the minimum standards in several key areas. Judges imposed lenient sentences on convicted traffickers, and prosecutors continued to downgrade trafficking cases to a lesser crime. The government decreased

funding for NGO-run shelters, and official complicity in trafficking offenses remained a significant concern.



## RECOMMENDATIONS FOR KOSOVO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; designate specific prosecutors and judges to handle trafficking cases, provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; provide adequate funding for NGO-run shelters; train officials on screening for trafficking among individuals in prostitution, migrants, refugees, and other at-risk populations, and uniformly implement such protocols; enhance the efforts of social welfare offices, in coordination with police, to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure thorough investigation of all suspected trafficking cases; establish shelters in the northern municipalities to assist trafficking victims in this region of the country; standardize data collection and create a database that disaggregate statistics for trafficking and trafficking-related prosecutions and convictions; and fully implement the provisions of the 2015 Law on Crime Victims Compensation, by reviewing claims and disbursing funds to trafficking victims.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Article 171 of the criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years imprisonment and a fine of up to €500,000 (\$526,870). These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. When sex trafficking offenses involve minors or a group of victims subjected to sex trafficking, the penalties increase to 15 to 20 years imprisonment and a fine. Other articles in the criminal code prohibit various types of trafficking: article 169 prohibits slavery, slavery-like conditions, and forced labor; and article 231, taking sexual services from a trafficking victim. Authorities filed 31 criminal reports for trafficking during the reporting period, compared to 24 reports in 2015. Law enforcement arrested 62 trafficking suspects (74 in 2015) and 18 additional suspects for “utilizing sexual services from a trafficking victim” (11 in 2015). The government did not disaggregate trafficking and trafficking-related offenses for prosecution and conviction statistics, likely incorporating cases that were not trafficking, such as “enabling prostitution,” “facilitating or compelling prostitution,” sexual abuse of children, and child pornography. The government indicted 56 defendants (53 in 2015), and courts convicted 24 individuals for trafficking-related cases (13 in 2015). Judges continued to issue sentences below the minimum penalty of five years imprisonment. One individual received five years and six months imprisonment, but other sentences were between three years and six months to a fine of €1,200 (\$1,260). The government did not adequately disaggregate law enforcement statistics to demonstrate action against both

sex and labor trafficking. Courts did not reduce the backlog of trafficking cases; 95 cases from 2016 and previous years remained open at the end of 2016. Observers reported the non-specialization of prosecutors and judges resulted in lenient sentences or cases downgraded to a lesser crime, especially cases involving emotional control or psychological coercion of a victim. Observers reported many prosecutors trained under the Yugoslav criminal code and required further training on the Kosovo criminal code.

The Trafficking in Human Beings Directorate (THBD) within the Kosovo Police (KP) investigated all trafficking cases and consisted of 55 investigators, with four investigators specialized in child trafficking, divided into eight regional units. The THBD established a unit in the four northern municipalities, a region that was recently restricted. The THBD conducted joint investigations with prosecutors and social workers on children forced to beg and coordinated with the Labor Inspectorate to conduct 120 joint inspections of bars, night-clubs, restaurants, and massage parlors. The Kosovo Academy for Public Safety, in cooperation with foreign governments and international organizations, held 25 separate training workshops for 41 investigators from the THBD. The Office of the Chief State Prosecutor (OCSF) trained prosecutors, judges, and victim advocates on trafficking issues. Official complicity in trafficking offenses remained a significant concern. Prosecutors indicted two police officers on separate cases of suspected abuse of an official position and sexual exploitation of trafficking victims. In 2014, courts convicted two labor ministry officials for abuse of an official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official €3,000 (\$3,160); however, the Basic Court acquitted the two officials and allowed them to resume their official duties. In 2016, prosecutors appealed the acquittal; however, the Court of Appeals refused this appeal and confirmed the case as a final verdict. The government continued law enforcement cooperation with foreign governments. The government signed a tri-lateral agreement with Albania and Montenegro that unified standard operating procedures on identifying trafficking victims and providing support services. The government exchanged information with eight foreign governments on 16 trafficking cases, conducted joint investigations with Albania, and signed bilateral law enforcement agreements with seven foreign governments and the European Border and Coast Guard Agency.

## PROTECTION

The government increased victim protection efforts. The government identified 36 trafficking victims, compared to 28 in 2015. Of these 36 victims, 26 were subjected to sex trafficking, nine to forced labor, and one victim to “slavery and servitude” (17 to sex trafficking and 11 to forced labor in 2015); 18 were children (11 in 2015); 34 were female and two were male (28 and two, respectively, in 2015); and 32 were from Kosovo and four from Albania. Eighteen victims accepted support services in 2016 and 2015. The government allocated €171,010 (\$180,200) for victim protection, compared to €181,925 (\$191,700) in 2015. NGO-run shelters received €91,010 (\$95,900) and the state-run Interim Security Facility (ISF) received €80,000 (\$84,300), compared to €101,930 (\$107,410) for NGO-run shelters and €80,000 (\$84,300) for ISF in 2015. NGO-run shelters reported government funding was inadequate and operations could not continue without funding assistance from foreign embassies. NGOs reported the Ministry of Labor and Social Welfare (MLSW) required funding applications every six months, causing a gap in funding while applications were processed and approved. One NGO-run



shelter temporarily closed due to the MLSW delaying calls for funding applications.

First responders followed standard operating procedures (SOPs) for identifying and referring victims to services. SOPs required a team consisting of an investigator from the THBD, a social worker, and a victim's advocate from the Victims Assistance and Advocacy Office to convene and assess the victim as low, medium, or high risk and coordinate victim care and placement. The team assessed the victim based on their level of danger and if the suspected trafficker was not known or at large, the level of risk for the victim was "high." Observers reported the national referral mechanism functioned well and highlighted good cooperation amongst actors; however, observers reported a lack of guidance and proactive identification efforts for victims of forced begging, especially children.

In 2015, the government licensed two NGO-run shelters to exclusively provide services to trafficking victims, along with the ISF. These shelters provided legal assistance, medical and psychological services, counseling, education, recreational services, and other rehabilitative support. Victims also had access to nine MLSW care facilities. The government did not have a care facility in the country's four northern municipalities. ISF temporarily accommodated victims of trafficking assessed as high risk. Due to the high-risk assessment from police, authorities required victims to have a police escort outside of the shelter while court proceedings were ongoing for the victim's protection. Victims required an approval from a prosecutor and the KP to permanently leave the ISF while assessed as high risk. The facility had the capacity to shelter 40 individuals with separate rooms for females, males, and families. Victims stayed at the ISF for an average of 90 days before transferring to a NGO-run shelter. The two NGO-run shelters provided support services to victims assessed as low- to medium-risk. One of these NGO-run shelters was solely for children. Authorities did not detain, fine, or otherwise penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government encouraged victims to participate in investigative and judicial processes by providing protection at ISF, accommodation and care at other facilities, and participation in the witness protection program, if necessary. All 36 victims participated in investigations and court proceedings. The law entitles foreign victims to a 30- to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. The government ensured suspected traffickers were not present when victims provided statements and foreign victims could return to their countries of origin after testifying without waiting for the conclusion of the trial. The law entitles foreign victims to a temporary residence permit for at least six months; two victims received a permit during the reporting period. The government allocated €100,000 (\$105,370) to the crime victim compensation fund and established a compensation committee to review claims.

## PREVENTION

The government maintained efforts to prevent trafficking. The National Agency Against Trafficking in Persons (NAATIP) coordinated interagency efforts and held monthly meetings to monitor the implementation of the 2015-2019 anti-trafficking national action plan (NAP). The government did not report the amount of funds allocated towards implementation of the NAP, compared to €288,000 (\$303,480) in 2015. The NAATIP partnered with a mobile operator to send text messages to all its subscribers with the text "open your eyes, fight human

trafficking" and the number to the national hotline. OSCP held a two day conference on crime victimization, including how to provide assistance to trafficking victims. The Ministry of Education, Science, and Technology organized awareness campaigns for students and teachers including art and essay contests. The government continued an annual month-long campaign aimed at potential child trafficking victims and organized additional campaigns targeting vulnerable populations. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.

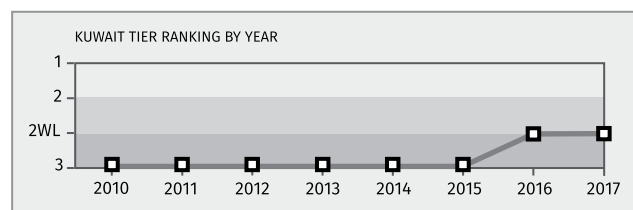
## TRAFFICKING PROFILE

As reported over the past five years, Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Most victims are internally trafficked for sexual exploitation. Traffickers recruit victims through false promises of marriage or employment offers in cafes, night-clubs, and restaurants. Most sex trafficking victims in Kosovo are girls, although Kosovo criminal groups also force women from Albania, Moldova, Romania, Serbia, and other European countries into prostitution. Women and girls are subjected to sex trafficking in private homes and apartments, night-clubs, and massage parlors. Children from Kosovo, Albania, and other neighboring countries are forced to beg within the country. Children used as dancers and escorts are vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. Economically marginalized Roma, Ashkali, and Egyptians communities are vulnerable to forced begging and sex trafficking. Government corruption creates an environment that enables some trafficking crimes. Several police officers, labor ministry employees, and other government officials have been charged with or convicted of trafficking crimes.

## KUWAIT: TIER 2 WATCH LIST

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by passing by-laws to implement the 2015 domestic labor law, and co-sponsoring the future establishment of a centralized recruitment company, that, once operational, will reduce recruitment costs and serve to combat illegal recruiting fees. Officials also referred 39 cases of illegal recruitment for criminal investigation under the 2015 domestic labor law, and prosecuted 15 individuals under the 2013 anti-trafficking law, which resulted in nine convictions. The government also amended the 2010 labor law that increases penalties for employers who engage in unscrupulous recruiting practices. To curb the prevalence of North Korean workers subjected to trafficking, the government halted Air Koryo flights and ceased issuing new work visas to North Koreans. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Many officials continued to use arbitration and administrative penalties as the main avenues of resolving grievances filed by domestic workers, instead of investigating such cases as human trafficking crimes, and protracted litigation and subsequent appeals processes led most workers to decline to file court cases. Corruption at all levels dissuaded workers from reporting trafficking cases to

law enforcement. The government did not regularly use formal established procedures for identifying victims, and foreign workers who quit their jobs without permission were often subjected to criminal penalties, detention, and deportation. Therefore, Kuwait remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR KUWAIT

Increase law enforcement efforts to investigate, prosecute, and convict traffickers, including Kuwaiti citizens, under the 2013 anti-trafficking law, and prosecute and convict sponsors who subject foreign domestic workers to involuntary servitude; stringently enforce the domestic labor law (law68/15) to ensure domestic workers receive appropriate rights and protections; operationalize the centralized recruitment company; uphold laws against sponsors and employers who illegally hold migrant workers' passports; establish standard operating procedures for investigations and prosecutions of trafficking crimes; routinely employ formal established procedures to proactively identify and refer to protection services all victims of human trafficking; continue to train law enforcement officials and social workers to identify trafficking victims among vulnerable populations, and screen for human trafficking victims during migrant round-ups; establish linkages between emerging victim care efforts and law enforcement activities; continue to train shelter staff in providing services to potential trafficking victims; ensure the availability of shelter and services to male victims, sex trafficking victims, and forced labor victims outside of the domestic worker context; finalize and implement a multi-year national anti-trafficking strategy and action plan; and expand efforts to raise awareness and prevent trafficking.

## PROSECUTION

The government sustained law enforcement efforts and took steps to strengthen its legal infrastructure. Anti-trafficking legislation enacted in 2013 prohibits all forms of trafficking and prescribes penalties ranging from 15 years to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The domestic labor law (law68 /15) guarantees domestic workers one day off per week, a maximum 12-hour workday, minimum wage paid per month, paid annual leave, and access to file formal grievances at the Ministry of Interior (MOI), among other protections. In 2016, MOI issued by-laws to commence implementation of the domestic labor law. In June 2016, parliament passed numerous amendments to the 2010 labor law, to increase penalties for non-payment of wages, make mandatory documentation of all paid wages, and require prison time and fines for employers and government officials who fail to adhere to provisions of this law.

In 2016, the government investigated six potential trafficking cases and prosecuted 15 suspects, compared to six cases investigated and 20 suspects prosecuted during the previous reporting period. Seven prosecutions from 2015 remained pending at the close of the reporting year. The government

achieved nine convictions— including one Kuwaiti citizen— under the anti-trafficking law, on par with eight convictions the previous year; five accused traffickers were acquitted. All cases put forth for criminal prosecution under the anti-trafficking law involved sex trafficking. The MOI's anti-trafficking and public morals department continued to investigate suspected trafficking cases and referred an unknown number to the public prosecutor's office in 2016; it referred one forced labor case for prosecution during the previous reporting year. Domestic worker labor authorities from the MOI began investigating domestic worker labor recruitment agencies and residences to ensure compliance with the 2015 domestic labor law. During the reporting period, officials conducted 1,806 such inspections, referred 39 recruiters for criminal investigation under the domestic labor law for illegal practices, and permanently shut down 90 recruitment agencies for domestic labor law contraventions. The MOI's Domestic Labor Department (DLD) investigates employers and recruiting agencies, in addition to grievances filed by employees, NGOs, embassies of labor-sending countries, and private citizens, and subsequently arbitrates such grievances. If a settlement cannot be agreed upon, DLD officials refer the case to the courts, and if the complaint involves a gross violation, such as assault or domestic abuse, authorities transfer the case directly to the public prosecutor's office. Many Kuwaiti law enforcement officials did not categorize or investigate the exploitation or forced labor of domestic workers as human trafficking and continued to treat such cases as administrative infractions, using official arbitration resulting in monetary compensation and repayment of back-wages to victims, application of administrative fines, and closure of recruitment firms to resolve such cases; such approaches do not provide adequate deterrence to the commission of forced labor crimes. In some cases, characterized by local media as showing indicators of trafficking, the government sought prosecution for abuse or simple assault rather than under anti-trafficking laws. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remained common among sponsors and employers of foreign workers; the government demonstrated no efforts to enforce this prohibition. Reports claimed some government officials sold work permits to illegal recruiters or even directly to migrant workers, potentially facilitating trafficking; however, the government did not report efforts to prosecute and convict officials complicit in trafficking or trafficking-related offenses. The MOI's anti-trafficking unit conducted five anti-trafficking training programs during the reporting year, which covered signs of trafficking and a victim-centered approach to law enforcement efforts, and targeted approximately 35 trainees from all MOI departments. In addition, in conjunction with an international organization, it facilitated two training programs for MOI front-line personnel. The DLD developed and launched 12 training programs for MOI investigators and labor inspectors.

## PROTECTION

The government maintained efforts to protect trafficking victims. It provided shelter over the course of the reporting period to a total of 5,000 domestic workers, including some potential forced labor victims, in its 500-bed shelter dedicated to runaway domestic workers. The shelter served as a one-stop facility, providing medical and psychological care, repatriation assistance, and access to officials from various ministries to facilitate legal assistance, including filing cases against employers. The government allocated an annual budget of 1.9 million Kuwaiti dinar (\$6.23 million) for shelter operations, an increase from 260,000 Kuwaiti dinar (\$852,460) the prior year. During the reporting period, the government identified

76 female trafficking victims. While victims were permitted to leave the facility unescorted, there continued to be no shelter or other protective services for male trafficking victims. The shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and migrant workers. An international organization provided assistance to 120 domestic workers, primarily from African countries without diplomatic representation in Kuwait, who needed to procure travel documentation. Embassies of the Philippines, India, and Sri Lanka maintained their own domestic worker shelters and sought compensation and legal redress for their nationals subjected to exploitative working conditions in Kuwait. During the reporting year, IOM helped the government develop and implement a screening process to identify potential trafficking victims among vulnerable populations, such as foreign migrant workers, domestic workers, and women in prostitution. During the government's migrant round-ups, the extent to which the government employed this proactive screening mechanism was unknown. The MOI provided repatriation and transition assistance to approximately 200 foreign domestic workers during the reporting period; however, it was unclear whether authorities sought a refund of travel costs from the employers who sponsored the workers. To assist embassies in repatriating trafficking victims, the government, in partnership with IOM and in coordination with recruitment agencies, funded airline tickets and repatriation services for 20 victims of trafficking. The government did not offer foreign trafficking victims legal alternatives to removal to countries where they may face hardship or retribution.

Systemic challenges, including threat of criminalization and limited access to legal support, remained an impediment to the government's protection efforts. The 2013 anti-trafficking law does not stipulate that victims who flee abusive employers should be immune from prosecution. Therefore, workers who fled their employers without permission risked criminal penalties and arrest, detention at police stations, and deportation, even if they were fleeing an abusive sponsor; following round-ups, the government reported deporting 1,118 domestic workers who allegedly violated residency and local laws. The risk of penalization, coupled with protracted litigation processes and expensive legal fees, discouraged workers from appealing to police or other authorities for protection and adequate legal redress for their exploitation. As such, trafficking victims rarely filed cases against their employers. In addition, it was not uncommon for sponsors to file counter-grievances against trafficking victims who reported their own, which often resulted in administrative deportation or detention of the employees. In February 2016, the DLD announced that employers would only be allowed to file desertion charges against workers at the DLD, as opposed to any MOI facility, which is intended to deter employers from filing such initial charges; however, it was unclear how readily the nascent policy was employed during the reporting period. The government reported public prosecutors sometimes tried cases on victims' behalf using their oral and written statements; however, it lacked privacy laws to protect victims against potential retribution, and often was unable to provide adequate care for victims throughout the duration of legal proceedings.

## PREVENTION

The government continued efforts to prevent human trafficking. The government began drafting a national action plan to address trafficking. Several ministries, in collaboration with IOM, printed and disseminated anti-trafficking pamphlets and actively participated in public awareness campaigns that warned

against using illegal domestic worker recruitment companies. In June 2016, IOM partnered with the MOI to conduct a five-day anti-trafficking awareness campaign, with an emphasis on domestic workers, at three of Kuwait's major retail shopping malls. Various officials also took part in awareness messages on local television outlets and continued to disseminate pamphlets to educate migrant workers on their rights, which were published in multiple languages, in airports, embassies, and labor-recruitment agencies.

As directed by the new domestic worker law, the government sponsored development of a centralized recruitment company that, once operational, will reduce recruitment costs and serve to combat illegal recruiting fees. During the reporting period, the government received approximately 24,200 official grievances from foreign workers, the most common included pay discrepancies, requests for sponsor and employment transfers, and overtime pay disputes; of these, 3,800 of the employment transfer grievances were resolved via arbitration, roughly 2,000 in favor of the employee, and more than 10,800 were sent to the labor courts. The government did not report outcomes of the cases referred for criminal investigation or which, if any, would be considered for prosecution under the anti-trafficking law. In January 2017, authorities investigated a Kuwaiti company on suspicion of labor law violations against its foreign workers; at the close of the reporting year, the government was still negotiating with the company and employees to determine punitive charges or fines to levy on the former and adequate compensation for the latter. To curb exploitation of North Korean laborers, the government halted all Air Koryo flights in August 2016. In September 2016, the Ministry of Foreign Affairs ceased issuance of work visas for North Koreans. To reduce the demand for commercial sex acts, the government prosecuted and deported individuals guilty of exploiting potential sex trafficking victims in prostitution. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Kuwait is a destination country for men and women subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from South and Southeast Asia, Egypt, the Middle East, and increasingly throughout Africa to work in Kuwait, predominantly in the domestic service, construction, hospitality, and sanitation sectors. Several labor-sending countries, including India, Nepal, Indonesia, Ethiopia, Zimbabwe, and Bangladesh, restrict their female nationals from domestic employment in Kuwait. Kuwait also banned the issuance of domestic worker visas from Kenya, Uganda, Nigeria, Togo, Ethiopia, Malawi, Tanzania, The Gambia, Ghana, and Zimbabwe, which resulted in additional recruitment of domestic employees from other African labor-sending countries, including Sierra Leone, Cameroon, Niger, Djibouti, and Liberia, among others. The vast majority of migrant workers arrive voluntarily; however, upon arrival some sponsors subject migrants to forced labor, including through non-payment of wages, protracted working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. Many of the migrant workers arriving in Kuwait have paid exorbitant fees to labor recruiters in their home countries or are coerced into paying labor broker fees in Kuwait which, according to Kuwaiti law, should be paid by the employer—a practice making workers highly vulnerable to forced labor, including debt bondage. Some labor recruiting companies have facilitated trafficking through the use of deceptive techniques to bring in

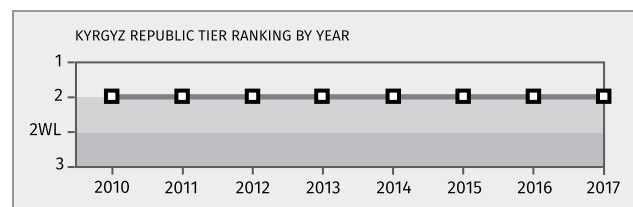


migrant workers on the basis of unenforceable contracts and nonexistent positions. Reports allege officials take bribes or overtly sell work permits to illegal labor recruiting companies or directly to migrant workers. Since 2008, reports indicate the Democratic People's Republic of Korea (DPRK or North Korea) has sent over 4,000 North Korean laborers to Kuwait for forced labor on construction projects, sourced by a North Korean company operated by the Workers' Party of Korea and the North Korean military. According to these reports, employees work 14 to 16 hours a day while the company retains 80 to 90 percent of the workers' wages, and monitors and confines the workers, who live in impoverished conditions and are in very poor health due to lack of adequate nutrition and health care.

Kuwait's sponsorship law—which ties a migrant worker's legal residence and valid immigration status to an employer—restricts workers' movements and penalizes them for leaving abusive workplaces; as a result, domestic workers are particularly vulnerable to forced labor inside private homes. Many workers report experiencing work conditions substantially different from those described in the contract; some workers never see the contract at all and others receive Arabic or English-language contracts they are unable to read. In addition, sources report runaway domestic workers are sometimes exploited in forced prostitution by agents or criminals, who manipulate their illegal status. Albeit illegal, passport confiscation by employers continues to be a common practice in Kuwait.

## KYRGYZ REPUBLIC: TIER 2

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Kyrgyz Republic remained on Tier 2. The government demonstrated increasing efforts during the reporting period by beginning to draft a new national action plan for 2017-2020 and passing amendments to bring the anti-trafficking article in its criminal code up to international standards. It worked to implement recommendations from a parliamentary committee that previously evaluated the government's anti-trafficking efforts, and the committee provided further evaluation and recommendations for improvements during the reporting period. The government approved criteria for victim identification, including measures to prevent unfair criminalization of victims, and created an inter-ministerial body to coordinate anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government largely relied on NGOs and international organizations to train law enforcement personnel, who continued to lack training on victim identification. It did not address alleged complicity in trafficking and trafficking-related offenses, despite credible reports of serious and endemic corruption that contributes to trafficking and official complicity in detaining and exploiting trafficking victims.



## RECOMMENDATIONS FOR KYRGYZ REPUBLIC

Vigorously investigate and prosecute government officials allegedly complicit in trafficking or who engage in abuse and exploitation of trafficking victims, and convict and punish those found guilty; investigate and prosecute suspected trafficking crimes, respecting due process, and convict and punish trafficking offenders, ensuring the majority of those convicted serve time in prison; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; approve and implement guidelines on victim identification and train officials on their use; implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims; increase trafficking-specific training for law enforcement, including through contributing to efforts by international organizations to train police, prosecutors, and judges; ensure identified trafficking victims are exempt from punishment for unlawful acts committed as a direct result of being subjected to trafficking; and continue to contribute to NGOs providing assistance to victims.

## PROSECUTION

The government maintained law enforcement efforts but did not address serious allegations of official complicity. Article 124 of the criminal code, entitled "Trafficking in Persons," criminalizes both sex and labor trafficking of adults and children and covers a non-trafficking offense, "child adoption for commercial purposes." Contrary to international law, article 124 requires the prosecutor to prove the offender used force, blackmail, fraud, deception, or abduction for cases of sex trafficking regardless of whether the victim is a child or adult. However, to address these deficiencies, the president signed into law an update to the existing criminal code that will bring article 124 in line with international standards during the reporting period but the government has not yet implemented the amendments. Article 124 prescribes penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Prosecutors may also charge traffickers using article 260 for engaging a person in prostitution through the use of force or the threat of force or fraud, which is punishable by a fine or imprisonment of three to five years, or longer in the presence of aggravating circumstances. When the victim is a child aged 14-17 years, the penalty is five to 10 years imprisonment, and when the victim is younger than 14 years, the penalty is 10 to 15 years imprisonment. Article 261 criminalizes organizing others into prostitution or maintaining a brothel without the use or threat of physical violence, and imposes the same penalties for child victims as are set forth in article 260. Article 15 of the code on children prohibits forced child labor.

The government initiated eight trafficking investigations under article 124 in 2016, including five sex trafficking cases and two child forced labor cases; it is unknown whether the remaining case was sex or labor trafficking. In comparison, in 2015 the government conducted four trafficking investigations. Authorities did not report additional investigations under other articles that involved inducing minors into prostitution compared to 18 additional investigations in 2015. The prosecutor general's office (PGO) initiated five prosecutions of criminal cases under article 124—two of the five for labor trafficking—involving an unknown number of suspects in 2016, compared with six cases involving an unknown number of suspects in 2015. In the five

prosecuted criminal cases, involving nine victims of trafficking, the government convicted 10 offenders under article 124 in 2016, compared with four offenders convicted in two cases in 2015. The government did not report on sentences or whether the convicted offenders were sentenced to prison.

Advocates for victims reported there was a general lack of proactive investigation. Such advocates indicate police generally did not pursue investigations unless victims made a specific, well-supported complaint. During the reporting period, a national-level department in the Ministry of Internal Affairs (MVD) continued to oversee national anti-trafficking law enforcement efforts; however, a major restructuring of the MVD was ongoing and future staffing levels remained unknown. Despite the uncertainty, the unit developed criteria to identify victims and participated in interagency working groups. Civil society actors reported the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims and work with them as witnesses. Authorities cooperated with civil society and foreign partners to train police, prosecutors, and judges; based on a 2016 MOU, an international organization and the government collaborated on a three-day training for 24 judges in January 2017 and a training for 23 prosecutors in February 2017. The Supreme Court and PGO provided trainers for both trainings.

Corruption continued to be a systemic problem in the Kyrgyz Republic. NGOs and international organizations reported law enforcement officials accepted bribes to drop cases and sometimes warned suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases. The UN special rapporteur on the sale of children, child sex trafficking, and child pornography documented allegations of law enforcement officials' complicity in human trafficking in a 2013 report; police officers allegedly threatened, extorted, and raped child sex trafficking victims. However, the government has never investigated the allegations from this report, nor did it report the investigation, prosecution, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained efforts to identify and assist trafficking victims and worked to improve its identification and referral mechanisms. Based on recommendations from a 2015 Parliamentary Monitoring Report, authorities partnered with civil society and foreign partners to develop a national referral mechanism and standard operating procedures for assisting trafficking victims. The government drafted amendments to the anti-trafficking law to implement these mechanisms; however, the updates were not finalized or implemented by the close of the reporting period. International organizations and NGOs reported assisting 86 victims in 2016, 68 of whom were subjected to forced labor, 11 to sex trafficking, and seven to both labor and sex trafficking; one of the victims was a child and 47 victims were male. Local governments in Osh and Bishkek continued to provide rent-free facilities used by three NGO-run shelters that provided services for trafficking victims. MVD's witness protection unit did not report assisting any trafficking victims. In 2015, the unit assisted seven victims and provided physical protection for them and their family members and helped them to obtain a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

Police did not use child-sensitive procedures when dealing

with child victims during case investigation and courts did not provide safeguards to ensure children's privacy and protection; however, the newly drafted referral mechanism would address the treatment and proper provision of assistance to children if implemented. Although the law provides for the proper treatment of witnesses, authorities rarely followed it. The government required witnesses to attend multiple public hearings and sit next to their alleged traffickers at trial, which deterred victims from cooperating with police. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. While the law provides the opportunity to seize traffickers' assets and compensate victims, authorities did not report granting such restitution. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts; the government has not yet responded to the report's allegations. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for commercial sex, even though commercial sex was neither illegal nor an administrative offense. The police's increased interaction with international and local trafficking experts has reportedly led to officers' increased sensitivity toward children found in brothels. However, the continued lack of training and formal written procedures for the identification and protection of potential sex trafficking victims increased victims' vulnerability to arrest and penalization during brothel raids.

## PREVENTION

The government increased efforts to prevent trafficking. In May 2016, the government created the Coordination Council on Migration which coordinates government efforts on migration issues, including combating trafficking in persons. The council includes representatives from the Office of the President, relevant government ministries, international organizations, and NGOs. During the reporting period, the Council devoted one session to trafficking in persons and met three times. In October, the prime minister issued a decree to create a temporary interagency working group, which met during the reporting period to analyze the former National Action Plan to Combat Trafficking in Persons for 2013-2016 and to draft a new national action plan for 2017-2020. An international organization estimated the government completed roughly 70 percent of its objectives in the National Action Plan to Combat Trafficking in Persons for 2013-2016. In January 2017, a parliamentary commission completed an evaluation of the government's overall anti-trafficking efforts in conjunction with an international organization and NGOs, the second such analysis of implementation of the 2005 national anti-trafficking law; however, the commission had not yet published the report. The government, with the support of an international organization, continued to operate two information consultation centers—formerly called employment centers—that in 2016 provided an unknown number of people employment services, vacancy advertisements, a list of licensed foreign labor recruitment agencies, and pre-departure orientation (which included trafficking prevention) for job seekers to ensure safer migration and employment. The government also continued to provide a national toll-free telephone line and office space to an NGO-run hotline that provided legal advice and assistance on working abroad; the hotline received 2,979 calls in 2016, which resulted in the identification of three victims. During the reporting period, the State Migration Service (SMS) drafted a bill that would regulate private employment agencies by requiring SMS-issued licenses in order to operate in the country. The Parliamentary Working Group on Trafficking in Persons and a local NGO launched an awareness project in September 2016 called

"Caravan of Art Against Trafficking in Persons" in the provinces of Talas, Naryn, Issyk-Kul, and the outskirts of Bishkek. In January 2017, the SMS introduced a mobile phone application that provided information on the rights of migrant workers and contact telephone numbers including anti-trafficking hotlines and local Kyrgyz embassies to Kyrgyz migrants. The government did not report providing anti-trafficking guidance for its diplomatic personnel or making efforts to reduce the demand for commercial sex acts or forced labor.

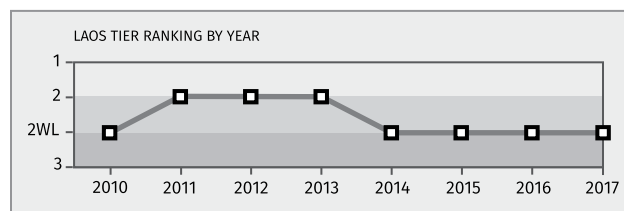
## TRAFFICKING PROFILE

As reported over the past five years, the Kyrgyz Republic is a source, transit, and destination country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyz men, women, and children are subjected to forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children also are subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in the Kyrgyz Republic and neighboring countries. Women and girls are subjected to sex trafficking abroad, reportedly in Turkey, the United Arab Emirates (UAE), India, Russia, Kazakhstan, South Korea, and within the country. Kyrgyz police officers allegedly exploit female trafficking victims, including some younger than age 18, for sex both in saunas and on the street. Concerns persist about police misconduct and corruption, including allegations that police threaten and extort sex trafficking victims, including minors, and reports that police accept bribes from alleged traffickers to drop cases. Street children who engage in begging and children engaged in domestic work (often in the homes of extended family members) are vulnerable to human trafficking. Women and underage teenaged girls from Uzbekistan increasingly are subjected to sex trafficking in the southern region of the Kyrgyz Republic. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may be subjected to sex and labor trafficking. International organizations and NGOs reported some Kyrgyz individuals who join extremist fighters in Syria are forced to remain against their will and recruiters may deceive others, including minors, promising jobs in Turkey, before extremist groups force them to fight, work, or suffer sexual servitude in Syria.

## LAOS: TIER 2 WATCH LIST

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by expanding training for provincial law enforcement, strengthening processes for the identification of internal trafficking victims, and initiating an increased number of trafficking prosecutions. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Inter-ministerial efforts and coordination on trafficking prevention remained insufficient. The government employed ineffective victim identification and referral methods abroad due to lack of awareness among front-line officers, and it did not provide or fund protective

services to victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Laos was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Laos remained on Tier 2 Watch List for the fourth consecutive year.



## RECOMMENDATIONS FOR LAOS

Collaborate with civil society to implement the 2016-2020 national action plan; strengthen efforts to implement the 2016 anti-trafficking law by investigating, prosecuting, and convicting traffickers, including complicit officials, as well as child sex tourists; disseminate, implement, and train police and border officials on formal victim identification procedures, including domestically and among such vulnerable communities as undocumented migrant workers in special or specific economic zones, men and boys in forced labor in the maritime industries, children subjected to forced labor in the commercial agricultural sector, and foreign women and girls facing deportation; increase expenditures from the government anti-trafficking budget for service provisions and assistance programs for victims, including restitution awards from courts and incentive mechanisms for victims to participate in formal legal proceedings, and expand these services for male victims; in partnership with local and international organizations, increase resources and vocational training to support victims, including male victims, to reintegrate into their home communities; improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders; consider legislation to penalize knowingly soliciting or patronizing a sex trafficking victim; and strengthen efforts at diplomatic missions overseas to assist in victim identification and protection.

## PROSECUTION

The government maintained modest law enforcement efforts. It promulgated an anti-trafficking law passed in 2015; article 134 of this law generally prohibits all forms of human trafficking and prescribes penalties ranging from five years to life imprisonment, fines ranging from 10 to 100 million kip (\$1,224 to \$12,240), and confiscation of assets; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, authorities reported investigating 37 individuals and prosecuting at least 11 for suspected trafficking offenses, leading to the conviction of seven traffickers. This compares to 41 individuals investigated, nine individuals prosecuted, and 13 individuals convicted in 2015 (31 prosecutions and 21 convictions in 2014). The government provided no information on sentencing for the convicted individuals; an international organization reported one of the cases was under appeal at the end of the reporting period. The government provided no information on prosecutions of foreign nationals in Laos who engaged in child sex tourism. The Ministry of Public Security (MOPS) collaborated with the



Ministry of Foreign Affairs (MFA), domestic civil society groups focusing on women's issues, and international organizations to coordinate with local officials on provincial anti-trafficking efforts and to disseminate information to 174 officials about the 2016 anti-trafficking law. The Secretariat assigned the Office of the Supreme People's Prosecutor to develop a trafficking investigation manual clearly defining the types of offenses, but it is unclear if the work was completed, or if authorities employed it as part of their investigations. Law enforcement also collaborated with Thailand on a number of investigative processes, including victim interviews and criminal pursuit. They also met with Chinese authorities nine times to collaborate and assist with several trafficking issues.

Anti-trafficking organizations and media reported some low-level officials might have contributed to trafficking vulnerabilities by accepting bribes for the facilitation of immigration and transportation of girls to China. Despite these reports, the government did not report any investigations, prosecutions, or convictions of officials for complicity in human trafficking or trafficking-related activities during the year.

## PROTECTION

The government maintained inadequate victim protection efforts. The government adopted the Coordinated Mekong Ministerial Initiative Against Trafficking, provisions of which outline robust victim identification and referral procedures, and established a national referral mechanism in accordance with the 2016 anti-trafficking law. The government, however, did not implement these or other previously developed standards in the identification of victims among vulnerable groups. Authorities did not systematically screen for trafficking indicators among deportees from Thailand, nor among the 20 individuals deported from Laos to Vietnam during the reporting period, likely leaving some victims unidentified. Front-line officers' lack of awareness often led to conflation between trafficking and smuggling, which may have resulted in the penalization of victims. The government reported identifying 85 Lao victims of internal trafficking, an increase from 46 in 2015. The government also reported receiving 99 Lao trafficking victims returned from Thailand, China, and Indonesia—including 84 sex trafficking victims and 15 labor trafficking victims—compared to 143 victims in the previous year. The vast majority of external victims were identified by the authorities in neighboring countries. International organizations reported identifying a higher number of Lao trafficking victims exploited in other countries, and it was unclear if these figures were captured in the government statistics. NGOs experienced difficulties contacting Lao embassies and consulates abroad to report trafficking incidents. The government did not provide any information about protective services supplied to victims, including restitution awards or other incentives to facilitate victims' participation in formal legal proceedings, and it continued to rely heavily on neighboring countries to identify and refer victims, according to NGOs and MOPS.

Victims could receive temporary accommodation, legal advice, health care, and education or job training, with most of these services provided and funded by NGOs and international organizations; however, the government did not report how many victims benefited from these services during the reporting period. The government cooperated with several international organizations to run transit centers in Vientiane, where victims returned from Thailand could stay for approximately one week before being reintroduced to their home communities. A quasi-governmental women's union operated a short-term shelter

for victims of abuse that also offered services to trafficking victims. For the first time, MOPS reported providing training on victim identification and assistance to 95 anti-trafficking law enforcement personnel in all 18 provinces during the reporting period. Authorities reported conducting victim-screening interviews at these shelters, as well as at a series of referral offices at international ports of entry, although it was unclear if these interviews culminated in any victim identification or law enforcement efforts. A lack of adequate long-term support due to limited resources made victims vulnerable to re-trafficking. Although a significant number of victims identified in 2016 were male, and despite their particular vulnerabilities to labor trafficking in the maritime sector, the vast majority of services were available only for women.

## PREVENTION

The government maintained prevention efforts. Government-controlled print, television, and radio media continued to promote anti-trafficking awareness; with the help of foreign donors, public officials expanded distribution of materials on the dangers of human trafficking to provincial leaders, local community members, and civil society groups. Authorities distributed 30,000 calendars featuring trafficking-related content in particularly high-risk border areas. Delays in securing final approval of its draft action plan for 2016-2020 prevented full realization of inter-ministerial efforts and coordination on trafficking prevention. The government reported maintaining funding for anti-trafficking activities in its annual budget, but did not provide specific information on how it allocated this funding. The national steering committee for anti-trafficking efforts continued to coordinate activities; however, civil society organizations reported a lack of government transparency, which, in conjunction with insufficient planning and resources, severely obstructed coordination between relevant ministries and international partners. At times, authorities may have impeded the work of NGOs by requiring prior government approval of all anti-trafficking activities. The government did not provide anti-trafficking training for its diplomatic personnel, nor did it take any discernible measures to reduce the demand for forced labor or commercial sex acts.

## TRAFFICKING PROFILE

As reported over the last five years, Laos is a source and, to a much lesser extent, a transit and destination country for women, children, and men subjected to sex trafficking and forced labor. Lao trafficking victims often are migrants seeking better opportunities outside the country who experience labor or sexual exploitation in destination countries—most often Thailand, as well as Vietnam, Malaysia, China, Taiwan, and Japan. Some migrate with the assistance of brokers charging fees, but many also cross borders independently with valid travel documents. Traffickers, including victims' family members, are often known to those in the rural communities where they lure victims with false promises of legitimate work abroad.

A large number of victims, particularly women and girls, are exploited in Thailand's commercial sex industry and in forced labor in domestic service, factories, or agriculture. Lao men and boys are victims of forced labor in Thailand's fishing, construction, and agricultural industries. Lao victims of forced labor in the Thai fishing industry have been identified in Indonesian waters. NGOs report individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. Foreign traffickers increasingly

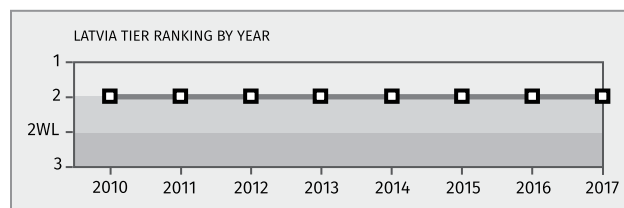
collaborate with local Lao middlemen to facilitate trafficking. Many trafficking victims may be among the more than 10,000 migrants deported or “pushed back” annually from Thailand without official notification, often by way of boats across the Mekong River. Vehicle drivers sometimes intercept these migrants when they return to Laos and facilitate their re-trafficking. A small number of women and girls from Laos are sold as brides in China and subjected to sex trafficking; according to the UN, this trend may have spiked during the reporting period due to the sharp increase of Chinese men registering marriages with Lao women in 2016. Some local officials reportedly contributed to trafficking vulnerabilities by accepting payments to facilitate the immigration or transportation of girls to China.

Laos is reportedly a transit country for some Vietnamese and Chinese women and girls who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Local organizations reported concerns that some of the Vietnamese men and women working in or near (often illegal) logging and construction areas along the Laos-Vietnam border may be trafficking victims. They reported similar concerns about Burmese nationals working as manual laborers or involved in the sex trade near the “Golden Triangle”—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders.

There remained little data on the scope of trafficking within Laos. International organizations reported a high number of undocumented migrant workers in Lao Special or Specific Economic Zones might be vulnerable to trafficking or other labor abuses. Some Vietnamese, Chinese, and Lao women and children are subjected to sex trafficking in the country, usually in larger cities or in close proximity to borders, casinos, or special economic zones, reportedly to meet the demand of Asian tourists and migrant workers. Some Lao adults and children are subjected to forced labor in the agricultural sector within Laos. Populations in villages resettled due to the construction of dams and other large infrastructure projects may be especially vulnerable. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States travel to Laos intending to exploit child sex trafficking victims.

## LATVIA: TIER 2

The Government of Latvia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Latvia remained on Tier 2. The government demonstrated increasing efforts by certifying more victims for the state-funded victim assistance program, leading two international anti-trafficking projects, and initiating the first investigation of forced labor within its borders in at least five years. However, despite these efforts, the government did not meet the minimum standards in several key areas. Courts continued to give convicted traffickers lenient sentences, usually resulting in no jail time. Officials’ lack of knowledge of trafficking indicators impaired proactive victim identification, particularly among women and children in commercial sex, and forced labor victims.



## RECOMMENDATIONS FOR LATVIA

Vigorously investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the criminal law) and punish convicted traffickers with stringent sentences; increase efforts to proactively identify victims, particularly minors in the state welfare system induced into commercial sex, victims of sexual exploitation in Latvia’s legal prostitution industry, and labor trafficking victims exploited within the country and abroad; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; increase financial and human resources for trafficking prevention efforts; encourage more victims to assist law enforcement by training officials on providing appropriate protections to all victims, such as witness protection; provide more victims with compensation from their traffickers and the state agency for judicial assistance; and fully fund and implement the 2014-2020 National Trafficking Prevention Program (national action plan).

## PROSECUTION

The government maintained weak law enforcement efforts. Sections 154-1 and 154-2 of its criminal law prohibit all forms of trafficking and prescribe a maximum penalty of up to 15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Judges and prosecutors have the power to reclassify cases from section 154-1 to lesser crimes. Trafficking crimes could be charged under section 164, which criminalizes exploiting individuals’ vulnerability or using deceit to involve them in prostitution—a scenario very similar to sex trafficking—but prescribes punishments as lenient as community service or a fine. A 20-officer state police unit specialized in investigating trafficking, sham marriages, and related crimes.

Police investigated four new cases involving three suspects under section 154-1 in 2016, compared with three new cases involving nine suspects in 2015. The government initiated prosecutions of 11 sex trafficking suspects under section 154 1 in 2016 (eight in 2015). Courts convicted four traffickers under section 154-1; all received conditional sentences resulting in no prison time. Courts concluded a 2011 case involving a police officer charged with facilitating pimping and taking bribes; he was sentenced to four years in prison. A case from 2014 involving two Riga police officers charged with facilitating pimping remained in pre-trial investigation at the end of the reporting period.

In 2016, the specialized unit reported one new domestic labor trafficking case in which four Latvian men allegedly were coerced into working on a local farm and committing criminal acts in exchange for alcohol. This was the first domestic forced labor investigation reported in at least five years; the case remained under investigation at the end of the reporting period. Courts concluded the country’s first-ever labor trafficking case, which began in 2009; the court dropped the labor trafficking charges, convicted the defendant of facilitating sex trafficking, and sentenced her to a fine without prison time. Latvia has never convicted a criminal defendant of labor trafficking.

Authorities collaborated with several foreign governments on transnational trafficking investigations. Observers reported the need for more training for law enforcement, particularly on working with victims, evidence collection, and understanding psychological coercion. Law enforcement reportedly were inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than trafficking. Charging traffickers with these lesser crimes, particularly those often resulting in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrent effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government collaborated with international and non-governmental partners to provide training for police, prosecutors, and judges.

## PROTECTION

The government maintained efforts to protect trafficking victims. The Ministry of Welfare signed an agreement allowing a second NGO to assist victims in the state-funded, NGO-run victim assistance program for 2017-2018. The program offered victims psychological assistance, legal representation, housing, and reintegration services. The government certified victims for enrollment in the program based on decisions by either law enforcement or an NGO-led panel of experts. The government enrolled 14 new victims into the program, an increase from eight victims in 2015. All new victims enrolled were female, four of whom were minors subjected to sexual exploitation in Latvia and four of whom were exploited abroad. The four male victims from the labor trafficking case declined assistance.

NGOs represented on the government's working group for coordinating the enforcement of the national action plan, reported most government agencies lack either the practical experience or willingness to identify victims. Local victim advocates reported the number of victims certified for state assistance did not accurately reflect the scope of trafficking in Latvia because of victims' hesitation or inability to report abuses. Observers noted identifying child sex trafficking victims domestically remained a challenge. Experts raised concerns that state orphanages often did not report suspected child sex trafficking cases and instead provided victims with limited on-site assistance. Experts also raised concerns about sexual exploitation in Latvia's legal prostitution industry, noting law enforcement's focus on fining individuals not in compliance with prostitution regulations or other criminal statutes rather than on identifying potential trafficking victims. Experts noted agencies tasked primarily with non-trafficking issues, such as the state border guard and the Office of Citizenship and Migration Affairs, made little effort to recognize trafficking cases for investigation or refer victims for assistance. In 2016, the government decreased funding for the victim assistance program to €133,275 (\$140,437) from €162,562 (\$171,393) in 2015. Only 37 percent of the 2016 funding was spent because of the low number of victims in the program.

NGOs reported that, on a practical level, cooperation improved with law enforcement on trafficking investigations. Only six of the 14 registered victims cooperated with law enforcement in 2016, amid reports officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. The four male victims from the labor trafficking case cooperated with authorities. All courts had digital video capabilities and audio recording equipment to protect victims from trafficker-victim

confrontation. In 2016, Latvia amended section 96-1 of the criminal law, which pertains to special protection measures for crime victims, including victims of trafficking. The special protection measures included questioning victims in private rooms; ensuring the questioning was conducted by a prosecutor or judge of the same gender as the victim; the right to a closed court hearing; and the right to court-recorded testimony. In the past six years, only four victims received court-ordered restitution payments from their traffickers. In 2016, three trafficking victims received compensation from the state agency for judicial assistance, which administers a crime victims' compensation program.

## PREVENTION

The government maintained prevention efforts. Authorities continued to use section 165-1, which prohibits the transfer of individuals for the purpose of sexual exploitation, to prevent potential cases of trafficking. In 2016, the government began prosecutions of four defendants under section 165-1 and courts convicted 10 suspects, although only two convicted offenders received prison sentences of less than a year, while the others received conditional sentences. The anti-trafficking working group composed of national and local governments and civil society monitored the domestic and international anti-trafficking situation, facilitated information exchange, and implemented the 2014-2020 national action plan. Authorities reported the national budget did not allocate funding for several of the action plan's activities, including training and state police activities. The Ministry of Interior led two international anti-trafficking projects on preventing human trafficking and sham marriages and strengthening the role of municipalities in combating trafficking. The Office of the Ombudsman conducted a survey to determine how well agencies understood trafficking issues, analyzed victim identification measures, and issued recommendations. The office solicited information from 126 orphan courts, 107 social services agencies, 26 state employment agency offices, and local NGOs. Recommendations included the creation of a national victim referral mechanism with uniform procedures, specialized anti-trafficking guidelines for orphan courts, outreach to government employees, education at the local level and at state employment agency offices, and improved interagency cooperation with municipalities. Various ministries contributed to a number of awareness-raising activities, including programs for schools. The government maintained emergency hotlines that received calls on potential trafficking situations. The government provided anti-trafficking training for Latvian diplomatic personnel. The government did not report any specific measures to reduce the demand for commercial sex or forced labor.

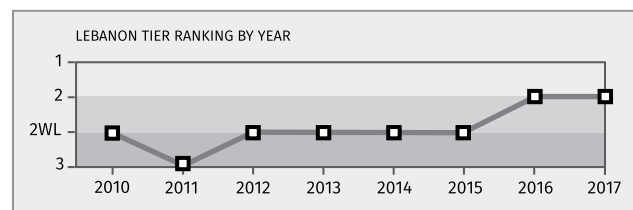
## TRAFFICKING PROFILE

As reported over the past five years, Latvia is a source country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking in Latvia and other parts of Europe. Government agencies note an increase in child sex trafficking cases over the past few years. Latvian men and women are subjected to forced labor, particularly in other parts of Europe. Latvian women recruited for brokered marriages in Western Europe, particularly Ireland, are vulnerable to sex trafficking, domestic servitude, and forced labor. To a lesser extent, Latvia is a source and destination country for exploitation in forced criminality.



## LEBANON: TIER 2

The Government of Lebanon does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Lebanon remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and identifying and referring to protective services an increased number of victims. The government continued to partner with NGOs to provide essential services to victims, and it took proactive steps to address the demand for commercial sex acts and prevent incidents of sex trafficking. However, the government did not meet the minimum standards in several key areas. The government did not directly protect victims nor implement victim identification and referral procedures, which resulted in authorities arresting, detaining, and deporting trafficking victims among vulnerable groups for crimes committed as a direct result of being subjected to trafficking. Moreover, Lebanon's sponsorship system, which places a significant amount of power in the hands of employers of foreign workers, remained a significant impediment to authorities identifying and protecting trafficking victims.



### RECOMMENDATIONS FOR LEBANON

Ensure trafficking victims are not arrested, detained, deported, or prosecuted for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration or prostitution violations; screen all detained domestic workers for potential trafficking victims in detention centers; take steps to establish greater oversight over *artiste* visa holders allowed in the country, a program that contributes to the vulnerability of women to sexual exploitation; increase investigations, prosecutions, and convictions of offenders under the anti-trafficking law, and investigate employers and recruitment agents who withhold workers' passports, travel documents, or wages for potential trafficking crimes; implement procedures to identify and refer to protection services trafficking victims among vulnerable populations, such as illegal migrants, women holding *artiste* visas, domestic workers, and Syrian refugees; continue to work in partnership with NGOs to screen for, identify, and provide protection services to victims, including witness support during criminal proceedings; provide training for judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law; prohibit and penalize the withholding of workers' passports and travel documents, and reform the sponsorship system to ensure workers are not bound to abusive employers and allow workers, including *artiste* visa holders, freedom of movement; formally establish the victim assistance fund; adopt and implement the draft national action plan; and enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers.

### PROSECUTION

The government increased its law enforcement efforts. The 2011 anti-trafficking law prohibits all forms of human trafficking. Prescribed penalties for sex trafficking and forced labor range from five to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Nevertheless, government officials and NGOs reported most judges lacked understanding of the anti-trafficking law and knowledge of best practices for handling trafficking cases. The government lacked a law that prohibited or penalized confiscation of workers' passports or travel documents by employers or labor agents.

In 2016, the internal security forces (ISF) anti-trafficking unit investigated 20 cases of suspected trafficking, involving 87 victims of sexual exploitation and child trafficking, and referred 26 suspected traffickers to the judiciary; this was an increase from 14 ISF investigations in 2015. The directorate of general security (DGS) investigated 51 potential trafficking cases, the same as in 2015. Among the 51 cases, 14 involved *artiste* visa holders and four were referred to judicial or law enforcement authorities for further investigation. The Ministry of Justice (MOJ) reported the public prosecutor's office referred to investigative judges 98 alleged traffickers for further investigation; investigative judges charged and prosecuted 71 of these individuals, resulting in 33 convictions under the anti-trafficking law during the reporting period. These cases involved forced prostitution, forced labor of children and adults, including forced child street begging. Among these cases, four individuals received sentences ranging from five to 10 years imprisonment for sex trafficking and three individuals received sentences ranging from two to 15 years imprisonment for forced child begging. Despite these efforts, officials generally sought to resolve trafficking cases involving foreign workers through mediation between the employer and worker, rather than refer them for criminal prosecution. Additionally, government officials continued to report security forces were reluctant to arrest parents for trafficking their children due to a lack of social services available should the child be removed from the family. The government did not report investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, NGOs continued to report a common perception that DGS officers accepted bribes to protect adult nightclubs or issue *artiste* visas.

DGS established an anti-trafficking unit within its human rights department in November 2016. The government did not directly provide anti-trafficking training for officials, but it encouraged officials to participate in trainings provided by NGOs. The army continued to require anti-trafficking training for soldiers, while widely distributed military publications featuring articles on human trafficking to raise awareness among military officers.

### PROTECTION

The government increased efforts to identify and refer trafficking victims to protection services and continued to work with NGOs to provide services to victims; however, victims remained highly vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking. The government did not formally adopt draft procedures for the identification and referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. During the course of investigations in 2016, the ISF identified 87 victims of sex trafficking and child trafficking, 46 of whom were referred to NGO-run shelters; this was an increase from 78 victims identified in 2015. The government

did not directly provide protection services to trafficking victims but continued to work in cooperation with NGOs to provide essential victim services. A longstanding MOU between the government and an NGO required DGS to refer victims to an NGO-run safe house and provide security for the location. In 2016, the safe house assisted 226 trafficking victims, 14 of whom the government referred. In 2016, the MOJ signed contracts with two NGOs to provide protection services for at-risk youth, including child trafficking victims. The Ministry of Social Affairs also signed contracts with NGOs for the NGOs to provide protection to vulnerable children.

The government continued to arrest, detain, or deport victims for crimes committed as a direct result of being subjected to human trafficking, such as domestic workers who fled abusive employers, out-of-status migrant workers, women holding *artiste* visas, and persons in prostitution, without screening these vulnerable persons for trafficking. Women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations, and foreign workers without valid residence and work permits were subject to detention for one to two months—or longer in some instances—followed by deportation. Some children involved in criminal activity, who may have been trafficking victims, faced arrest and prosecution. Authorities also detained foreign domestic workers for violating the terms of their work contracts or visas in a new 750-person detention center, which opened in August 2016. However, the DGS actively worked to identify trafficking victims and permitted an NGO to screen for victims in the new and old detention centers; the NGO identified six victims in the new detention center during the reporting period. The NGO also continued to report an increased level of professionalism and sensitivity among DGS officials and investigators. The government did not adopt the draft labor law amendment extending legal protections to foreign workers nor the draft law to increase labor protections for domestic workers.

Officials did not encourage victims to file criminal charges against their traffickers, although victims were permitted to file civil suits. Victims were allowed to reside in Lebanon during an investigation of a trafficking case upon a judge's decision, but the government did not report if any judges issued such a decision during the reporting period. The government did not provide legal redress for victims who chose voluntary repatriation because they were not present in the country to testify against their traffickers. NGOs reported foreign victims prefer quick administrative settlements followed by repatriation rather than long criminal prosecutions because of the lack of protection services during the criminal proceedings. The anti-trafficking law stipulates that money earned from trafficking crimes will be confiscated and deposited into a special fund to assist trafficking victims, but the government had not issued an implementing decree to create such a fund. The government did not provide temporary or permanent residency status or other relief from deportation for foreign trafficking victims who faced retribution or hardship in the countries to which they would be deported.

## PREVENTION

The government sustained efforts to prevent trafficking. In April 2016, the ISF closed 13 unlicensed brothels, and a judge issued a permanent judicial order to close all "super nightclubs"—which operate as brothels—in Jounieh city, which was a well-known location for multiple nightclubs of this type. The national anti-trafficking steering committee continued its monthly meetings throughout 2016. The government did not adopt the draft

national anti-trafficking action plan, but relevant ministries continued to take efforts to implement the plan. The government did not organize any anti-trafficking public awareness campaigns during the reporting period. DGS and MOL continued to operate hotlines to receive complaints, including for trafficking crimes, but the government did not report how many trafficking victims were identified through these hotlines; anecdotal reports suggest employers use the MOL hotline to file complaints against foreign domestic workers rather than report potential cases of trafficking. DGS continued a program to inform *artiste* visa holders about restrictions and obligations of their visa status upon arrival to Beirut International Airport. Under the program, if the visa holder objects to the visa's terms, she is free to return to her home country. The government made efforts to reduce the demand for forced labor. MOL closed 36 employment agencies for committing employment violations against foreign workers in 2016, and maintained a blacklist of an unknown number of recruitment agencies for committing fraudulent recruitment practices; however, the government did not report prosecuting any recruitment or employment agencies for potential trafficking crimes. The MOL and ISF continued to require Syrian nationals to hold work permits in order to work in the formal sector, which bound these refugees to their employers. However, the government eased the ability of UNHCR-registered refugees to work in three sectors without any work permit—agriculture, sanitation, and construction. The government also waived the fee for residency permit renewals, increasing the number of Syrians legally in the country, allowing them to move about more freely, and allowing them to seek employment opportunities. The government did not take steps to reduce the demand for commercial sex acts or address child sex tourism by Lebanese nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

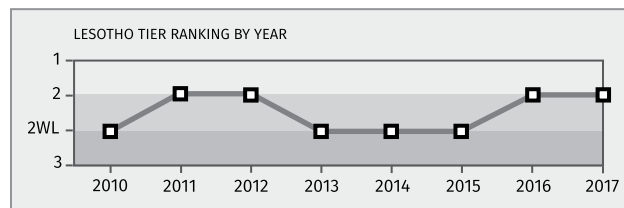
## TRAFFICKING PROFILE

As reported over the past five years, Lebanon is a source and destination country for women and children subjected to forced labor and sex trafficking and a transit country for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women and girls from South and Southeast Asia and an increasing number from East and West Africa are subjected to domestic servitude in Lebanon, facilitated by recruitment agencies that at times engage in fraudulent recruitment. Under Lebanon's sponsorship system, foreign workers who leave their employers' houses without permission forfeit their legal status, increasing their vulnerability to re-trafficking. Lebanese government officials and NGOs report most employers withhold their workers' passports, putting workers at risk of trafficking. Women from Eastern Europe and North Africa enter Lebanon to work in the adult entertainment industry through Lebanon's *artiste* visa program, which sustains a significant commercial sex industry and enables sex trafficking; 11,284 women entered Lebanon under this program in 2016, more than double the number of women that entered under this program in 2015. The terms of the *artiste* visa prohibit foreign women working in adult nightclubs to leave the hotel where they reside, except to "perform," and nightclub owners withhold the women's passports and control their movement; these women also experience physical and sexual abuse, withheld wages, and domestic servitude. Some women from East and West Africa also are subjected to sex trafficking in Lebanon. An increasing number of children, including Lebanese and Syrian children, are observed in the streets begging and selling trinkets; some of them may be victims of forced labor.

Men, women, and children among the estimated 1.5 million registered Syrian refugees in Lebanon are at risk of sex trafficking and forced labor. Restrictions on Syrians' ability to work legally in Lebanon, as well as strict enforcement of visas and residence permits, increase this population's vulnerability to trafficking. Child labor among the Syrian refugee population continues to increase, particularly in agriculture, construction, and street vending and begging; these children are highly vulnerable to forced labor, especially in the agricultural sector of Bekaa and Akkar and on the streets of main urban areas such as Beirut and Tripoli. NGOs report that some children are forced or coerced to conduct criminal activity. An international organization reported in 2015 evidence of bonded labor within refugee communities where child labor is used in exchange for living in informal tented settlements. Syrian gangs force Syrian refugee men, women, and children to work in the agricultural sector in the Bekaa Valley. Syrian women and girls are highly vulnerable to sex trafficking. The Lebanese government and media reported in late March 2016 an extensive sex trafficking ring exploiting primarily Syrian women and girls in Beirut; the majority of the women and girls were recruited from Syria with false promises of work and subjected to commercial sexual exploitation where they experienced mental, physical, and sexual abuse and forced abortions. Syrian girls are brought to Lebanon for sex trafficking, sometimes through the guise of early marriage. Lebanese pimps coerce some Syrian LGBTI refugees into prostitution. An international organization reported in 2016 that some Lebanese children are involved in armed tribal violence in Bekaa and Tripoli, some of whom may be forced to conduct such activity. There is also evidence of children within the Syrian refugee community in Lebanon that are associated with armed groups, who have either fought in the Syrian conflict or intend to fight in Syria as child soldiers.

## LESOTHO: TIER 2

The Government of Lesotho does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Lesotho remained on Tier 2. The government demonstrated increasing efforts by formally implementing a MOU to support the re-establishment of the one NGO-run shelter that provided care for trafficking victims. The multi-sectoral committee met four times and the government conducted public awareness activities. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers during the reporting period, as compared to the previous year when it convicted one. The government did not address the legal framework for addressing human trafficking, which include definitions that are inconsistent with the 2000 UN TIP Protocol and penalties that are not sufficiently stringent to deter the crime. Furthermore, the 2011 Anti-Trafficking in Persons Act required the use of deception, threat, force, or other means of coercion for a child to be considered a trafficking victim, which is inconsistent with international law. The government identified and referred fewer potential victims of trafficking. For the majority of the reporting period, the NGO-run shelter providing care was closed due to a lack of victim referrals.



## RECOMMENDATIONS FOR LESOTHO

Address jurisdictional issues impeding the adjudication of trafficking cases and increase efforts to investigate and prosecute trafficking crimes, including complicit officials; provide financial support for the Victims of Trafficking Trust Fund and implement procedures for administering the funds; finalize and implement guidelines for proactive victim identification and standard operating procedures (SOPs) for referring identified victims to care, in line with the anti-trafficking act regulations; allocate funding to support operation of the multi-agency anti-trafficking taskforce; expand efforts to provide trafficking-specific training to investigators, prosecutors, judges, and social service personnel; continue to work with NGOs to ensure the availability of a suitable facility for the care of victims of trafficking; amend the anti-trafficking and child welfare laws so that force, fraud, or coercion are not required for cases involving children younger than age 18 to be considered trafficking crimes and penalties for trafficking crimes are sufficiently stringent to deter potential traffickers; provide anti-trafficking training to diplomatic personnel; increase efforts to systematically collect and analyze anti-trafficking law enforcement and victim protection data; and increase oversight of labor recruitment agencies licensed in Lesotho.

## PROSECUTION

The government made uneven anti-trafficking law enforcement efforts and the human trafficking law lacks clarity in how it defines the crime. The 2011 Anti-Trafficking in Persons Act defines the term "trafficking" essentially in line with the 2000 UN TIP Protocol; however, it sets for the crime of trafficking without reference to that definition, describing trafficking as the acts of recruiting, transporting, transferring, harboring, providing or receiving a person "by any means" for the purpose of prostitution, pornography, sexual exploitation, forced labor, drug trafficking, slavery, involuntary servitude or debt bondage as well as for other ends, such as marriage with a foreign person, tourism packages for the purposes of sexual exploitation, adoptions or organ removal. While the acts and some of the purposes of the acts are similar to the definition of the 2000 UN TIP Protocol, that international law definition of trafficking turns on the use of means of force, fraud and coercion, whereas this law appears to criminalize as trafficking the use of any means for the listed purposes. The law prescribes penalties of up to 25 years imprisonment or a fine of one million maloti (\$72,955) under section 5(1) for the trafficking of adults and up to life imprisonment or a fine of two million maloti (\$145,911) under section 5(2) for the trafficking of children.

While the maximum sentence is sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape, the option of paying a fine in lieu of imprisonment is not commensurate with the penalty for other serious offenses, such as rape. The definition of trafficking in the 2011 children's protection and welfare act also requires the use of deception, threat, force, or other means of coercion for a child to be considered a trafficking victim. Section 67 of this



act provides penalties of life imprisonment and a fine of up to 1 million maloti (\$72,955) for child trafficking by false pretenses, fraud, or deceit. However, section 77 of the children's welfare act prescribes penalties of a fine not to exceed 30,000 maloti (\$2,188) or 30 months imprisonment or both. Allowing a fine in lieu of imprisonment does not provide an adequate deterrent to potential perpetrators of child sex trafficking. Persons who knowingly and unlawfully buy or engage the services of a trafficking victim are considered to have committed a trafficking offense with the same penalties. The government provided an increased penalty when a member of the police or military is convicted of engaging a person subjected to trafficking for the purposes of prostitution.

During the reporting period, the government initiated investigation of four cases of labor trafficking and one sex trafficking case and prosecuted six cases; two sex trafficking cases, and four labor trafficking cases, which were all tried under the anti-trafficking act. At the close of the previous reporting period, five prosecutions were pending. The government did not obtain convictions of any traffickers during the reporting period, as compared to the previous year, when there was one. The government investigated an immigration official for alleged complicity and collusion in forced labor crimes, for which the government prosecuted her husband during the reporting period. Many law enforcement officials reportedly had limited understanding of trafficking and how to protect victims from potential intimidation. The government did not address a jurisdictional issue impeding efforts to hold traffickers accountable: the magistrate courts, which are the court of first instance for trafficking cases, lack authority to impose the maximum penalties allowed in trafficking crimes. The primary magistrate responsible for hearing trafficking cases at the high court was transferred during the reporting period; two additional magistrates who were available to hear trafficking cases in the interim, however, lacked adequate experience and training to preside over such cases.

## PROTECTION

The government made inadequate efforts to protect victims. It identified fewer potential victims of human trafficking and did not allocate funding for the Victims of Trafficking Trust Fund; however, it provided financial support to a crisis care shelter for protective services for female victims of trafficking. The Child and Gender Protection Unit (CGPU) within the Lesotho Mounted Police Service (LMPS) identified nine potential trafficking victims, compared with 18 the previous reporting period. CGPU referred one potential victim to an NGO that provided counseling and assistance to trafficking victims, compared with six referrals during the previous period. The government continued to rely on NGOs to assist victims, and formally began the implementation of an MOU signed during the previous reporting period, to support the re-establishment of the one NGO-run shelter that provided care for trafficking victims; the government provided financial support, including back rent and utilities. Nonetheless, for the majority of the reporting period, the NGO shelter providing care was closed due to a lack of victim referrals. The government made limited efforts to provide protective services for the period during which the shelter was closed. The Multi-Sectoral Committee on Combating Trafficking in Persons (MSC) drafted SOPs and a national referral mechanism and circulated them for input from relevant ministries. Government hospitals and clinics offered free medical, psychological, legal, and life skills services to victims of crime, including trafficking and at least one victim accessed such services during the year. The anti-trafficking act

and its implementing regulations prohibit the prosecution of victims for unlawful acts committed as a direct result of being subjected to trafficking, provide foreign victims with permanent residency as a legal alternative to their removal, and encourage victims to assist in the investigation of traffickers; however, it was unclear whether the government implemented these provisions.

## PREVENTION

The government maintained its efforts to prevent trafficking through public awareness activities and measures to protect Basotho workers in South Africa. The multi-sectoral committee met four times, and its member ministries conducted public awareness activities, including radio spots, public rallies, a walk, posting and distribution of printed material in public areas, presentations for high school students, and outreach at border posts.

During the reporting period, the Ministry of Labor and Employment conducted approximately 1,773 inspections of formal sector work sites; however, it did not inspect informal work settings, where forced labor is more prevalent. The number of labor inspectors decreased by six, from 38 to 32; labor inspectors did not identify any child labor violations in 2016. In 2016, the government implemented an agreement signed during the previous reporting period with the Government of South Africa that increased protections for Basotho workers, including domestic workers, employed in South Africa, by authorizing the issuance of long-term work permits, requiring signed employment contracts, and allowing Basotho to register for unemployment insurance in South Africa. The government made no efforts to reduce the demand for commercial sex or forced labor. The regulations for the anti-trafficking act directed the Ministry of Foreign Affairs to provide anti-trafficking training to diplomatic personnel, but it did not conduct such training during the reporting period.

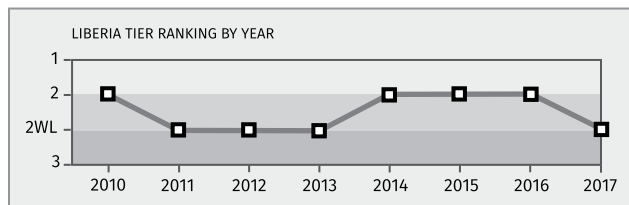
## TRAFFICKING PROFILE

As reported over the past five years, Lesotho is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking, and for men subjected to forced labor. In Lesotho, Basotho children are subjected to domestic servitude and forced labor in animal herding; children, especially orphans who migrate to urban areas, increasingly are subjected to sex trafficking. Basotho women and girls seeking work in domestic service voluntarily migrate to South Africa, where some are detained in prison-like conditions or exploited in sex trafficking. Some Basotho men who migrate voluntarily, although illegally and often without identity documents, to South Africa for work in agriculture and mining become victims of forced labor; many work for weeks or months before their employers turn them over to South African authorities for deportation on immigration violations to avoid paying them. Basotho are also coerced into committing crimes in South Africa, including theft, drug dealing, and smuggling under threat of violence or through forced drug use. Foreign nationals, including Chinese, subject their compatriots to sex trafficking in Lesotho.

## LIBERIA: TIER 2 WATCH LIST

The Government of Liberia does not fully meet the minimum standards for the elimination of trafficking; however, it is making

significant efforts to do so. The government provided emergency funding to temporarily shelter 25 potential child trafficking victims and prosecuted one trafficking case. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not provide training or basic resources to law enforcement or prosecutors to allow them to effectively identify, investigate, and prosecute trafficking cases; complicity and corruption continued to inhibit anti-trafficking law enforcement action; and for the third consecutive year, the government did not convict any traffickers. Victim care remained sparse and provided primarily by NGOs without government support, and the government did not allocate any funding specifically for anti-trafficking activities in its 2016 budget. Therefore, Liberia was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR LIBERIA

Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials and cases against Liberian nationals; provide training and resources to enable law enforcement, immigration officials, social workers, prosecutors, and magistrates to identify, investigate, and prosecute trafficking offenses; increase collaboration with NGOs to ensure all victims receive services and that NGOs refer all alleged trafficking cases to law enforcement for investigation; finalize and implement the national referral mechanism and train law enforcement and social service workers and sensitize NGOs on its implementation; enact legislation that prescribes sufficiently stringent penalties for adult trafficking and penalties for sex trafficking commensurate with the penalties for rape; expand victim services—particularly for male victims, victims outside the capital, and long-term care—through the provision of increased financial or in-kind support to NGOs; create measures to identify trafficking victims among vulnerable populations, such as people in prostitution, and train officials on such procedures; provide the anti-trafficking taskforce with an operating budget, a victim protection budget, and resources to effectively implement the 2014-2019 national action plan; staff the anti-trafficking hotline in the evenings and at night; increase efforts to educate the public, particularly in rural areas, about human trafficking; and assist citizens with registering births and obtaining identity documents.

## PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. The 2005 Act to Ban Trafficking in Persons prohibits all forms of trafficking and prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults. The prescribed penalties for child sex and labor trafficking are sufficiently stringent, but those prescribed for trafficking of adults are not. The penalties for adult and child sex trafficking are not commensurate with those for other serious crimes, such as rape.

The government reported four investigations, two prosecutions,

and no convictions during the reporting period, compared with two investigations, two prosecutions, and no convictions the previous reporting period. It initiated two potential trafficking investigations and continued two investigations and prosecutions initiated during previous reporting periods. One prosecution involved a foreigner residing in Liberia allegedly responsible for the exploitation of 16 Liberian women in Lebanon. The first trial began in September 2015 and resulted in a hung jury in January 2016; the second trial began in March 2016 and the judge acquitted the defendant of all charges in September 2016. The alleged middleman in the case remained at large. The second prosecution involving four defendants, including two Liberians, charged with migrant smuggling and human trafficking for attempting to sell a Sierra Leonean girl was ongoing at the end of the reporting period. Despite the identification of four trafficking victims through a joint government-NGO hotline, the absence of collaboration between government entities and some victims' reluctance to press charges against alleged traffickers resulted in law enforcement not investigating any traffickers in connection with the cases. The government has not convicted any traffickers in three consecutive years and has never convicted a Liberian trafficker under the 2005 law, despite the prevalence of internal trafficking.

The Women and Children Protection Section (WACPS) of the Liberian National Police (LNP) was responsible for investigating trafficking cases. LNP did not receive any dedicated anti-trafficking funding or in-kind support, and therefore lacked the basic resources and investigative equipment to fully respond to and investigate allegations of trafficking, especially outside the capital. The government did not provide or support anti-trafficking training for officials, and labor inspectors, police, prosecutors, and judges lacked the skills and knowledge necessary to identify, investigate, and prosecute trafficking offenses. Unlike in previous years, LNP section heads did not receive training on reporting suspected trafficking cases to the WACPS. Anti-trafficking training was a component of the WACPS mandatory orientation for new officers, but it was unclear how many WACPS officers received this training during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, serious complicity allegations and judicial corruption remained, inhibiting anti-trafficking law enforcement action during the reporting period. NGOs and officials alleged some government employees had child domestic servants and exploited children in street hawking.

## PROTECTION

The government maintained modest efforts to identify and protect trafficking victims. The government and NGOs identified five potential trafficking victims, compared with two identified the previous reporting period, and provided assistance to 25 suspected trafficking victims repatriated from Guinea and one victim identified the previous reporting period. The taskforce, in coordination with the Ministry of Gender, Children, and Social Protection (MOGCSP), was responsible for coordinating victim care. It did not receive a budget for victim protection, so it either referred victims to NGOs or requested emergency funds from MOGCSP to care for specific trafficking victims. MOGCSP provided emergency funding to shelter 25 potential Liberian child trafficking victims after their repatriation from Guinea. The government had one shelter for victims of sexual and gender-based violence run by MOGCSP that could also accommodate trafficking victims. It could not provide trafficking-specific services or accommodate long-term stays, however, so authorities

referred most victims to NGO shelters or private facilities for abused women and girls. NGO shelters and MOGSCSP facilities could in theory care for male victims, although none reported having a male trafficking victim requiring care. The Ministry of Health provided some medical and psycho-social support to the 2015 victim and the 25 potential trafficking victims. In part due to a lack of communication between the government and NGOs, the government did not report providing services to the five potential trafficking victims identified during the reporting period. An NGO referred four potential trafficking victims to an NGO shelter and one potential victim to a community member for temporary shelter because the NGO and government shelters were full. The government relied on one NGO shelter for sexual and gender-based violence victims to provide all other trafficking victim care, including shelter, legal representation, food, vocational training, and family reunification. The NGO shelter could care for both foreign and domestic trafficking victims, among other victims of crime. Shelters often limited victims' stays to three months, due to a lack of space. Shelter and services for males and services specifically for victims with disabilities were extremely limited or unavailable in most of the country. Adult victims were sometimes allowed to leave the shelters at will; in some cases, however, shelter workers restricted victims from leaving, citing concerns reportedly for their safety and/or to protect the integrity of the testimony at trial. Shelters often could not protect victims' identities. The government did not provide any financial assistance to trafficking victims.

The draft national referral mechanism to direct victims towards services, developed by the taskforce in the previous reporting period, did not receive approval by the ministries of labor and justice for the second year. As a result, the government remained without a formal referral process, and agencies responsible for referring victims to services rarely coordinated such efforts, which may have resulted in delayed care for victims. Authorities reported the majority of law enforcement, immigration, and social services personnel lacked training on victim identification and interim referral procedures, which they cited as one of the greatest challenges to successfully investigating and prosecuting cases and ensuring victims received care. Despite this shortcoming, the government did not provide or support training on such measures during the reporting period. The government did not systematically encourage victims to participate in investigations and prosecutions of their traffickers, but it sometimes provided victims with shelter, transportation, and food allocations to offset the costs of participating in a trial; 10 trafficking victims received this assistance during the reporting period. The anti-trafficking law provides for restitution and victims could file civil suits against their traffickers, although no victims filed such suits during the reporting period. While the government did not have a formal policy that provides alternatives to removal to countries in which victims would face retribution or hardship, it could offer alternatives, including temporary residency, on a case-by-case basis. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, due to a lack of training on victim identification and the absence of measures to screen for trafficking among vulnerable populations, such as people in prostitution, it was possible that victims remained unidentified in the system.

## PREVENTION

The government maintained minimal efforts to prevent trafficking in persons. The anti-trafficking taskforce, which

was responsible for coordinating anti-trafficking efforts across the government, did not hold regular meetings or have an operational budget to fund activities, which severely hampered inter-ministerial coordination and the government's overall ability to combat trafficking. Due to a continued lack of funding and poor logistical coordination, the taskforce did not implement any activities in the 2014-2019 anti-trafficking national action plan. The government did not allocate any funding specifically for anti-trafficking activities. During the reporting period, the government and an NGO established a hotline to report trafficking cases, and the government trained and paid the salaries of six Ministry of Labor employees to run the hotline 24 hours a day; in practice, however, only two of the six employees staffed the hotline during the day, and no employees staffed the hotline during the evenings or at night. Through reports to the hotline, the government and an NGO identified and referred to assistance four trafficking victims; due to a lack of communication between entities, however, officials did not investigate any alleged traffickers in connection with those victims. The national legislature passed the National Migration Policy, which aims to manage and mitigate the risk of transnational crimes, including trafficking, and proposes expanding rehabilitation and reintegration services for trafficking victims and implementing a referral system for trafficking victims to legal services; authorities launched the policy in January 2017. LNP, with funding from and in collaboration with an international organization, conducted human trafficking awareness classes for students in the capital; the government did not sponsor any outreach or awareness activities during the reporting period. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

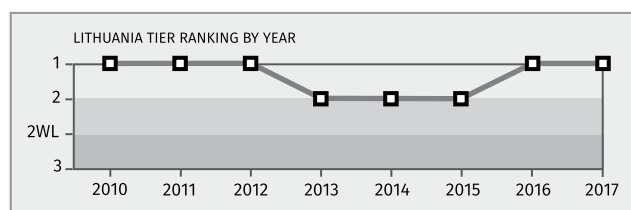
## TRAFFICKING PROFILE

As reported over the past five years, Liberia is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking within the country from rural to urban areas is more prevalent than transnational trafficking, and the majority of victims are children. Most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, alluvial diamond mines, and on rubber plantations. Traffickers typically operate independently and are commonly family members who promise poorer relatives a better life for their children or promise young women a better life for themselves, take the children or women to urban areas, and exploit them in forced street vending, domestic servitude, or sex trafficking. While Liberian law requires parents to register children within 14 days of birth, fewer than five percent of births are registered; lack of birth registration and identity documents increase vulnerability to trafficking. Orphaned children are vulnerable to exploitation, including in street selling and child sex trafficking. A small number of Liberian men, women, and children are subjected to human trafficking in other West African countries, including Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria. Women from Tunisia and Morocco have been subjected to sex trafficking in Liberia, and Liberian women have been subjected to forced labor in Lebanon. Authorities identified Liberians in forced labor in small businesses and restaurants in Finland during the reporting period.



## LITHUANIA: TIER 1

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Lithuania remained on Tier 1. The government demonstrated serious and sustained efforts by greatly increasing funding to NGOs for victim assistance programs, thereby providing support to more victims and at-risk individuals. The government established an interagency commission to coordinate national and local efforts and approved its 2017-2019 national action plan against trafficking. The government also appointed a national trafficking rapporteur to collect information and report on human trafficking. Although the government meets the minimum standards, a lack of victim protection during the investigation and trial process and a lack of knowledge within relevant agencies in recognizing indicators of child trafficking remained. The government provided training to law enforcement officials in collaboration with NGOs, but some police officers did not recognize sex trafficking among women coerced into prostitution and child trafficking. Children in state-run orphanages were vulnerable to human trafficking and some investigations were ongoing. The government continued to phase out these institutions in favor of the foster care system.



### RECOMMENDATIONS FOR LITHUANIA

Increase proactive identification of child trafficking victims, and adults particularly in forced prostitution, through increased training for police officers on victim identification integrated into basic training and for child protective services officials; prevent the sex trafficking of children in state-run orphanages by investigating and prosecuting complicit or negligent orphanage authorities and ensuring ongoing reforms to the orphanage system to improve protection of vulnerable children; protect victims from threats and re-victimization during the investigation and trial of trafficking cases; provide specialized services to child victims in foster homes and mixed-use shelters; further improve training of investigators and prosecutors on building trafficking cases, including developing evidence beyond victim testimony; equip courtrooms with the capacity to allow victims to provide testimony outside the presence of their alleged traffickers; and conduct awareness campaigns targeting low-income and socially at-risk communities.

### PROSECUTION

The government increased law enforcement efforts. Articles 147 and 157 of the criminal code prohibit all forms of trafficking and prescribe penalties ranging from two to 12 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In June 2016, the government passed amendments to articles 147 and 157 to include forced and sham marriages as a form of human trafficking; although sham marriages were

not a form of human trafficking under international law. Authorities initiated investigations of 29 trafficking cases in 2016, compared with 25 in 2015. The government initiated prosecutions of 64 suspected traffickers (27 in 2015 and 40 in 2014) and convicted 23 traffickers under articles 147 and 157 (17 in 2015). All 23 traffickers received prison sentences, with terms ranging from two to nine years. The government collaborated with foreign counterparts in 18 international trafficking investigations, compared with 17 in 2015 and two in 2014. The general prosecutor's office received no requests for extradition, but issued six European arrest orders in human trafficking cases. In March 2015, prosecutors announced an investigation into allegations that the director of an orphanage sexually exploited boys and operated a sex trafficking ring inside the institution, offering young boys to pedophiles. The investigation remained ongoing during the reporting period. In January 2015, prosecutors announced the investigation of a state-run residential institution for children with special needs; teenage residents allegedly had been subjecting girl residents to sex trafficking. The orphanage's director defended her institution by saying such activity is common at all Lithuanian orphanages. In March 2017, the court sentenced four men to two to four and a half years in jail for sex with juvenile residents of this orphanage and imposed one to three years probation sentences to four girls for facilitating prostitution. Prosecutors will appeal the decision asking the higher instance court to sentence the criminals for human trafficking.

The government demonstrated its commitment to train personnel throughout the reporting period. Although the basic training for police cadets includes only one hour on trafficking, the national police organized two two-day anti-trafficking training sessions for 32 police officers on victim identification and assistance. In March and April 2016, the national court administration held training for 84 judges and their assistants on communication during court procedures with victims, including children, and in May organized training for 43 judges and their assistants on psychological support to victims and witnesses during court process. In December, the prison department coordinated anti-trafficking training for 29 representatives of detention facilities and probation services, the state border guard service organized a two-day training for 29 state border officials, and the general prosecutor's office organized training for 166 prosecutors and their staff. Prosecutors reported collecting adequate evidence continued to be a problem in proving trafficking cases. Observers reported prosecutors relied on victims' testimony to prove trafficking cases.

### PROTECTION

The government increased efforts to assist victims, including almost doubling funding for services. Law enforcement identified 41 victims in 2016, compared with 79 in 2015. Authorities identified fewer child victims: from 18 in 2015 to four in 2016. Government-funded NGOs provided support to 179 trafficking victims and at-risk individuals, including 88 male victims of labor trafficking and trafficking for criminal activities; NGOs assisted 139 victims in 2015. The central government allocated NGOs approximately €81,000 (\$85,353) for victim assistance programs, compared to approximately €43,000 (\$45,311) in 2015. NGOs noted additional funding was necessary to address all needs, such as securing staff salaries and implementing prevention work. The Ministry of Foreign Affairs assisted 11 trafficking victims in obtaining legal documents and providing consultations, and spent €1,360 (\$1,433) in repatriation. Six publicly funded men's crisis centers had the capacity to provide

assistance including finding shelter. Authorities placed child victims in foster homes and mixed-use shelters; although, these facilities were not dedicated exclusively to and may not have provided specialized care for child trafficking victims. In June, authorities established a national support center for sexually abused children in Vilnius. The government had a formal procedure to refer identified victims to care facilities for assistance, although it was underutilized in some parts of the country.

Law enforcement could offer foreign trafficking victims a 30-day reflection period to decide whether to cooperate with law enforcement. Foreign victims cooperating with law enforcement could receive temporary residency. Authorities identified one foreign victim in 2016 and one in 2015. The criminal code requires victims to testify. The law permits authorities to use video conferencing and other technologies in the courtroom, which could prevent re-traumatization of trafficking victims, but courts had limited technical capabilities and preferred traditional testimony to video. The government provided legal representation to victims; however, observers reported the attorneys had little experience with trafficking issues. NGOs often hired private attorneys for victims. Prosecutors noted victims continued to be reluctant to testify, specifically male trafficking victims who were also reluctant to receive NGO assistance. NGOs reported this often happened because traffickers threatened victims as they were entering or exiting the courtroom. Experts noted deficiencies in victim protection during the investigation and the trial process. In most cases in 2016, victims received compensation. Observers reported shortcomings in police identification of trafficking among individuals in prostitution; as a result, authorities subjected sex trafficking victims to administrative sanctions for prostitution and some police officers treated child victims trafficked for criminal activities as criminals rather than victims. Experts noted child protective services lacked knowledge in recognizing indicators of child trafficking.

## PREVENTION

The government increased prevention efforts. In August, the government established an interagency commission for coordinating anti-trafficking efforts and approved a national action plan for 2017-2019 with approximately €183,000 (\$192,835) for implementation at national and local levels. The government appointed a national rapporteur for trafficking issues to collect information and report on the status of trafficking and anti-trafficking measures, and provide recommendations to the government for further progress by March 1 each year. A public research institute presented to government institutions, NGOs, and the diplomatic community its research on preventing sham marriages and its nexus to trafficking. The interior ministry continued to publish an annual report covering the government's anti-trafficking law efforts. Following concerns that large orphanages are unable to provide adequate care and prevent risks, including sex trafficking, the government worked to phase out large institutions and increase support for foster care. Public officials participated in NGO-organized prevention activities. Law enforcement authorities raised awareness in the media, and the police advertised and managed an email account that the public could use to report potential human trafficking situations and ask for advice. The government provided anti-trafficking training for its diplomatic personnel. The government continued to fine individuals who contributed to the demand for commercial sexual acts. Labor inspection published on its website information about forced

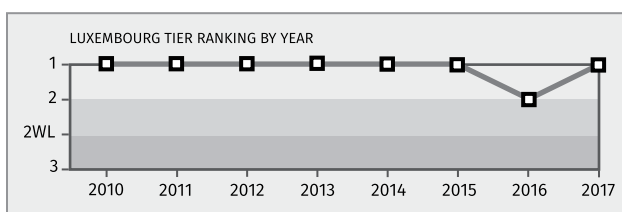
labor and a list of organizations that provide support to labor trafficking victims.

## TRAFFICKING PROFILE

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking, as well as a source and destination country for men subjected to labor trafficking. Observers estimate 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also subjected to sex trafficking in Western Europe and Scandinavia. Lithuanian children and adults are increasingly forced to engage in criminal activities, such as shoplifting and drug selling, in Nordic countries and Western Europe. Some Lithuanian men are subjected to forced labor, including in agriculture, in Ireland, the United Kingdom, and the United States. Men from neighboring countries, as well as China, may be subjected to labor trafficking in Lithuania. Vietnamese adults and children transiting through Lithuania may be trafficking victims. The approximately 4,000 boys and girls institutionalized in more than 95 orphanages are especially vulnerable to trafficking.

## LUXEMBOURG: TIER 1

The Government of Luxembourg fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore, Luxembourg was upgraded to Tier 1. These achievements included increasing the number of prosecutions and convictions, finalizing and adopting a written national referral mechanism, enhancing the number of dedicated personnel to anti-trafficking positions, funding and launching an awareness campaign, and adopting a national action plan. Although the government meets the minimum standards, courts suspended the majority of sentences for convicted traffickers, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting efforts of police and prosecutors.



## RECOMMENDATIONS FOR LUXEMBOURG

Vigorously prosecute, convict, and sentence labor and sex traffickers with sufficiently stringent prison sentences; revise the trafficking law, including article 382-1, to clarify that force, fraud, or coercion are core elements of the crime of trafficking of adults; continue to partner with and increase funding to NGOs to provide expedient victim assistance; ease requirements for non-EU trafficking victims to work in Luxembourg; continue to make resources available to law enforcement and government officials to proactively identify and assist victims and investigate labor and sex trafficking cases; and continue to work collaboratively with, and make resources available to, the national rapporteur to critically assess efforts and make recommendations to improve the government's response to human trafficking.

## PROSECUTION

The government increased law enforcement efforts. Luxembourg prohibits all forms of sex and labor trafficking through articles 382-1 and 382-2 of the criminal code, although article 382-1 is broader than the international definition and could be used to prosecute non-trafficking cases, as force, fraud, and coercion are aggravating factors that increase penalties rather than a means to commit the offense. The prescribed penalties range from three to 10 years imprisonment for adult trafficking and 10 to 20 years imprisonment for child trafficking. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government reported initiating 10 investigations, the same number as the previous reporting period; eight cases were for sex trafficking and two for forced labor. The government initiated five new prosecutions, compared with two prosecutions in 2015. The government convicted 11 traffickers for sex trafficking in 2016, an increase compared with five in 2015. The courts suspended the majority of prison sentences in 2016, resulting in insufficiently stringent penalties which weaken deterrence of trafficking offenses. Six traffickers received fully suspended sentences and fines ranging from €1,000 to €10,000 (\$1,050 to \$10,530). Four traffickers received partially suspended sentences and were ordered to serve between six and 25 months in prison. Three of these four traffickers were also ordered to pay up to €15,000 (\$15,810) in fines. One trafficker had a prior criminal record and received a full sentence of two years imprisonment and a fine of €10,000 (\$10,530). During the reporting period, Luxembourg, in partnership with Belgium and the Netherlands, hosted three trainings and conferences for government officials, including police and prosecutors, and victim assistance NGOs to increase regional cooperation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government increased efforts to protect trafficking victims. Authorities identified three victims of forced labor, compared with two female victims of sex trafficking in the previous reporting period. All of the victims were foreign citizens; two of the victims were adult males and the third victim was a minor female. The government increased dedicated anti-trafficking personnel with one new staff member at the Directorate of Immigration and a part-time position within the police for victim identification. The government finalized and adopted a written national referral mechanism for front-line responders in December 2016. The government launched a quarterly training at the National Institute for Public Administration for government officials and NGOs to raise awareness on trafficking indicators and the national referral mechanism; during the reporting period, the government trained 52 officials. The government continued to fund victim assistance. For the first time, the government reported disaggregated funding data of €142,000 (\$149,600) provided to two NGOs to coordinate trafficking victim care and €6.4million (\$6.7 million) to assistance centers that provided shelter and assistance to adult female and child victims of crime, including trafficking victims. Through government funding, the two NGOs were able to increase their joint availability to receive victims from 30 to 40 hours per week. If victims were identified outside of these hours, police could directly refer adult female and child victims to shelters for care; however, adult male victims identified outside of the NGOs' work hours were temporarily housed in hotels until longer-term housing could be identified. Adult male victims

received the same access to long-term accommodation and other victim services as adult female and child victims. During the reporting period, all three newly identified victims and four victims identified in an earlier period received assistance. The government had policies in place to encourage trafficking victims to assist in the prosecution of traffickers, including legal alternatives to removal to countries in which victims would face retribution or hardship. Trafficking victims were entitled to a 90-day reflection period to decide whether they wanted to testify, during which EU citizens could work. Upon expiration of the reflection period, the government could issue a foreign victim either temporary or permanent residency status, which confers the right to work, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. Victims were entitled to participate in a witness protection program to ensure their security before, during, and after a trial, and in February 2017 Parliament enacted a law on judicial protection of victims guaranteeing standards on rights and support. There were no reports authorities penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government increased its prevention efforts. During the reporting period, the government adopted national action plans on human trafficking and also on prostitution, which included actions against sex trafficking. The government's inter-ministerial committee, chaired by the Ministry of Justice, met six times in 2016 to coordinate its anti-trafficking efforts. The government-funded a public audiovisual awareness campaign for €90,000 (\$94,840), which was launched in December 2016. The government collaborated with regional partners on an initiative against forced labor, including through the launch of a website in February 2017 that provided suggestions for government action and best practices. The national rapporteur on trafficking in persons finalized its first biannual report and presented it to a parliamentary justice commission in March 2017. The government provided €30,000 (\$31,610) to the UN voluntary trust fund on contemporary forms of slavery for 2016 and 2017 and provided funding for multiple development assistance programs in other countries, some of which contained anti-trafficking components. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided funding for an NGO-run website focused on the prevention of child sex tourism. The government provided anti-trafficking training for its diplomatic personnel; however, participation in the course is voluntary.

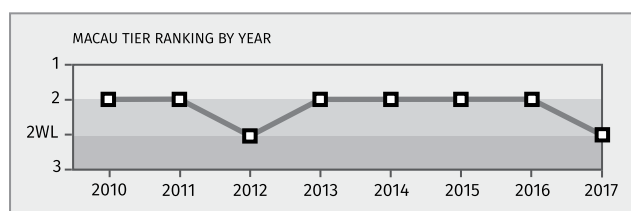
## TRAFFICKING PROFILE

As reported over the past five years, Luxembourg is a destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex trafficking from Europe, Africa, Asia, and South America are exploited in prostitution in cabarets, private apartments, and on the street. Forced labor, sometimes involving Chinese or eastern or southern European men, women, and children, occurs in various sectors, including restaurants and construction. Traffickers reportedly transport an unknown number of Romani children from neighboring countries for forced begging in Luxembourg. Groups vulnerable to trafficking include migrant workers in domestic work, catering, construction, and begging, as well as unaccompanied foreign children and people in Luxembourg's legal and illegal commercial sex industry.



## MACAU: TIER 2 WATCH LIST

The Government of the Macau Special Administrative Region (MSAR) of the People's Republic of China does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by inspecting employment agencies, construction sites, and companies with gaming licenses for indicators of trafficking; conducting numerous anti-trafficking trainings and public awareness campaigns, including through new online videos available in eight languages; and providing services to all victims identified during the reporting period. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although authorities investigated four cases of potential labor trafficking in 2016, the government concluded they were not forced labor cases, and pursued prosecutions under other charges. Authorities have never identified labor trafficking victims in Macau. The government initiated eight trafficking investigations and two prosecutions, but did not obtain any trafficking convictions for the second consecutive year. Macau authorities identified four sex trafficking victims—the lowest number in the past five years. Therefore, Macau was downgraded to Tier 2 Watch List.



### RECOMMENDATIONS FOR MACAU

Significantly increase efforts to investigate, prosecute, and convict sex and labor traffickers; improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and children exploited in commercial sex, and increase efforts to identify labor trafficking and male victims; institute a minimum wage for foreign domestic workers; continue to educate law enforcement and other officials and the public on forced labor and sex trafficking; conduct sex trafficking awareness campaigns so visitors in Macau understand purchasing sex with children is a crime; and conduct a survey of the migrant labor population to identify its vulnerabilities to trafficking.

### PROSECUTION

Authorities maintained minimal anti-trafficking law enforcement efforts. The anti-trafficking law, law number 6/2008 within the penal code, criminalizes all forms of trafficking in persons and prescribes penalties of three to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The more than 30 million annual tourists to MSAR continued to pose major challenges in addressing trafficking crimes. Prosecutors continued to use the “procuring of prostitution” provision for some cases with elements of trafficking; this crime has simpler evidentiary standards but carries lighter penalties than Macau’s trafficking law.

Authorities conducted investigations of eight suspected human

trafficking cases in 2016, the same number investigated in 2015. Two investigations resulted in trafficking prosecutions during the reporting period, compared to four in 2015. Four of the investigations involved suspected labor trafficking, but police officials referred three cases for prosecution on other charges after determining none exhibited elements of forced labor (zero labor trafficking prosecutions in 2015). Of four suspected cases of sex trafficking investigated by authorities, the government initiated two prosecutions on trafficking charges, which were ongoing at the end of the reporting period (four sex trafficking prosecutions in 2015). The other two cases were prosecuted under procurement statutes even though one victim was a child and thus, by international definition, a sex trafficking victim. The government did not obtain any sex trafficking convictions for the second consecutive year and has never obtained a labor trafficking conviction.

Authorities organized numerous anti-trafficking law enforcement and awareness trainings for police, social welfare officials, labor inspectors, and public security police officers during the year. Authorities reported cooperating with mainland Chinese and Hong Kong authorities on anti-trafficking efforts through intelligence exchanges and joint investigations. Authorities did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

### PROTECTION

Authorities decreased efforts to identify and protect trafficking victims. Authorities identified four victims of sex trafficking, including three children and one adult, compared to six in 2015, five in 2014, and 38 in 2013. Authorities have never identified labor trafficking victims in Macau. The social welfare bureau (SWB) reported offering shelter and providing economic, counseling, and medical assistance to all four identified victims in cooperation with local NGOs; local NGOs applauded the government’s cooperative efforts in providing victim support services. Authorities designated 21 beds for female trafficking victims at a shelter managed by SWB, which assisted the one adult victim identified in 2016. The government provided financial assistance to improve the facilities of an NGO-run home that housed all identified child victims and provided access to educational resources. SWB continued to operate a shelter for male victims, although, as in prior years, authorities did not identify any male victims during the reporting period. The government spent approximately 1.6 million pataca (\$200,000) on victim protection services and prevention programs across multiple government agencies, including allocations to NGOs for service provision at shelters, compared to 1.5 million pataca (\$187,500) allocated in 2015. The government allocated an additional 39,700 patacas (\$4,960) to an international organization to provide services to foreign victims of trafficking. Authorities had a formal victim identification process, operational referral process, and standardized screening questionnaire that guided law enforcement, immigration, and social services personnel to screen 1,132 individuals vulnerable to trafficking. Authorities sustained an existing partnership with local NGOs to provide interpreters to assist in interviewing foreign trafficking victims and to operate a 24-hour general hotline that could be used by trafficking victims. Authorities encouraged victims to assist in the investigation and prosecution of trafficking crimes by providing temporary shelter and assistance, but reported difficulty persuading victims to cooperate and therefore courts generally accepted a written statement in lieu of oral testimony. A new law allowing the government to pay workers’ salaries in advance while they pursue legal cases against their employers

came into force during the reporting period. Authorities reported that Macau law provides trafficking victims with permanent residency as a legal alternative to removal to countries in which they would face retribution or hardship, and authorities reported a policy allowing foreign victims to reside and work in Macau during criminal proceedings against their traffickers; authorities did not report providing any trafficking victims these immigration reliefs during the reporting period. The legal system allows for civil remedies, but no victim was known to have pursued this option in 2016.

## PREVENTION

Authorities maintained efforts to prevent forced labor and sex trafficking. The interagency Human Trafficking Deterrent Measures Concern Committee, led by the security bureau, coordinated Macau's anti-trafficking efforts. The labor affairs bureau (LAB) and law enforcement agencies continued to disseminate thousands of leaflets, pamphlets, video clips, radio and television advertisements, and posters to raise awareness of labor trafficking in eight different languages. Authorities ran trafficking awareness videos at all border checkpoints. Authorities continued a trafficking awareness education project in local schools, held seminars with foreign consulates general and NGOs regarding labor rights for foreign domestic workers, and held 112 seminars for approximately 13,000 migrant construction workers. The government registered 2,713 labor dispute cases involving nearly 6,000 workers, most of whom were non-residents; the government found 56 percent of these complaints were substantiated, and approved 89 out of 93 applications for claims against their employers; it was unclear how many of these cases were related to human trafficking crimes. Authorities conducted 58 inspections on the premises of six casinos with gaming licenses and inspected construction sites and 132 employment agencies for labor trafficking, resulting in the investigation of five complaints of overcharging by employment agencies. Despite these efforts, the government did not identify any labor trafficking victims. The government introduced draft legislation that seeks to increase regulatory requirements for employment agencies and clarify the usage of recruitment fees. The government continued to work with local hotels and casinos to promote awareness among hotel staff of trafficking crimes and utilize a mechanism that required hotel employees to immediately report to police any suspected case of trafficking. The government reported it enforced regulations preventing individuals under the age of 21 from entering a casino. The government made efforts to reduce the demand for commercial sex acts, including sex tourism. Authorities did not report any investigations or prosecutions for child sex tourism.

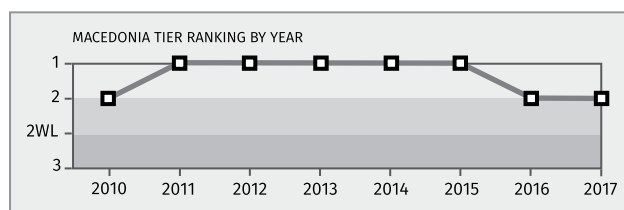
## TRAFFICKING PROFILE

As reported over the past five years, Macau is primarily a destination and, to a much lesser extent, a transit territory for women and children subjected to sex trafficking and forced labor. Sex trafficking victims originate primarily from mainland China; many are from inland Chinese provinces and travel to the border province of Guangdong in search of more lucrative employment. Some are from Asia, Russia, Africa, and South America. Many trafficking victims respond to false advertisements for jobs, including in casinos in Macau, but upon arrival are forced into prostitution. Traffickers sometimes confine victims in massage parlors and illegal brothels, where they are closely monitored, threatened with violence, forced to work long hours, and have their identity documents confiscated. Minors are reportedly subjected to sex trafficking in connection with the gambling and entertainment industry in Macau.

Migrant construction and domestic workers may be vulnerable to labor exploitation. Some brokers who bring foreign men and women to Macau to renew work visas to other countries restrict these workers' movements and withhold their passports in conditions indicative of debt bondage and forced labor.

## MACEDONIA: TIER 2

The Government of Macedonia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Macedonia remained on Tier 2. The government demonstrated increasing efforts by drafting and adopting the 2017-2020 national strategy and national action plan and appointing a national rapporteur and a national coordinator for trafficking. The government developed indicators for potential trafficking victims in mixed migration flows and standardized victim identification procedures for first responders. The government increased funding for trafficking victims sheltered at the government-run transit/reception center for foreigners. However, the government did not meet the minimum standards in several key areas. The government prosecuted and convicted the fewest number of traffickers ever reported. The government did not award any grants to anti-trafficking NGOs as it had done in past years and discontinued its partnership with NGOs that provided support services at the government-run shelter.



## RECOMMENDATIONS FOR MACEDONIA

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sentences adequate to deter trafficking; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; allocate increased resources for the protection of victims; train law enforcement officials, labor inspectors, diplomatic personnel, and other officials on proactive victim identification, particularly among child beggars, irregular migrants, refugees, and asylum-seekers; reactivate joint mobile identification units with formalized partnerships with NGOs; adopt and allocate funding for the national action plan; provide accommodation to foreign trafficking victims in safe and appropriately rehabilitative settings and allow victims to leave shelters at will; provide specialized services for male trafficking victims; improve compensation mechanisms for victims and inform them of their right to seek restitution; and make public government anti-trafficking efforts.

## PROSECUTION

The government decreased law enforcement efforts. Articles 418(a) and (d) of the criminal code prohibit all forms of trafficking, including forced begging and forced criminality, and prescribe a minimum penalty of four years imprisonment

for trafficking adults and 12 years imprisonment for trafficking children. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In December 2015, the government deleted article 191(a) on child prostitution, which had allowed the prosecution of child sex traffickers for a lesser offense, and amended article 418(d), explicitly criminalizing forced begging of minors and increasing the minimum prison sentence for that crime. The government investigated two trafficking cases, compared to zero investigations in 2015; one case involved a labor trafficking suspect and the other case involved six suspects for sex and labor trafficking of children. The government prosecuted two alleged traffickers (seven in 2015). Courts convicted one trafficker (seven in 2015); the trafficker received probation, but prosecutors appealed the sentence. Additionally, an appellate court ruling for a 2012 case sentenced a trafficker to eight years in prison during the reporting period.

The Combating Trafficking in Human Beings and Migrant Smuggling Unit (CTHBMSU) within the Ministry of Interior (MOI) continued specialized investigations and led international investigations for trafficking. Corruption and official complicity in trafficking crimes remained concerns. The government charged a municipal inspector for trafficking of adults during the reporting period. Three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking; the government did not provide an update on those cases. Observers reported some police and labor inspectors allegedly accepted bribes from traffickers. Authorities suspected bar and brothel owners received warnings ahead of time before police raids. The MOI, in cooperation with international organizations, trained 180 border police officers on trafficking issues. The Academy for Judges and Prosecutors, also in cooperation with international organizations and NGOs, trained 36 judges and 21 public prosecutors on trafficking issues.

## PROTECTION

The government slightly increased victim protection efforts. The government identified six victims, compared to four in 2015; all six were female sex trafficking victims, compared to four female victims of sex and labor trafficking in 2015. Three victims were children and one was a foreign citizen. The government-run shelter for trafficking victims accommodated the three child victims and the Ministry of Labor and Social Policy (MLSP) provided psycho-social services to the other two domestic victims. The government repatriated the foreign victim voluntarily to Serbia. The government allocated a total of 4,822,000 denars (\$82,966) to combat trafficking, compared to 1,606,036 denars (\$27,633) in 2015. The government allocated 1,000,000 denars (\$17,206) to the government-run shelter, compared to 1,061,036 denars (\$18,256) in 2015. The government allocated 4,822,000 denars (\$82,966) for services for potential trafficking victims housed at the transit/reception center for foreigners, compared to 545,000 denars (\$9,377) in 2015. Unlike in previous years, the government did not award NGOs any grants for the 2016 fiscal year; NGOs reported their reliance on these grants to assist victims and thus reduced their services. NGOs reported the government relied heavily on funding from the international community and on NGOs to provide assistance, including rehabilitation and re-socialization services to potential and officially recognized victims.

The government, in cooperation with international organizations, developed indicators for potential trafficking victims in mixed migration flows and standardized victim

identification procedures. The government trained first responders, including police officers, labor inspectors, immigration officials, NGO workers, and social workers, on initial screening procedures for migrants, refugees, and unaccompanied children. MLSP provided advanced training to social workers on victim identification and dispatched 99 social workers to conduct proactive victim identification efforts at border crossings and migrant and refugee camps. The government and NGOs together identified 120 migrants as potential trafficking victims (78 adults and 42 children). The government did not revive its partnership with NGOs to operate six joint mobile identification units due to a lack of resources and political commitment. Macedonia experienced a significant decrease in migrants transiting through the country, and NGOs reported officials screened regularly for indicators of trafficking at border crossings; however, experts reported border agents were still unable to properly identify trafficking victims. MLSP social workers and police identified potential forced labor victims among predominately Romani children engaged in street begging and street vending. The government placed them in daycare centers and warned, fined, or jailed their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages.

First responders identified a total of 125 potential trafficking victims, compared to 94 in 2015. First responders referred potential victims to CTHBMSU and MLSP, who made the official identification. The government recognized six official victims in 2016. The government and NGOs provided potential victims and officially recognized victims protection and assistance, including psycho-social support, rehabilitation, and reintegration services; however, potential trafficking victims did not have access to the government-run shelter and its support services until officially identified by the government. The government ran a shelter for trafficking victims and a transit center for irregular migrants that offered separate facilities for foreign trafficking victims; both facilities could house male, female, and child victims. The government-run shelter opened only when authorities identified an official trafficking victim. The government-run shelter allowed victims freedom of movement, but the migrant facility did not permit foreign victims to leave without a temporary residence permit. In 2015, the government discontinued its partnership with NGOs that provided support services at the government-run shelter. Domestic victims could receive reintegration support, including education and job placement. Specialized assistance was not available for male victims, and the government did not provide services accessible for victims with disabilities.

The law permits foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month temporary residence permit, regardless of whether they testify; no foreign victims requested residence permits in 2016. MLSP reported 12 of the 125 potential victims assisted in initial investigations and two of the six officially identified victims gave statements against their alleged traffickers. The government reported no victims required witness protection services in 2016. While victims can claim restitution through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the process. The government continued efforts to develop a victim compensation fund that allowed authorities to allocate compensation to victims from seized criminal assets. NGOs submitted a draft law allowing victims to receive compensation without having to file civil proceedings. Although there were no reports of trafficking victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, in previous years police did not contact the anti-trafficking unit to screen



for potential victims of trafficking among dancers and other individuals found when conducting operations in nightclubs where sex trafficking was prevalent.

## PREVENTION

The government increased prevention efforts. The National Commission, comprising government agencies, international organizations, and NGOs, met regularly and drafted and adopted the 2017-2020 national strategy and action plan. The national strategy and action plan prioritizes increasing institutional efficiency and preventive measures; however, the government did not yet allocate funding for implementation. The government appointed a national rapporteur in April, who is responsible for reporting and monitoring the implementation of anti-trafficking policies. The government also appointed a national coordinator in August, who heads the National Commission and coordinates anti-trafficking efforts. The government established three local anti-trafficking commissions (Prilep, Gevgelija, and Veles) and assisted a local commission's development of the first local action plan for trafficking. The government reported monitoring its anti-trafficking efforts but did not make assessment reports available to the public. The government did not fund awareness campaigns but partnered with NGOs to organize campaigns and provided venues, transportation, and logistical support. The helpline received 219 calls reporting information about trafficking; none of the calls resulted in an investigation or identification of a victim. The government, in partnership with NGOs, conducted seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government warned citizens traveling abroad regarding fraudulent offers of employment within the Schengen zone. The government provided diplomats basic training on human trafficking and distributed a handbook on preventing trafficking for domestic servitude in diplomatic households.

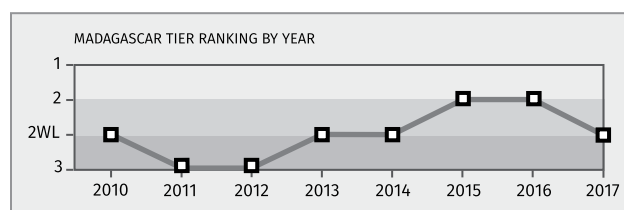
## TRAFFICKING PROFILE

As reported over the past five years, Macedonia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls in Macedonia are subjected to sex trafficking and forced labor within the country in restaurants, bars, and nightclubs. Foreign victims subjected to sex trafficking in Macedonia typically originate from Eastern Europe, particularly Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. Citizens of Macedonia and foreign victims transiting Macedonia are subjected to sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe. Children, primarily Roma, are subjected to forced begging and sex trafficking through forced marriages. Migrants and refugees, particularly women and unaccompanied minors, traveling or being smuggled through Macedonia are vulnerable to trafficking. Students are vulnerable to false employment promises in other European countries. Traffickers frequently bribe police and labor inspectors. Police have been investigated and convicted for complicity in human trafficking.

## MADAGASCAR: TIER 2 WATCH LIST

The Government of Madagascar does not fully meet the minimum standards for the elimination of trafficking; however,

it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by expanding the child protection network and by working at the regional level to combat child sex trafficking. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government decreased efforts to prosecute and convict suspected traffickers. Despite increased reports of alleged complicity during the year, it did not hold any complicit officials accountable, and did not investigate reports of officials facilitating child sex trafficking. The government continued to lack formal procedures to proactively identify trafficking victims among vulnerable populations, did not systematically provide services to all victims, and did not make efforts to raise awareness. The government did not provide funding to the National Office to Combat Trafficking, the agency designated to lead national efforts, raise awareness, or operationalize the national action plan. Therefore, Madagascar was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR MADAGASCAR

Increase efforts to prosecute and convict suspected trafficking offenders, including complicit officials; develop formal procedures for, and provide training to officials on, proactive measures to identify victims, investigate cases, and refer victims to appropriate services; adequately fund the National Office to Combat Trafficking and relevant agencies supporting anti-trafficking efforts; implement the five-year national action plan to combat trafficking; increase monitoring and regulation of recruitment agencies sending migrant workers to the Middle East; negotiate an agreement between the government, training centers, and recruiters for prospective migrant workers; collaborate with destination country governments to protect Malagasy migrant workers and jointly address cases of abuse; increase efforts to raise public awareness of labor trafficking, including of adults subjected to forced labor; and, improve data collection on law enforcement efforts, including the number of victims identified, cases investigated and prosecuted, and the number of convictions.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts, while reports of alleged complicity increased during the year. Anti-Trafficking Law No. 2007-038 prescribes punishments for sex trafficking, ranging from two years to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. Law No. 2014-040, effective 2014, broadened the scope of the 2007 anti-trafficking law and prohibits all forms of human trafficking, to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. The 2014 anti-trafficking law imposes sufficiently stringent penalties for trafficking offenses, ranging from two to five years imprisonment and a one million to 10 million ariary (\$298-\$2,986) fine, and stiffer penalties of five to 10 years imprisonment and fines ranging from two million to 10 million ariary (\$597-\$2,986) for trafficking crimes committed against children.

National statistics on prosecutions and convictions remained difficult to obtain and verify. The media reported that the government took action to prosecute 32 trafficking offenses; however, as the government did not confirm these reports or provide details on these cases, it is unclear whether they definitively involved sex or labor trafficking crimes. The government did not report the number of investigations, compared to 14 prosecutions and eight trafficking-related investigations in the prior reporting period. The media reported the government convicted at least three traffickers in 2016 for child sexual abuse crimes, a decrease from 10 in 2015. During the reporting year, judges and prosecutors in Fianarantsoa and Antsiranana met to discuss the anti-trafficking law. The government facilitated and led workshops, funded by an international organization, to educate judges, police, and *gendarmes* in Antananarivo, Morondava, and Fort Dauphin on the anti-trafficking law and to build law enforcement capacity for the investigation and prosecution of trafficking crimes. However, there remained a lack of coordination between agencies combating trafficking in persons and a reluctance of victims to file charges for fear of reprisals. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses despite allegations of corruption and complicity, including reports of an alleged network of government officials involved in falsification of identity documents utilized to facilitate child sex trafficking in Madagascar.

## PROTECTION

The government continued modest efforts to protect victims. The government reportedly identified 117 victims, compared to 35 identified in the previous reporting period, and referred at least 41 to care. An NGO identified and assisted 415 victims; however, due to a lack of coordinated data collection at the national level, these numbers may be inexact. The government reported housing 35 child trafficking victims in a children's shelter and repatriating 70 transnational trafficking victims, six of whom received additional care; this compared to 35 sheltered and 60 repatriated in the previous year. The Government of Seychelles reported intercepting 16 potential female trafficking victims from Madagascar en route to Kuwait and coordinated with Malagasy authorities to repatriate them to Madagascar. The police reported identifying 56 victims, to whom they provided temporary shelter in police stations, given the lack of alternative options for adequate accommodation. The government also reported identifying 20 child trafficking victims from a list of 777 complaints lodged during the reporting period.

The government remained without formal procedures to proactively identify trafficking victims or refer victims for care. While the government offered some protection services, it is unclear how many victims received these benefits. The Ministry of Population and Social Affairs, in collaboration with an international organization, continued to coordinate approximately 780 child protection networks across the country, a significant increase from 450 in the prior reporting period. These networks are mandated to protect children from various forms of abuse and exploitation, as well as to ensure access to medical and psychological services for victims. However, the networks' protective services were at times inadequate, the standard of care was inconsistent across regions, and the government did not report whether any of the networks provided services to trafficking victims during the reporting year. A government hospital offered assistance to child victims of various abuses, including sex trafficking, in Antananarivo and another in Toamasina that opened in 2016. The government

continued to operate and fund the Manjary Soa Center in Antananarivo, which received 35 children who had been removed from situations of forced labor and sex trafficking. This center provided vocational training or reintegration into the public school system. The city of Antananarivo continued to manage an emergency center for child victims of domestic servitude, generally referred to by the Morals and Protection of Minors Police Service (PMPM). Expenses, including food, lodging, psychological and medical aid, and educational services, and the salaries of personnel were funded by the city, in partnership with an international organization.

The Ministry of Population offers transnational trafficking victims psychological support through a social worker employed by the ministry, and financial and socio-economic support for re-integration in partnership with an international organization, as well as medical care and legal assistance. During the reporting period, the Ministry of Foreign Affairs facilitated, but did not fund, the repatriation of 70 transnational victims from Saudi Arabia, Kuwait, China, Comoros, and Thailand. The Ministry of Population provided six of the transnational victims with psychological and medical care, with one victim referred to a vocational training center and the other five receiving financial support, it is unclear if the remainder of repatriated victims received assistance. Such efforts represent an increase from 60 victims repatriated in the previous reporting period. In addition, the Honorary Malagasy Consul in Lebanon reportedly inflated the cost of passport renewal for Malagasy workers who had completed their work contracts or were detained in prisons for being undocumented after passport confiscation by their employers and took no action to facilitate their release and return to Madagascar. While the government initiated diplomatic discussions with Kuwait for the purpose of assisting transnational trafficking victims in domestic servitude, such efforts had limited effect in facilitating the protection of and legal remedies for exploited Malagasy workers in Kuwait and other destination countries. An NGO reported that trafficking victims continued to return from the Middle East, where they had been subjected to various forms of abuse while working in domestic service. Upon repatriation, the vast majority of Malagasy trafficking victims arrived destitute and in need of psychological and medical services. The Ministry of Foreign Affairs systematically informs the Ministry of Population of the repatriated victims, who will contact the victims upon return and refer them to NGOs for assistance, but reports indicate most victims are reluctant to accept assistance.

The 2014 anti-trafficking law provides foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution. There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking; however, without formal procedures to identify trafficking victims, it is likely. As a legal matter, trafficking trials may be held in private for the sake of the victim's confidentiality and privacy; however, the government did not report doing so in the reporting period and most cases were not prosecuted under the trafficking laws. Further, while the 2014 anti-trafficking law provides that victims are entitled to restitution for the third consecutive year this provision was not implemented.

## PREVENTION

The government demonstrated limited efforts to prevent trafficking and coordinate national-level anti-trafficking measures. The PMPM, despite resource constraints, worked at the regional level to combat child sex trafficking in Toamasina,

Nosy Be, Toliara, and the Sava and Amoron'i Mania regions. The National Office to Combat Trafficking, intended to lead national efforts, did not receive funding or demonstrate leadership in driving national efforts or raising awareness and did not undertake steps to operationalize the national action plan nor allocate funds to do so, unlike prior years. The government continued to employ a national toll-free hotline to report child abuse, including child trafficking; during the reporting period, the hotline received 1,475 calls related to child abuse, but it was unclear if any of these related to child trafficking crimes. The Ministry of Justice continued its anti-trafficking awareness campaign through weekly national radio broadcasts and in person in Mahajanga, Antsiranana, and Nosy Be, to educate the public on the 2014 anti-trafficking law. The Ministry of Tourism regional authorities, during routine hotel inspections, continued to include specific reminders and information on the fight against child sexual exploitation and required that posters against child sexual exploitation be visible in the hotel reception area.

The government did not make any discernable efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. A 2013 ban on domestic worker travel to Gulf countries remained in place; however, illicit recruitment agencies circumvented the ban by sending workers through Mauritius, Kenya, Comoros, and South Africa. In an attempt to address this issue and identify agencies involved in fraudulent recruitment, in April 2016, the Ministry of Employment suspended all existing accreditations for placement agencies and established new conditions for placement agencies to become accredited. While nine agencies have completed applications under the new process, the government had not issued any accreditations by the close of the reporting period, consequently inhibiting legal recruitment of migrant workers. Ministry of Employment officials reported ongoing efforts to set up a tripartite agreement between the ministry, placement agencies, and vocational training centers that would encourage training centers to develop training programs for departing migrant workers, with the costs to be borne by the placement agencies. In partnership with an international organization, the government held several working group meetings with stakeholders, reviewed labor migration assessments, and began development of a training program for departing migrant workers.

In 2016, the Ministry of Tourism, in partnership with international organizations, disseminated the Tourism Code of Conduct against Commercial Child Sexual Exploitation and Sex Tourism to approximately 900 tourism operators in 12 regions who signed onto the Code and regional/tourism authorities in eight of the 12 regions created regional action plans to address child sexual exploitation and sex tourism. However, the government did not operationalize the tourist police branch in Ranohira Isalo, established in the previous reporting period, to protect against commercial sexual exploitation of children. The government provided general guidance to diplomatic personnel on preventing trafficking.

## TRAFFICKING PROFILE

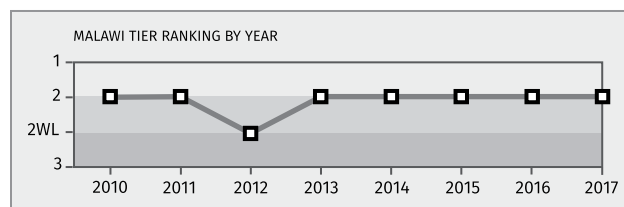
As reported over the past five years, Madagascar is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Malagasy children, mostly from rural and coastal regions, and from impoverished families in urban areas, are exploited in child sex trafficking, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. Most child sex trafficking occurs with the involvement

and encouragement of family members; however, tourist operators, hotels, taxi drivers, massage centers, and local adults in prostitution also facilitate this crime. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in child sex trafficking. Reports suggest child sexual exploitation is most prevalent in tourist destinations and surrounding formal and informal mining sites. NGOs previously reported government officials' complicity in obtaining falsified national identity cards facilitates the child sex trafficking in Madagascar and forced labor in domestic servitude of Malagasy women abroad. Previous reports indicated child sex trafficking of boys was becoming more prevalent. Child domestic labor continues to be a problem and informal employment agencies recruit child domestic workers who Malagasy men exploit as child sex trafficking victims, while most child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians.

Many Malagasy women are employed as domestic workers in Lebanon, Kuwait, and Saudi Arabia, and the media reports that informal placement agencies are still attempting to circumvent the 2013 ban against sending workers to the Middle East by routing them via Mauritius, Seychelles, Comoros, and Kenya using tourist visas. Malagasy women are sent by persons acting as informal placement agents to China with falsified identity cards and exploited in forced labor and sold as brides. Reports state that Malagasy men in the Middle East may endure forced labor in the service and construction sectors and may endure forced domestic servitude in China. Recently, migrant workers are increasingly targets for blackmail or solicitation of bribes, largely consequences of the suspension of accreditation of placement agencies. Reports indicate Malagasy workers in Lebanon are victims of various forms of abuse by their employers, such as physical violence and confiscation of passports, which might have been a factor in their subsequent imprisonment.

## MALAWI: TIER 2

The Government of Malawi does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malawi remained on Tier 2. The government demonstrated increasing efforts by working with a foreign government to repatriate a larger number of trafficking victims than in the previous reporting period; drafting a national action plan; convening the first meeting of the National Coordination Committee; using the 2015 anti-trafficking act to prosecute all trafficking crimes during the reporting period; and increasing cooperation between district-level police stations and the national police service. However, the government did not meet the minimum standards in several key areas. The government continued to lack standardized procedures to effectively identify and refer victims. It did not provide victims adequate protection and continued to rely on international organizations and NGOs to fund most anti-trafficking programs.





## RECOMMENDATIONS FOR MALAWI

Enter lists of enforcement and protection officers and shelters for trafficking victims in the official gazette in order for the law to be fully operational; fully implement the prosecution and protection provisions in the 2015 anti-trafficking law; vigorously prosecute and sentence both sex and labor trafficking offenses under the 2015 law; ensure all convicted traffickers receive jail time by consistently applying sufficiently stringent punishments; support training and increase funding for judges, prosecutors, labor inspectors, and police to identify, investigate, and prosecute trafficking crimes; develop formal guidelines to identify trafficking victims, especially among vulnerable populations, and refer them to available services; increase the availability of shelters and protection services for victims, including through in-kind or material support to NGOs for expansion of direct service provisions; improve and expand the collection of national prosecution and protection data; and increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints.

## PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. The 2015 Trafficking in Persons Act prohibits all forms of trafficking and prescribes punishments of up to life imprisonment, without the option of fines. Penalties prescribed under other relevant statutes range from small fines to 14 years of imprisonment. The use of fines in lieu of imprisonment is an ineffective deterrent against trafficking crimes. These penalties are sufficiently stringent and commensurate with punishment prescribed for other serious crimes, such as rape.

In 2016, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from seven of Malawi's 34 district-level police stations. Officers in seven districts sent trafficking information and statistics to police headquarters every month via a text messaging application and the MPS analyzed that data to assess trafficking trends. MPS reported it arrested and prosecuted at least 30 alleged traffickers and convicted 18, a significant decrease from 68 traffickers prosecuted and 58 convicted during the previous reporting period. All cases were prosecuted under the 2015 anti-trafficking act. During the year, the courts sentenced some traffickers to 14 years imprisonment; others, however, were suspended resulting in no jail time for convicted traffickers. The Ministry of Home Affairs, which includes MPS and immigration officials, maintained primary responsibility for the prosecution of trafficking crimes and enforcement of trafficking laws.

The MPS retained anti-trafficking training in its curricula for the Limbe, Mtakata and Mlangeni Police Training School and Zomba Police College. The Department for Immigration trained an unknown number of new immigration officers on victim identification and assistance to potential trafficking victims. A high court judge, in partnership with the Women Judges Association of Malawi, trained magistrates on the prevalence of trafficking in the country and on the 2015 anti-trafficking law with a particular focus on sentencing guidelines for offenders. In October, the Ministry of Gender and the Southern Africa Development Community (SADC) Secretariat conducted a training for 39 law enforcement officers, including police, immigration officials, social workers, and prosecutors on the legal instruments available to counter trafficking. Despite media reports that several police, health, and immigration officials were complicit in trafficking young women to Kuwait, the government did not report any investigations, prosecutions,

or convictions of government officials complicit in human trafficking offenses. In November 2016, a United States District Court for the District of Maryland issued a default judgement awarding more than \$1 million in damages to a domestic worker who sued her former employer, a Malawian diplomat for trafficking; the diplomat left the United States in 2012 and remains in the Malawian Foreign Service. The government did not take any action during the reporting period to hold the diplomat accountable.

## PROTECTION

The government maintained inadequate protection efforts. The government continued to lack systematic procedures for the proactive identification of victims and their referral to care. Given severe resource constraints, the government relied largely on NGOs to identify victims and provide long-term care. The government did not provide in-kind or financial support for most NGO services, including those offered at the only dedicated shelter for trafficking victims in the country, which is operated by an international NGO. The national government lacked comprehensive data on the number of victims it identified, referred, or assisted during the reporting period; however, MPS reported it identified at least 168 trafficking victims, a decrease from 197 identified during the previous reporting period. The government actively worked with officials in Kuwait to repatriate 53 women victims of domestic servitude. The government ran one social rehabilitation center in Lilongwe for vulnerable children, orphans, and child trafficking and gender-based violence victims, providing counseling and rehabilitation services. The center is chronically underfunded and poor conditions there reportedly led some child sex trafficking victims to leave the shelter and return to the brothels from which they had been removed. The lack of adequate and sustained assistance left victims vulnerable to re-trafficking.

Some of the approximately 300 police sub-stations at the village level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately and the quality of services remained variable throughout the country. Some foreign victims avoided these centers due to fear of deportation. Malawian law does not provide foreign victims with temporary residency or other legal alternatives to their removal to their countries of origin; foreign victims faced deportation unless they challenged their immigration status in court. In 2016, there were no credible reports of trafficking victims being detained, fined, or jailed for unlawful acts committed as a direct result of their being subjected to trafficking; however, due to a lack of formal victim identification procedures during the reporting period, and the absence of alternatives to deportation for trafficking victims, some unidentified trafficking victims may have remained in the criminal justice system or been deported.

## PREVENTION

The government maintained modest efforts to prevent trafficking. The National Coordination Committee, established under the anti-trafficking act which came into force in November 2015, held its first meeting during the reporting period. The Malawi Network Against Child Trafficking, comprised of government officials, NGOs, and international stakeholders, convened two national level meetings, compared with zero the previous year. The government drafted a national action plan to combat trafficking, which is now awaiting final ministerial approval. As a member of SADC, the government adopted the ten-year SADC Regional Plan of Action on Trafficking in Persons. The

government conducted awareness campaigns by placing anti-trafficking messages on billboards throughout urban areas and the inspector general of police spoke publicly on several occasions about the dangers of trafficking. Nonetheless, most public awareness campaigns continued to be spearheaded by NGOs. Compulsory universal birth registration, enacted in 2012, became effective during the reporting period.

Malawian officials worked with the Government of Kuwait to negotiate a modified visa regime whereby Malawians could no longer receive visas for unskilled household work positions, which traffickers used to recruit at least 53 women who they later exploited. The government did not conduct any labor inspections for the second consecutive year; however, the Ministry of Labor recruited and trained 21 new labor inspectors during the reporting period. Due to lack of funding, more than sixty percent of positions within the Ministry of Labor were vacant, impeding efforts to identify and penalize fraudulent labor recruitment during the year. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor. Malawi did not provide anti-trafficking training for its diplomatic personnel. With support and assistance from foreign entities, the government ensured Malawian troops received anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

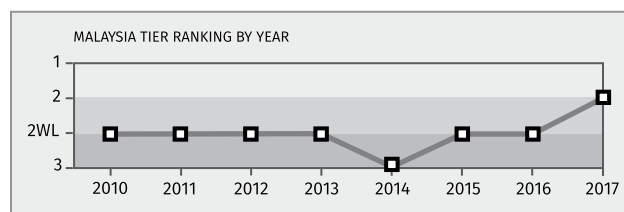
## TRAFFICKING PROFILE

As reported over the past five years, Malawi is a source country for men, women, and children subjected to forced labor and sex trafficking. To a lesser extent, it is a destination country for men, women, and children from Zambia, Mozambique, the Great Lakes region, and the Horn of Africa who are subjected to labor and sex trafficking, and a transit country for people from these countries exploited in South Africa. Most Malawian trafficking victims are exploited within the country, generally transported from the southern part of the country to the central and northern regions for forced labor in agriculture (predominantly the tobacco industry), goat and cattle herding, and brickmaking. Many cases of child labor external to the family involve fraudulent recruitment and physical or sexual abuse, indicative of forced labor. Traffickers—primarily facilitators or brothel owners—typically lure children from their families in rural areas under pretenses of employment opportunities, clothing, or lodging for which they are sometimes charged exorbitant fees, resulting in prostitution coerced through debts. Traffickers subject teenage boys to forced labor on farms and young girls to sexual exploitation in nightclubs or bars. Children are subjected to forced labor in begging, small businesses, and potentially in the fishing industry; in past years, some were coerced to commit crimes. Adult tenant farmers are vulnerable to exploitation, as they incur debts to landowners and may not receive payment during poor harvests. Malawian victims of sex and labor trafficking have been identified in Mozambique, South Africa, Zambia, and Tanzania. Some young girls are drugged, gang-raped, and exploited in commercial sex. Some girls recruited for domestic service are instead forced to marry and subsequently subjected to child sex trafficking by their “husbands”. Fraudulent employment agencies lure women and girls to Gulf states where they are exploited in sex and labor trafficking.

## MALAYSIA: TIER 2

The Government of Malaysia does not fully meet the minimum

standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malaysia was upgraded to Tier 2. The government demonstrated increasing efforts by expanding trafficking investigations, prosecutions, and convictions. Officials strengthened enforcement of the law prohibiting passport retention, convicting 17 employers for unauthorized retention of passports, compared to zero during the previous year. To galvanize coordinated anti-trafficking operations, the government established a new interagency law enforcement taskforce, to which 17 officers from seven agencies were assigned and trained on investigative tactics. The government approved an updated national action plan spanning 2016-2020 and allocated sufficient resources towards its implementation. However, the government did not meet the minimum standards in several key areas. The government’s victim protection efforts remained largely inadequate. Newly implemented laws created a process for shelter residents to move freely and to work if they are cleared by medical, security, and mental health professionals and approved by the anti-trafficking council (MAPO). However, bureaucratic delays, including a lack of counselors able to complete required mental health evaluations; risk-averse and paternalistic attitudes towards victims; and lack of victim interest in available work opportunities resulted in a very low number of victims being granted the right to work and/or to move freely. Of the 1,558 victims identified, the government conducted only 106 risk assessments and ultimately granted six victims work visas and 12 special immigration passes for freedom of movement. An additional 28 victims were approved for freedom of movement, but delays in obtaining required passports from their home countries meant that they either had returned home or remained waiting at the end of the reporting period. Complicity among law enforcement officials, in the form of accepting bribes to allow undocumented border crossings, hampered some anti-trafficking efforts. While authorities investigated these crimes, culpable officials typically avoided punishment. However, the government arrested at least forty-two officials during the reporting period for smuggling and trafficking-related offenses, although it is unclear how many they charged with trafficking-related crimes.



## RECOMMENDATIONS FOR MALAYSIA

Improve implementation of the regulations for the 2015 amendments to the anti-trafficking law to increase the number of trafficking victims who obtain employment and routinely authorize victims of trafficking freedom of movement; increase the number and effectiveness of trafficking prosecutions and convictions, including of complicit officials, through improved collaboration across law enforcement agencies, stronger cooperation between law enforcement officials and prosecutors, more effective investigations, reduced court delays, and increased judicial familiarity with the full range of trafficking crimes, particularly forced labor; make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law; increase the capacity of

labor inspectors to identify trafficking victims among vulnerable groups, such as migrant workers, and to effectively investigate labor trafficking; implement planned changes to the foreign worker levy schedule to make employers, not employees, responsible for recruitment fees; improve case management and communication with trafficking victims, including through increased prosecutor-victim interaction at least two weeks prior to trial in compliance with the attorney general's directive; continue collaboration with credible and effective NGOs and implement plans to provide more services for victims, including the construction of new shelters; continue to inform workers, including domestic workers, of their rights to maintain access to their passports at any time, without delay or approval, and without consequence to their status and relationship with their employer, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labor source countries; effectively enforce the law prohibiting employers from retaining passports without employees' consent, educate workers and employers on foreign worker rights, including legal recourses and remedies against traffickers, and ensure employers provide lockers or other secure passport storage facilities; expand labor protections for domestic workers, continue investigating allegations of domestic worker abuse, and educate employers about domestic workers' rights; and fully implement the 2016-2020 national plan to combat trafficking.

## PROSECUTION

The government expanded law enforcement efforts. The 2007 Anti-Trafficking in Persons Act—amended in 2010 and 2015—prohibits all forms of human trafficking and prescribes punishments of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. During the 2016 reporting period, the government conducted 581 investigations of potential trafficking cases, a significant increase from 158 in 2015. Investigations resulted from police raids or reactive labor inspections from employee tips. The government initiated prosecutions against 175 alleged traffickers, up from 38 initiated the previous year. The government convicted 35 traffickers—18 for labor trafficking and 17 for sex trafficking—representing the highest number of convictions achieved annually and a notable improvement from seven traffickers convicted in 2015. Of the 35 convicted, 29 were prosecuted under the Anti-trafficking Act, and six others under other laws such as the Immigration Act and the penal code. Fourteen traffickers received prison sentences of at least four years, and some were as high as ten years. Of the remaining 21, eight traffickers received sentences of between one and three years imprisonment, nine received sentences of less than one year, and four received no jail time and were fined. The attorney general's chambers filed appeals for cases involving 13 individuals who received insufficiently stringent sentences. The attorney general's chambers reported a majority of prosecutors maintained compliance with the 2014 written directive requiring them to engage with victims at least two weeks prior to trial to better understand and address victims' concerns about the inner workings of trials; however, the limited availability of certified interpreters and Malaysia's decentralized jurisdictions made routine compliance difficult. The government strengthened its enforcement of the law against unauthorized passport retention by securing 17 convictions of employers who contravened the Malaysian Passport Act of 1966; it did not prosecute any employers for this crime in 2015, and only one in 2014.

The government established a new interagency law enforcement

taskforce, to which 17 officers from seven agencies were assigned and trained on investigative tactics and the identification of high-value targets; the taskforce officially launched operations in January 2017. Between its inception and the end of the reporting period, the taskforce successfully conducted four operations, including a raid on a bird's nest factory, which led to the arrests of two senior and two working-level staff members and the identification of 172 victims. The government expanded the initial six-month mandate of the taskforce to December 2018. The Royal Malaysia Police continued to serve as the lead enforcement agency under the anti-trafficking act and maintained a specialized anti-trafficking unit comprised of 235 officers posted throughout the country. The labor department also had a specialized trafficking enforcement team composed of 30 officers. The attorney general's chambers appointed ten additional trafficking-specialist deputy public prosecutors throughout Malaysia, raising the total to 52, an increase from the 42 on staff in 2015.

The government continued to conduct anti-trafficking trainings, this year reaching more than 1,600 officers, focusing on victim protection, law enforcement, and prosecution, among other topics. Home affairs officials continued to provide anti-trafficking training opportunities for their own officers and those from other relevant agencies, and the anti-trafficking council conducted eight sessions for a total of 125 government officials focusing on sensitization to trafficking issues and amendments to the law. During the year, a total of 99 prosecutors at the attorney general's chambers participated in 10 training programs, three internationally-based and seven in Malaysia.

The May and August 2015 discoveries of migrant camps and mass graves along the border with Thailand fueled reports corrupt officials facilitated migrant smuggling, which may have included trafficking crimes. In 2016, investigations into these camps and graves yielded four migrant smuggling convictions in Malaysia; no Malaysian nationals were among those convicted. During the reporting period, the investigations remained ongoing and Malaysia and Thailand continued to cooperate in the search for additional suspects and extradition of 10 identified targets, none of whom were Malaysian citizens. Malaysian officials have also requested that Bangladesh locate and extradite one suspect in the case.

Complicity among law enforcement officials, in the form of accepting bribes to allow undocumented border crossings, hampered some anti-trafficking efforts. The government detained 42 immigration and police officers for their involvement in facilitating smuggling and trafficking crimes; authorities prosecuted five of these officers and the cases remained ongoing at the end of the reporting period. In June 2016, the government unveiled a scheme organized by an unknown number of immigration officials to manipulate the country's passport control system at various points of entry, ostensibly to allow smugglers and traffickers to operate undetected; ensuing, the government fired 15 culpable officers, suspended 14, froze the salaries of eight, and reassigned more than 60 others. There were no reports of criminal prosecutions of these officials.

## PROTECTION

The government increased efforts to identify trafficking victims, but protection measures remained inadequate. Not all victims of trafficking were granted freedom of movement and the ability to work while their investigations were pending in the judicial system. The government reported law enforcement agencies followed standardized procedures to identify trafficking victims.



Identification of labor trafficking cases continued to rely on reactive labor inspections in response to workers' complaints of non-payment of wages and other violations. In 2016, the government reported identifying 3,411 potential trafficking victims, of which it confirmed 1,558 as trafficking victims, a marked increase over the 305 victims confirmed in 2015. However, enforcement agencies employed the anti-trafficking law broadly by indiscriminately labeling all foreign women during bar or massage parlor roundups as potential trafficking victims without screening for indicators. The government did not always proactively screen the vulnerable migrant worker population for indicators of trafficking, which left an unknown number of potential victims without proper care. The anti-trafficking law provides trafficking victims immunity from immigration-related offenses, such as illegal entry, unlawful presence, and possession of fraudulent travel documents. Potential trafficking victims who denied they had been subjected to trafficking or whose employers confiscated their documents were sometimes detained, deported, or charged with immigration offenses during the reporting period.

During the reporting period, the attorney general approved and the deputy prime minister enforced implementing regulations for the amendments to the anti-trafficking law. The amendments allow victims—at the discretion of the anti-trafficking council—to work and to move freely in and out of government facilities, pending a security risk assessment, medical screening, and mental health evaluation; allow the court to order convicted traffickers to pay restitution to their victims and provide an avenue for victims to bring civil suits against their abusers; expand interim protection orders from 14 to 21 days to allow for more thorough investigations; allow NGOs to serve as designated protection officers; and institutionalize a high-level anti-trafficking committee. During the reporting period, the government continued its collaboration with civil society stakeholders, most notably by co-developing a set of standard operating procedures for granting freedom of movement for victims, which was used to approve applications for freedom of movement and work permits. Several operational issues remained, however, including limitations on certain nationalities working in specific sectors; accountability for providing security risk assessments, psychological evaluations, and medical screenings; and a lack of trained mental health professionals to administer them. Near the end of the reporting period, the government expanded the pool of trained counselors—from three to 146—available to conduct psychological evaluations by authorizing counselors working with domestic abuse victims and other vulnerable populations to also evaluate trafficking victims.

Of the 1,558 victims identified, authorities completed 106 risk assessments to consider whether to grant freedom of movement; authorities denied 60 victims freedom of movement based on alleged medical or security concerns. The medical screenings were conducted by trained physicians. During the reporting period, the government issued six work visas to trafficking victims—compared to four issued the previous year. The government authorized freedom of movement for an additional 40 foreign victims, but delays in obtaining passports from victims' respective embassies stymied the issuance process of special immigration passes, which are prerequisite for freedom of movement. Ultimately, the government issued 12 special immigration passes during the reporting period. The remaining 28 victims awaited their passports at the end of the reporting period or decided to return to their home countries as soon as their passports were ready. Malaysian officials continued to streamline the normally arduous administrative processes for

linking victims interested in employment with a luxury hotel chain by waiving some requirements for new job applicants, focusing mostly on the risk assessment process. However, the remaining six eligible participants declined to participate in the employment program, citing preferences to return to their respective countries of origin or dissatisfaction with the offered salary, which was significantly above the minimum wage. The government commenced monthly allowance payments of 120 Malaysian ringgit (RM) (\$27) to victims for incidental expenditures, and appointed 12 individuals to form the first NGO protection officer cohort.

During the year, most trafficking victims were housed in government facilities as part of a court-ordered 21-day interim protection order (for suspected trafficking victims) or a subsequent 90-day protection order (for certified trafficking victims). Some victims, however, remained in the shelters for up to six months. Shelters became severely over-crowded as increased police efforts to identify victims led to more shelter residents. For example, the largest shelter has a capacity of approximately 70 residents but occasionally housed up to two hundred individuals or more. Most victims who stayed in government shelters did so without freedom of movement or the right to work, in contravention of global best practices. As in past years, many victims preferred to immediately return to their home countries. Although the law permits victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings. During the reporting period, many victims were unwilling to testify. The reluctance of victims to provide witness testimony reportedly stemmed from a desire to avoid protracted criminal proceedings, to return home more quickly, and bribes or intimidation from traffickers.

The Ministry of Women, Family, and Community Development maintained seven facilities specifically to house trafficking victims—four for women, one for men, and two for child trafficking victims. During the reporting period, the government allocated 3.06 million RM (\$682,270) to open three new trafficking shelters in the states of Kedah, Kelantan, and Sarawak. The government provided basic services for all victims staying in its facilities, including food, shelter, medical care, social and religious activities, and security; NGOs provided some victim rehabilitation and counseling services in most shelters, typically without government-allocated funding. Victims could make phone calls at least once per month, and shelter staff provided opportunities for victims to engage in handicrafts and other income-generating activities. In general, NGOs were understaffed and expressed that they had difficulty in maintaining adequate resources to provide consistent services for victims. During the reporting period, Malaysian officials provided three NGOs with 483,000 RM (\$107,690)—ten times more than was provided in the previous year—to conduct various programs and activities with trafficking shelter residents, and also increased its funding allocation to 5.3 million RM (\$1.18 million), up from 4.6 million RM (\$1.03 million) the previous year, to the Ministry of Women, Family, and Community Development to operate government facilities for trafficking victims.

## PREVENTION

The government maintained modest efforts to prevent trafficking. MAPO was headed by the home affairs ministry and included representation from five enforcement bodies, other government entities, and two NGO representatives. It met on a quasi-monthly basis and was active in coordinating interagency anti-trafficking efforts and conducting trainings for government ministries, in addition to consultation sessions

with NGO partners to strengthen victim protection. In 2016, the government maintained its allocation of 4 million RM (\$891,860) to operate the MAPO secretariat. The deputy prime minister approved an updated national action plan spanning 2016-2020, which outlined the government's objectives to combat trafficking by strengthening laws, improving cooperation and investigation skills among law enforcement agencies, raising public awareness, and increasing partnerships with NGOs on victim protection. The government produced and aired 6,492 public service radio broadcasts and 1,648 television segments during the reporting period, compared to 6,447 and 1,347 announcements, respectively, in 2015. It also disseminated 20,000 informational booklets on trafficking via 139 information centers around the country; it distributed 50,000 the year prior. Labor officials also provided banners and other signage at the Kuala Lumpur International Airport in holding lounges for newly arrived migrant workers in a range of languages to help educate foreign workers about their rights in Malaysia. During the reporting period, the government organized 11 awareness-raising programs with the plantation industry to sensitize them to forced labor indicators; the government organized similar outreach activities in the previous reporting period in the electronics sector.

The government had existing MOUs with the governments of Sri Lanka, Vietnam, Thailand, China, Pakistan, Bangladesh, India, Indonesia, and Cambodia to improve regulation of foreign worker contracts and rights. In 2016, the government expanded its MOU with Cambodia—enacted in 2015 to govern Cambodian domestic workers in Malaysia—to include factory, plantation, and construction workers. Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage. Labor inspectors conducted 49,610 labor inspections, which resulted in the issuance of 5,297 correction notices and the referral of 27,063 labor disputes to the labor courts. Labor officials referred two cases to the attorney general's chambers for prosecution, while the rest were resolved through back-payment for exploited workers and levied fines for noncompliant employers; in 2015 the government reported 47,000 labor inspections, 6,500 citations issued for contraventions of the Employment Act, and seven cases of exploitative labor referred for criminal proceedings—the outcomes of the seven cases were unknown at the end of the current reporting period. Following claims that one of its labor suppliers misled migrant workers about wages and housed them in poor conditions, McDonald's Malaysia discontinued its work with that labor supplier. The government did not demonstrate efforts to reduce demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Malaysia is a destination and, to a much lesser extent, source and transit country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the estimated two million documented and an even greater number of undocumented migrant laborers in Malaysia. Foreign workers constitute more than 20 percent of the Malaysian workforce and typically migrate voluntarily—often illegally—to Malaysia from Bangladesh, India, Nepal, Burma, Indonesia, the Philippines, and other Southeast Asian countries, mostly in pursuit of better economic opportunities. Some of these migrants are subjected to forced labor or debt bondage by their employers, employment agents,

or informal labor recruiters when they are unable to pay the fees for recruitment and associated travel. Foreign workers employed by outsourcing or contract labor companies, which may or may not have oversight of personnel issues or day-to-day working conditions, have heightened vulnerabilities to exploitative labor conditions and a reduced ability to resolve disputes. Agents in labor source countries may impose onerous fees on workers before they arrive in Malaysia, in some cases causing debt bondage. Foreign workers in Malaysia and the companies that employ them are subject to a complex system of government fees for immigration processing, foreign worker levies, and other administrative processes. The law allows many of the fees, which are initially paid by employers, to be deducted from workers' wages, incentivizing employers to prevent workers from ending their employment before fees are recouped. Authorities report large organized crime syndicates are responsible for some instances of trafficking. Official complicity and corruption among immigration and police officers remains a problem and impedes some efforts to address trafficking. Discoveries of migrant camps and mass graves along the border with Thailand in 2015 generated reports some officials were complicit in facilitating migrant smuggling, which may have included trafficking crimes; however, no Malaysian official was held criminally accountable.

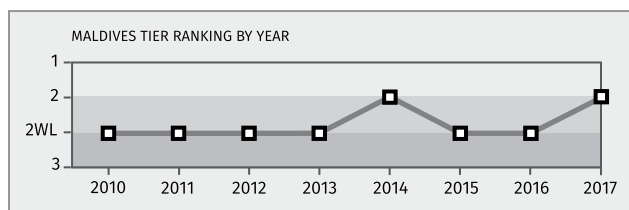
Some migrant workers on palm oil and agricultural plantations, at construction sites, in the electronics industry, and in homes as domestic workers are subjected to practices that can indicate forced labor, such as passport retention—both authorized and unauthorized—and contract violations, restricted movement, wage fraud, and imposition of significant debts by recruitment agents or employers. Contract violations remain widespread in Malaysia. Passport retention remained widespread and problematic; Malaysian law allows employers to hold workers' passports with the workers' permission, but it is difficult to determine if workers have freely given permission, and some employers may retain the passports to prevent workers from changing jobs. In efforts to circumvent anti-trafficking protections established by the Indonesian government, some Indonesian workers may transit Malaysia legally en route to Middle Eastern countries, where some may be subjected to domestic servitude. Although significantly fewer than the number of forced laborers, some young foreign women—mainly from Southeast Asia—are recruited ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, but are instead forced or coerced into the commercial sex trade. Vietnamese women and girls enter into brokered marriages in Malaysia and are subsequently forced into prostitution.

The more than 150,000 registered refugees and asylum-seekers in Malaysia lack formal status and the ability to obtain legal work permits, leaving them vulnerable to trafficking. Many refugees incur large smuggling debts, which traffickers use to subject some refugees to debt bondage. Children from refugee communities in peninsular Malaysia are reportedly subjected to forced begging. A large population of Filipino Muslims resides illegally in Sabah, some of whom are vulnerable to trafficking. Few Malaysian citizens are subjected to trafficking internally and abroad.

## MALDIVES: TIER 2

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated

increasing efforts compared to the previous reporting period; therefore, Maldives was upgraded to Tier 2. The government demonstrated increasing efforts by convicting traffickers under its trafficking law for the first time. The government increased investigations, prosecutions, and the identification of trafficking victims. The government acceded to the 2000 UN TIP Protocol, launched awareness campaigns and amended its employment act to require employers to establish and pay employees' salaries through bank accounts. However, the government did not meet the minimum standards in several key areas. The government's trafficking law does not conform to the 2000 UN TIP Protocol as its definition of human trafficking is generally predicated on the movement of the victim. The government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims. Dedicated trafficking victim protection services were limited—while the government allocated funds for the construction of a trafficking victim shelter, construction had not begun by the end of the reporting period. Victims lacked regular access to medical and psycho-social support and dedicated translators.



## RECOMMENDATIONS FOR MALDIVES

Amend the Prevention of Human Trafficking Act (PHTA) to refine the definition of human trafficking to conform with the 2000 UN TIP Protocol; while respecting due process, increase efforts to investigate and prosecute suspected traffickers, including allegedly complicit officials; formally adopt SOPs for proactive identification of trafficking victims and referral to protection services, and train officials on their use; re-establish the state-run shelter and consistent rehabilitation services; finalize and implement the standard operating procedures for shelter operations and victim services; increase efforts to monitor and punish labor recruitment agents and firms engaging in fraudulent practices; enforce prohibitions against passport retention by employers, including government agencies; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions of their alleged traffickers; and continue to raise public awareness of human trafficking through media campaigns.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The PHTA criminalizes some, but not all forms, of sex and labor trafficking. In a departure from the 2000 UN TIP Protocol definition, articles 11 through 16 define human trafficking to require the act of transporting a person, either transnationally or internally, "through unlawful coercive means," or in a conspiracy with others. To constitute trafficking under the PHTA, the transportation must be done for the purpose of compelling a person to provide work or a service, marry, or undergo an unnecessary medical procedure or test, which are forms of exploitation different from those in the 2000 UN TIP Protocol. It is not clear whether its reference to "work or service" includes "the exploitation of the prostitution of others" which is central to the 2000 UN TIP Protocol. With regard to

children, however, article 14 criminalizes "exploitative conduct," which explicitly is defined to include prostitution. Consistent with international law, articles 14 and 15 provide that when children are transported for the purpose of forced labor or services, the child will be presumed to not have consented to the exploitation. The PHTA does include forced labor—but only if a person is transported. Article 16 criminalizes debt bondage without reference to transportation. The penalty for violation of the PHTA is from seven to 15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Maldives Police Service (MPS) reported investigating 11 trafficking cases, 10 forced labor and one sex trafficking, during the reporting period, an increase from six in 2015. The government reported prosecuting four new cases, an increase from zero prosecutions in the three previous reporting periods. The prosecutor general's office (PGO) and Maldives immigration stated the disproportionately small number of prosecutions is due to courts not accepting electronic documents as evidence, including employment visas for migrant workers. For the first time, the government secured a conviction under the PHTA. Three foreign nationals were each sentenced to 10 years imprisonment in a sex trafficking case prosecuted during previous reporting periods.

Maldives immigration continued to implement mandatory training curriculum on trafficking for new recruits. MPS conducted several anti-trafficking trainings for officers during the reporting period. An international organization partnered with the government to conduct multiple anti-trafficking trainings for various agencies, including a training of trainers for law enforcement and training for 35 judges that resulted in a formal commitment by the judges to combat human trafficking. Despite these trainings, officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Officials also acknowledged government efforts were mainly focused on transnational labor trafficking to the possible detriment of addressing sex trafficking cases.

Private employers and some government agencies frequently held the passports of foreign workers they employed, including the ministries of education and health who held the passports of foreign teachers and health care workers. Maldives immigration reported it investigated cases of employer passport retention and negotiated the return of documents to employees; however the government did not report whether it penalized employers for such acts. Authorities did not report collaborating on transnational investigations with other governments, even though victims were referred to MPS by their foreign high commissions during the reporting period. Law enforcement efforts continued to be hampered by the absence of dedicated foreign language interpreters for victim-witnesses. International experts stated some traffickers operated with impunity because of their connections with influential Maldivians. Observers reported some judges were reluctant to hear trafficking cases, and in some cases police were unable to obtain warrants to arrest traffickers. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses, and officials may have been involved in labor recruiting practices that can lead to trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government slightly increased its victim protection efforts through increased efforts to identify victims. The government



identified 18 victims during the reporting period, an increase from nine in the previous reporting period. One victim was a woman exploited in sex trafficking, and 17 were men subjected to forced labor; all victims were foreign national adults—most were from Bangladesh. The PHTA provides in article 32 a 90-day reflection period during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. The police reported two victims received extensions of the reflection period. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection; however, in practice, victim care services were limited. Victims lacked regular access to medical and psycho-social support. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. The government provided 17 of the identified victims with rehabilitation services; one victim declined services and was voluntarily repatriated. Two victims identified in a previous reporting period continued to receive rehabilitation services from the government. The government allocated funding in 2016 for the construction of a shelter for trafficking victims; however, construction had not commenced by the end of the reporting period. The government placed victims in guest house facilities. Maldives Immigration maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services. There were no local NGOs providing services to trafficking victims during the reporting period.

The government did not formally adopt the SOPs for victim identification, protection, and referral that had been finalized in the previous reporting period. MPS reported it disseminated the SOPs to officers and that police followed the SOPs, resulting in an increase in victims identified; however, other agencies reported they had no knowledge of the SOPs. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred one suspected case to the police; however, officials also stated some potential victims may have been deported. Foreign victims may be granted a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the voluntary repatriation of all 18 identified trafficking victims during the reporting period.

## PREVENTION

The government increased its efforts to prevent human trafficking. The government acceded to the 2000 UN TIP Protocol in September 2016. The Ministry of Economic Development (MED) coordinated government and NGO anti-trafficking efforts through the national steering committee (NSC); while the NSC met during the reporting period, several agencies reported the meetings were infrequent and overall coordination was weak. The Ministry of Law and Gender, a former chair of the steering committee, was largely excluded from the government's anti-trafficking infrastructure, subsequently increasing coordination challenges. The government continued to implement its 2015-2019 national action plan. In April 2016, MED published a booklet outlining the government's anti-trafficking efforts and during the reporting period, MED held two media briefings to inform the public about government activities to combat trafficking. The government developed and ran a public awareness campaign covering 13 anti-trafficking topics via television and radio programming from June through August 2016, and another campaign in January through March

2017 disseminated information to media, students, and the general public. The government also promoted its trafficking hotline with assistance from an international organization, at airport and ferry terminals, fairs, and a youth career event.

The government's revised regulations on foreign employment agencies came into force in March 2016 and require agencies to be licensed and fully compliant with regulations by July 2017. MED made 158 inspection visits to agencies in 2016. In August 2016, the Employment Act was amended to require employers to open a bank account for each migrant worker in the worker's name and deposit all payments into the account. Employers who do not deposit the salary of their migrant workers into their bank accounts may be penalized between 10,000 and 50,000 Maldivian rufiyaa (\$661-\$3,305). Maldives immigration implemented pre-departure and health screening of potential migrant workers in Bangladesh during 2016, in part to mitigate fraudulent recruitment. Maldives immigration conducted radio and television programs focused on safe migration and human trafficking. Immigration officials reported blacklisting 2,073 labor-recruiting companies and individuals for various labor-related infractions; however, officials noted blacklisting was ineffective as companies could register under a new name to continue operations. Maldives immigration continued to implement a program allowing undocumented victims of labor law violations to be employed by a local company and given legal status to remain in the country; during the reporting period 1,186 undocumented workers enrolled in this program. The government provided anti-trafficking training for its diplomatic personnel. The government did not report any efforts to reduce the demand for commercial sex acts or forced labor.

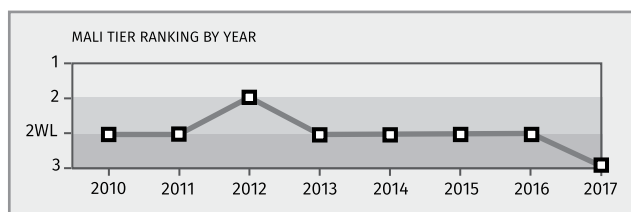
## TRAFFICKING PROFILE

As reported over the past five years, Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking, and a source country for women and children subjected to labor and sex trafficking. An unknown number of the approximately 130,000 documented and 60,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—are subjected to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. Migrant workers pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt bondage upon arrival. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives; recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. A small number of women from Asia, Central Asia, and Eastern Europe, as well as girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Maldivian children are transported to the capital, Male, from other islands for domestic service; some of these children are also reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka.

## MALI: TIER 3

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking and did not

demonstrate overall increasing efforts to do so compared to the previous reporting period. Although Mali meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3. Despite a lack of overall increasing efforts, the government took some steps to address trafficking, including convicting its first traffickers under the 2012 anti-trafficking law and sending one trafficker to jail. In addition, the government allocated a line item for anti-trafficking activities in its annual budget and disbursed funding to support training on the anti-trafficking law, in-kind support to victim shelters, and awareness-raising activities. However, there were reports the government also provided some in-kind support to and on some occasions collaborated with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-government militia headed by a Malian general that used and recruited child soldiers. It did not investigate any government officials for complicity in child soldiering. Moreover, contrary to government protocol, officials transferred four ex-child combatants whom international authorities had removed from GATIA back to a government official with ties to GATIA to facilitate family reintegration; it is unclear if the victims were reunited with their families. The government did not have standard procedures to identify and refer victims to care and continued to detain some former child soldiers in adult prison facilities for alleged association with militias. Furthermore, many judicial personnel were still unaware of the 2012 anti-trafficking law, and police lacked funding and resources to investigate trafficking cases.



## RECOMMENDATIONS FOR MALI

Cease support to groups that use and recruit child soldiers; follow the established protocol for referring children allegedly associated with armed groups to care, and cease detaining such children; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including those who recruit and use child soldiers and allegedly complicit officials, and prescribe penalties with terms of imprisonment; further train judges and prosecutors on the 2012 anti-trafficking law; develop standardized mechanisms to identify potential trafficking victims, including children among armed groups, and refer them to care, and train government officials on such procedures; train law enforcement on effective case investigation techniques and provide them with the necessary resources to investigate trafficking cases; expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants; continue funding or in-kind support to NGOs that assist trafficking victims to expand shelters and services for victims, including outside the capital; enact legislation to criminalize hereditary slavery, and investigate and prosecute cases of it, especially in the north; fully implement the 2015-2017 national action plan to combat trafficking, including by formalizing the roles and responsibilities of various anti-trafficking committee members; and increase efforts to raise public awareness of trafficking, including child forced begging in Quranic schools.

## PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices criminalizes all forms of trafficking of adults and children. The law prescribes penalties of five to 10 years imprisonment, and a maximum of 20 year imprisonment for cases involving aggravating circumstances, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Forced begging is considered a crime under articles 10 and 11 of the 2012 law, and carries penalties of two to five years imprisonment and a fine of 500,000 to 2 million West African CFA francs (FCFA) (\$800 - \$3,200), which is sufficiently stringent. The 2012 law does not criminalize hereditary slavery, however, and reports indicated this practice was increasing in the north.

As in the previous reporting period, the justice minister issued a decree instructing all judicial personnel to prioritize prosecutions of cases under the 2012 law. Although the government did not have a centralized mechanism to collect or maintain comprehensive anti-trafficking law enforcement and victim identification statistics, it reported investigating 11 trafficking cases, prosecuting at least seven traffickers in six cases, and convicting four traffickers in three cases. This is compared with investigating three potential cases and not prosecuting or convicting any traffickers in the previous reporting period. Nine investigations, three prosecutions, and the appeal of the acquittal of one trafficker remained ongoing at the end of the reporting period. The judge sentenced one trafficker to one year imprisonment for transporting eight Ivoirian children to a Quranic school where they would have been exploited in forced begging or other forced labor; this was the government's first conviction under the trafficking article of the 2012 law, although the judge found mitigating circumstances so the prescribed sentence was below the minimum of five years imprisonment specified in the law. Judges also sentenced three traffickers under the forced begging article of the 2012 law in two additional cases. Although the law prescribes a penalty of five years imprisonment and a fine, the judge used mitigating circumstances to impose sentences of one year imprisonment, suspended, for one individual and two years imprisonment, suspended, and fines of 25,000 FCFA (\$40) for the other two traffickers. Penalties without imprisonment are inadequate to deter the crime.

The Ministry of Justice trained more than 180 law enforcement, prosecutors, and judges on victim identification, trafficking case investigations, and prosecuting alleged traffickers under the 2012 law. The ministry also distributed 200 copies of the law to judges, police, and magistrates during the trainings. Despite these efforts, continued lack of awareness of the 2012 law stymied law enforcement action, and the police's system-wide lack of funding and resources, including vehicles and equipment necessary to investigate trafficking crimes, remained serious concerns. Reports alleged pervasive corruption throughout government security forces and the judiciary impeded efforts to prosecute crimes, including trafficking. There were reports corruption and complicity in trafficking offenses among local police and *gendarmes* in Farako may have facilitated forced labor and sex trafficking in mining communities. The non-government militia GATIA, led by a Malian general, used and recruited child soldiers during the reporting period, but the government did not report any investigations, prosecutions, or convictions of traffickers for child soldiering offenses, nor did it investigate any officials for complicity in such acts. During the reporting period, authorities arrested a former diplomat from Democratic Republic of the Congo for allegedly facilitating the

transportation of Congolese girls to African, European, and Asian countries for exploitation. Authorities also arrested two Malian police officers who were alleged accomplices, and the investigation was ongoing at the end of the reporting period.

## PROTECTION

The government increased efforts to identify and protect some trafficking victims but continued to detain some former child soldiers recruited by non-government militias. Government officials and NGO partners identified 108 trafficking victims, primarily Nigerians and other West Africans exploited in Mali, and 35 potential child trafficking victims, compared with 48 victims identified in the previous reporting period. The National Police's Brigade for the Protection of Morals and Children (BPMC) identified the 35 potential trafficking victims, two of whom it found working in nightclubs and 33 who were mistreated child domestic workers; it is unclear if the BPMC referred any of the children to services or investigated the cases. The government did not have standardized mechanisms to identify potential trafficking victims and refer them to care. The government provided nominal assistance to victims, including familial reunification and travel documentation, but primarily relied on privately-funded NGOs and international organizations to provide shelter, counseling, food, repatriation, and reintegration services. The Ministry for the Advancement of Children, Women, and Families had some facilities for vulnerable victims that trafficking victims could access, although it did not report if any did so during the reporting period. The government did not provide financial support to NGOs that assisted victims, although it did provide significant in-kind support to these facilities during the reporting period, including 270 beds, mattresses, mosquito nets, and blankets; 18 refrigerators; nine televisions; and food for 10 shelters. The government continued to rely on private and international donors to provide the majority of funding for the centers. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services, and while some facilities could offer specialized services for females, there were no such services for males. The government did not report identifying or assisting any victims of hereditary slavery in areas where this practice was prevalent. During the reporting period, authorities provided transportation assistance to assist the repatriation of five Congolese trafficking victims. In collaboration with an NGO, the government also coordinated the repatriation of Malian nationals exploited abroad and the provision of food, shelter, and medical assistance upon repatriation. The government offered legal alternatives to removal to countries in which victims would face retribution or hardship. The government does not have formal policies to encourage victims to participate in trials against their traffickers. Victims may legally file civil suits against their traffickers, although the government did not report that any did so during the reporting period. International organizations continued to report viewing children among the ranks of rebel militias and terrorist organizations in the north. Despite the government's 2013 inter-ministerial protocol that requires authorities to direct former child soldiers to rehabilitation centers, at least seven children remained in state-run detention facilities, including adult prisons, for association with armed groups; some of the children had been in detention since 2014. An international organization identified and referred to the National Directorate for the Promotion of Children and Families for care four ex-child combatants associated with GATIA, aged 14 to 17 years old; in violation of the 2013 protocol, however, the directorate gave the children to a government official who had ties to GATIA

to facilitate family reunification; it is unclear if the children were reunited with their families.

## PREVENTION

The government increased efforts to prevent trafficking. Officials continued modest efforts to implement the 2015-2017 anti-trafficking national action plan. For the first time, the government created a line item in its annual budget specifically for anti-trafficking efforts and allocated an additional 200 million FCFA (\$319,930) for such efforts during the reporting period, bringing the total funding allocated for anti-trafficking efforts in 2016 to 450 million FCFA (\$719,840). It used this funding for trainings on the 2012 law, awareness-raising activities, and in-kind support for NGO victim shelters. The government also conducted an awareness-raising session on child forced begging for 30 Quranic school teachers, known as *marabouts*. The national committee, charged with coordinating government anti-trafficking efforts, met infrequently during the reporting period. The lack of coordination among committee members and ownership for individual responsibilities impeded its effectiveness and delayed the disbursement of funding for anti-trafficking activities. Labor inspectors remained without sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. The government did not make efforts to decrease the demand for forced labor or commercial sex acts. It did not provide anti-trafficking training for its diplomatic personnel or peacekeepers deployed abroad.

## TRAFFICKING PROFILE

As reported over the past five years, Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking; boys from Guinea and Burkina Faso, however, are subjected to forced labor in artisanal gold mines, and women and girls from other West African countries, particularly Nigeria, are exploited in prostitution and sex trafficking throughout Mali. Nigerian authorities estimate more than 5,000 Nigerian girls are victims of sex trafficking in Mali. Women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines. Men and boys are subjected to forced labor in agriculture—especially rice production—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. NGOs reported concerns that high unemployment, food insecurity, and security threats are driving some families to sell their children into domestic servitude or forced labor in gold mines. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude, including in salt mines in Taoudeni in northern Mali, and reports indicate it is worsening. Malian boys and other West African nationals are forced to beg or perform agricultural work by unscrupulous *marabouts* in Mali and neighboring countries, including Senegal and Guinea. NGO reports indicate Malian children endure forced labor on cotton and cocoa farms in Cote d'Ivoire. Other Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking. Nigerian traffickers fraudulently recruit Nigerian women and girls with promises of taking them to Europe but exploit them in sex trafficking in Mali. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia.

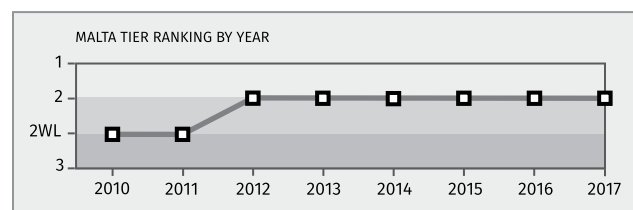
In early 2012, rebel and Islamic extremist groups occupied northern Mali. During their 2012-2013 occupation of the north, these terrorist organizations and armed groups recruited



and used children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols. These groups reportedly used girls for sexual exploitation, including sex slavery through forced marriages to members of these militias. The armed groups purportedly forced some families to sell their children to the groups. Reports also indicate some parents collaborate with armed groups to insert their children into the group's ranks so the parents can benefit from possible disarmament, demobilization, and reintegration assistance. During the reporting period, an international organization identified six Malian former child soldiers in a Mauritanian refugee camp; due to porous borders and families living on both sides of the border, it is possible Malian armed groups have also forcibly recruited some Mauritanian children to be child soldiers in Mali. The government provided some in-kind support to and collaborated with GATIA, a non-government militia led by a Malian general that used and recruited at least 76 children in 2016, including children as young as 11 years old and at least 14 girls. Although there is no evidence the Malian military recruits or uses child soldiers, poor military recordkeeping systems and the ready availability of fraudulent birth certificates impeded the government's ability to verify the precise age of all Malian soldiers. The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) investigated 23 cases of conflict-related sexual violence, including forced prostitution and sexual slavery, in Gao, Timbuktu, Kidal, and a refugee camp in Mauritania in 2016. MINUSMA investigated four members of GATIA, three members of the Mali Defense and Security Forces (MDSF), and civilians in these cases, although it did not report any prosecutions or convictions for trafficking offenses. The unstable security environment in and extremely restricted access to northern and central Mali, where the government exercises limited territorial control, limited the availability of comprehensive reporting. Furthermore, the security situation prevented government officials—including judges—from operating in certain regions of the country, limiting victims' access to justice.

## MALTA: TIER 2

The Government of Malta does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Malta remained on Tier 2. The government demonstrated increasing efforts by identifying significantly more victims and providing all of them with shelter and services and funding training for police recruits and officers, border agents, and diplomats. However, the government did not meet the minimum standards, as it has not secured any trafficking convictions since 2012.



## RECOMMENDATIONS FOR MALTA

Vigorously investigate and prosecute trafficking offenses and

pursue adequate sentencing for convicted trafficking offenders; increase efforts and training of relevant staff and officials to proactively identify trafficking victims among vulnerable immigrant populations, particularly migrant workers, child trafficking victims, and women in prostitution; use anti-trafficking training for police officers, prosecutors, and judges to increase focus on working with victims and procedures for appropriate referral for care; increase funding to the inter-ministerial committee for implementing the national action plan; increase funding for both short- and long-term shelter and assistance adapted to the needs of trafficking victims, including male victims and minors; provide adequate availability of translators for victims; and increase awareness campaigns.

## PROSECUTION

The government maintained law enforcement efforts. Article 248A-G of the criminal code prohibits both sex and labor trafficking and prescribes penalties of four to 12 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not obtained a conviction since early 2012. The government conducted three investigations and initiated prosecution of four defendants in one case, which remained pending at the close of the reporting period. These efforts were on par with the previous reporting period when the government initiated investigation of two cases and prosecution of two defendants. Three labor trafficking prosecutions initiated in 2014 remained pending at the close of the reporting period. Both the appeal of a 2012 conviction of a police officer for alleged collusion with a trafficker, and the prosecution of a 2004 case involving a police official, remained pending. There were no new investigations or prosecutions of government employees complicit in human trafficking offenses.

The slow pace of court proceedings hampered prosecutions relying on victims to provide testimony in court. The government, in collaboration with an international organization and a foreign embassy, completed a six-month research and training program for police officers, prosecutors, and judges, to raise awareness of trafficking within the judiciary. Frequent turnover of vice unit investigators, who also served as prosecutors, presented a challenge to authorities working to ensure all stakeholders receive specialized training.

## PROTECTION

The government demonstrated modest efforts to protect trafficking victims. Police identified 35 foreign trafficking victims, including 32 Filipino labor trafficking victims in a single case involving a cleaning company (18 males and 14 females), two female domestic servitude victims, and one female sex trafficking victim; such efforts were an increase from two victims identified in the previous reporting period. The government had standard operating procedures in place for victim identification, and that allowed a range of entities to refer victims to the government's social welfare agency for care, which offered emergency shelter, medical care, and counseling. NGOs also provided this support, either funded by the government or other donors; one NGO received €33,000 (\$34,773) in government funds for this purpose during the reporting period. All 35 victims received care services. NGOs continued to provide support and services to 10 trafficking victims identified in 2014, some of whom also continued to receive financial support from the government. While NGOs reported assisting victims who are children, the government has never formally identified a child trafficking victim.

The government encouraged, but did not require, victims to assist in the investigation and prosecution of their alleged traffickers and provided them with protective support, including the option to testify via video. The law provides victims a two-month reflection period to recover and contemplate cooperation with law enforcement. Foreign victims who decided to assist police in prosecuting trafficking cases were entitled to a temporary residence permit, police protection, legal assistance, and the right to work. The government provided these entitlements to all 35 of the trafficking victims identified during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to trafficking. Courts, however, have convicted some minors for prostitution in recent years, who may have been unidentified sex trafficking victims. Additionally, migrants who entered the country illegally, some of whom may have been trafficking victims, were routinely held in detention centers. In December 2015 the government issued new guidance that limited the circumstances under which irregular migrants could be detained, although implementation of the new procedures remained pending at the close of the reporting period. There was also inadequate availability of translators for victims.

## PREVENTION

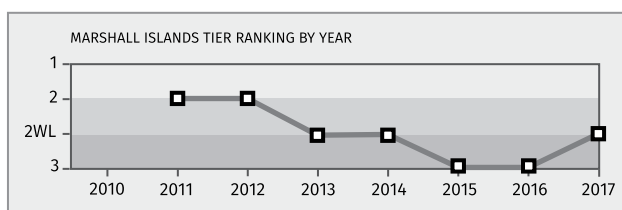
The government maintained prevention efforts. The inter-ministerial anti-trafficking committee continued to implement a national action plan, and it published a new action plan for 2017 to 2020. For a third consecutive year, the government maintained an anti-trafficking budget of €20,000 (\$21,075), which did not include government funds provided to agencies for victim support. The government conducted awareness-raising efforts at schools and through dissemination of materials at Maltese diplomatic missions abroad regarding employment standards. The inter-ministerial anti-trafficking committee charged with implementing the national action plan remained unable to fully implement the plan due to a lack of funding. Nonetheless, the committee publicly released semi-annual reports in July and December monitoring the government's anti-trafficking efforts in 2016. Authorities conducted 1,159 labor inspections and increased the number of inspectors, although the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The social welfare agency continued to run a hotline for individuals in need of social services, including potential trafficking victims. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women, men, and children subjected to labor trafficking. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, and Southeast Asia. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe, Russia, and Ukraine working in nightclubs represent populations vulnerable to exploitation. The approximately 5,000 irregular migrants from African countries residing in Malta may be vulnerable to trafficking in the country's informal labor market, including within the construction, hospitality, and domestic sectors.

## MARSHALL ISLANDS: TIER 2 WATCH LIST

The Government of the Republic of the Marshall Islands (RMI) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, RMI was upgraded to Tier 2 Watch List. These achievements included drafting a new trafficking law, approval of the National Action Plan to Combat Trafficking, and continued implementation of parts of the plan begun prior to its approval in 2015. The government also provided funding for victim services and targeted awareness-raising efforts conducted by the National Taskforce on Human Trafficking (NTHT), initiated two investigations into allegations of labor trafficking, and assisted in the protection and repatriation of a foreign labor trafficking victim. The government also made modest efforts to identify trafficking victims, notably among foreign men working on fishing vessels in Marshallese waters. Despite these achievements, the government did not prosecute or convict any individuals for trafficking offenses, nor did it strengthen its efforts to identify trafficking victims among foreign and local women in prostitution.



## RECOMMENDATIONS FOR THE MARSHALL ISLANDS

Increase efforts to investigate, prosecute, convict, and sentence traffickers under amended provisions of the criminal code prescribing stringent penalties commensurate with other serious crimes; adopt proactive procedures to identify trafficking victims among vulnerable groups, such as foreign workers and women in prostitution, and train officials on their use; strengthen efforts to implement the National Action Plan to Combat Trafficking in Persons; train law enforcement and prosecution officials to implement the anti-trafficking laws; adopt comprehensive labor codes to govern workers' rights and employers' responsibilities; strengthen efforts to fund and administer protective services for victims, in cooperation with NGOs and international organizations; develop and conduct anti-trafficking education and awareness-raising campaigns; undertake research to study human trafficking in the country; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government increased some of its law enforcement efforts; however, other law enforcement efforts remained inadequate. The Parliament introduced the Prohibition of Trafficking in Persons Act in January 2017, which had not yet been promulgated at the end of the reporting period. Article 251 of the criminal code prohibited only transnational forms of trafficking and prescribed penalties of up to 35 months imprisonment for the trafficking of adults, and up to 10 years imprisonment for the trafficking of children. The 2015 Child Rights Protection Act prohibited the domestic and transnational trafficking of children. The legal definition of trafficking did not include all forms of the crime. The penalties for subjecting children to

trafficking were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape, but the penalties for adult trafficking were not.

The government did not prosecute or convict any individuals for trafficking offenses in 2016, but it initiated two new trafficking investigations—an increase from none in the previous reporting period. In one case, a Cambodian man was recruited to work as a translator on a ship, but upon boarding the vessel was subjected to forced labor as a fisherman. When the vessel docked in Majuro, he attempted to leave, at which point the captain told him he must pay \$4,000 for his freedom. He managed to obtain an internet connection and file a report with an international organization, which notified the NTHT. The division of immigration located the individual and discussed the situation with him in a safe location, then helped him to contact his family to ensure they could receive him in Cambodia. The shipping agent agreed to fund his repatriation, but there were no reports of government efforts to secure back payment of his salary. Authorities closed the investigation after the victim chose not to press charges. In Ebeye, local law enforcement collaborated with the FBI regarding a potential trafficking case, but details were not available at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government slightly increased its efforts to identify trafficking victims and to ensure their access to protective services. Unlike the previous five years, the government identified at least one trafficking victim. Law enforcement and social services personnel did not employ systematic procedures to identify trafficking victims among women in prostitution and child sex trafficking, but did so in the fishing sector; during the reporting period, law enforcement implemented a newly formulated standard operating procedure to screen 79 crew members aboard a fishing vessel for indicators of labor trafficking. The government provided \$137,000 to an NGO to support protective services for victims of gender-based violence and human trafficking—an increase from no contributions in 2015. The NGO also signed an MOU with the Marshall Islands police department on victim assistance during the reporting period.

## PREVENTION

The government increased efforts to prevent trafficking. The NTHT held monthly meetings with participation by the director of immigration, assistant attorney general, law enforcement authorities, NGOs, and faith-based organizations, and briefed the Office of the President and Cabinet on multiple occasions throughout the reporting period. The NTHT held 17 meetings and conducted awareness-raising sessions and training workshops for more than 2,600 individuals from schools, government, law enforcement, and civil society—an increase of more than 1,000 from the previous reporting period. Ebeye leadership also established the Kwajalein Atoll Counter Human Trafficking (KACHT) Working Group, which aimed to leverage tribal leadership to increase awareness about and prevent trafficking among vulnerable traditional communities living in a high-travel geographic region. KACHT helped to facilitate a 16-day awareness-raising campaign, educating more than 500 people on trafficking issues. During the reporting period, RMI law enforcement hosted the Guam Attorney General's Office for discussions with the NTHT on trafficking cooperation

and aimed to increase its investigative partnership with the Guam Coalition Against Human Trafficking. The RMI Cabinet endorsed the National Action Plan to Combat Trafficking in July 2016. Authorities enforced fishing regulations barring individuals from boarding licensed foreign fishing vessels docked in Majuro in an attempt to mitigate the potential for the commercial sexual exploitation of women and underage girls. The government did not provide anti-trafficking training for its diplomatic personnel, nor did it take steps to reduce the demand for commercial sex acts or forced labor. The RMI is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

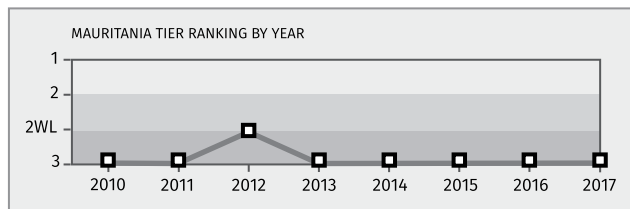
As reported in the last three years, RMI is a source and destination country for RMI women and children and a destination for women from East Asia subjected to sex trafficking. RMI girls are recruited by foreign business owners and are subjected to sex trafficking with crew members of foreign fishing and transshipping vessels that dock in Majuro. Some of these foreign fisherman themselves are subjected to conditions indicative of forced labor on ships in Marshallese waters. Foreign women, most of whom are long-term residents, are subjected to forced prostitution in establishments frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women are recruited with the promise of other work and, after paying large recruitment fees, are forced into prostitution. Limited reports indicate some Marshallese searching for work in the United States experience indicators of trafficking, such as passport confiscation, excessive work hours, and fraudulent recruitment. Some Marshallese children are transported to the United States, where they are subjected to situations of sexual abuse with indicators of sex trafficking.

## MAURITANIA: TIER 3

The Government of Mauritania does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Mauritania remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking. As mandated by the 2015 anti-slavery law, the government opened three regional courts to exercise exclusive jurisdiction over human trafficking and hereditary slavery cases and prosecuted and convicted two slaveholders—its first convictions under the 2015 anti-slavery law and its first two convictions for any trafficking offense since 2011. The anti-slavery courts did not receive adequate funding, however, and the government did not train judges on the 2003 anti-trafficking or 2015 anti-slavery laws, which limited the government's overall effectiveness in investigating and prosecuting such cases. The government continued to prevent certain anti-slavery groups from bringing forward criminal charges against slaveholders by not officially recognizing such organizations, and it allegedly tortured some of those advocates. Despite long-standing reports that prosecutors and judges refused to prosecute alleged slaveholders or prosecuted them for lesser offenses to avoid bringing a slavery case to trial, the government did not investigate these claims. Although NGOs documented over 7,100 cases of child domestic workers with indicators of forced labor and police identified more than 649 child slavery and forced begging victims in 2016, the government did not investigate any of those cases or remove the victims from their situations of exploitation. *Tadamoun*, the government agency mandated to address poverty and the “vestiges of slavery,” continued to make efforts to reduce socio-economic



inequality but did not fulfill its role to submit criminal cases on behalf of victims and represent victims in cases against their alleged traffickers or slaveholders. Government agencies charged with combating trafficking and slavery continued to lack the resources, personnel, and political will to prosecute politically connected offenders, and there remained a fundamental lack of commitment to make serious and sustained efforts to combat hereditary slavery.



## RECOMMENDATIONS FOR MAURITANIA

Significantly increase efforts to investigate, prosecute, and convict traffickers and slaveholders with sufficiently stringent sentences using the 2003 anti-trafficking and 2015 anti-slavery laws; hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged slavery offenses and efforts to interfere with ongoing investigations; sufficiently fund the anti-slavery courts and train prosecutors and judicial officials on the 2003 anti-trafficking and 2015 anti-slavery laws; provide victims with easier access to legal assistance, and enhance *Tadamoun's* efforts to submit criminal claims on behalf of victims; protect victims who participate in legal investigations from intimidation and threats from their alleged traffickers or slaveholders; develop standard procedures to identify and refer trafficking and slavery victims to services, and train law enforcement on such measures; in partnership with NGOs, increase efforts to provide protective services and vocational training to victims; investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation; with input from civil society, develop and implement a plan to provide economic resources—through monetary or property allotment—to former slaves and members of traditional slave castes to allow them the opportunity to leave their communities of enslavement, if they so choose; devote staff to implement the national anti-trafficking action plan; raise public awareness of trafficking, including hereditary slavery and the 2015 anti-slavery law; and legally recognize all legitimate anti-trafficking and anti-slavery NGOs, including the Initiative for the Resurgence of the Abolitionist Movement.

## PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons prohibits almost all forms of trafficking and prescribes penalties of five to 10 years imprisonment, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The 2015 anti-slavery law criminalizes hereditary slavery and prescribes sufficiently stringent penalties of five to 20 years imprisonment, which exceed penalties for other serious crimes. The law also includes prohibitions on forced marriage. The 2015 anti-slavery law mandated the creation of regional anti-slavery courts with exclusive jurisdiction over trafficking and slavery cases, and the government opened and made operational all three courts during the reporting period; the courts are located in Nema, Nouakchott, and Nouadhibou. The courts lacked the staff, funding, and resources to investigate and prosecute trafficking and slavery crimes throughout their

regions, and none of the appointed judges were specifically trained to address the unique challenges of investigating slavery cases, including how to prevent slaveholders from intimidating victims and victims from withdrawing their cases.

The anti-slavery courts received 47 cases for investigation under the 2015 anti-slavery law involving at least 53 suspects and prosecuted and convicted two slaveholders, compared with two investigations and no prosecutions or convictions the previous reporting period. The Nema anti-slavery court completed one investigation from the previous reporting period that led to the conviction of two defendants for slaveholding; the court sentenced them to five years imprisonment, with one year to be served and four years suspended. Each defendant also had to pay a fine of 100,000 Mauritanian ouguiya (MRO) (\$282) and one million MRO (\$2,817) in damages to each of the two victims. These were the government's first convictions under the 2015 anti-slavery law and its first convictions for a trafficking or slavery offense since 2011; with the suspension of most of the prison time for both convicted slaveholders, however, the judge minimized the deterrent effect of these law enforcement measures. Forty-six slavery investigations remained pending among the three regional courts, including 17 cases from the previous reporting period. The special brigade for minors identified more than 649 child slavery and child forced begging victims in 2016; the government did not report launching investigations into suspected traffickers or slaveholders in any of the cases. During the reporting period, the Nouakchott Court of Appeals ruled in favor of two former slaves who were appealing the leniency of their slaveholder's 2011 sentence. While the court upheld the original prison sentence of two years with release after three months, which the defendant had already served, it increased the victims' compensation, ordering the defendant to pay a total of 2,248,000 MRO (\$6,332).

Efforts to address hereditary slavery remained weak. Despite its directive to do so, *Tadamoun* did not submit any criminal claims on behalf of victims during the reporting period. The 2015 anti-slavery law authorizes human rights associations that have been legally established and operating for at least five years to bring forward criminal charges on behalf of victims; however, this authorization bars one of the country's leading anti-slavery NGOs—which the government has not legally recognized—from bringing forward such claims. During the reporting period, reports emerged that authorities tortured members of this anti-slavery organization while they were in police custody for alleged participation in a riot; several of the members were acquitted of all charges or had convictions overturned, and some advocates claimed the alleged torture was intended to discourage them from future anti-slavery advocacy. During the previous reporting period, the government had sentenced three activists to two years imprisonment for anti-slavery advocacy. In May 2016, the government reduced the sentences of the two activists who were still in prison from two years to one year imprisonment—after they had already served 18 months—and released them from prison, but it did not overturn their convictions. The government continued investigations from previous reporting periods into a tribal leader and former military colonel for alleged complicity in human trafficking; it did not report any prosecutions or convictions of government officials complicit in human trafficking offenses. Serious corruption and complicity concerns remained, including reports of police, prosecutors, and judges who refused to investigate and try cases of hereditary slavery and heavy governmental influence over the judiciary, which restricted its independence. Reports persisted that prosecutors and judges often prosecuted alleged slave owners for lesser offenses to avoid bringing a

slavery case to trial, calling into question the political will of law enforcement and judiciary officials to address such crimes. Despite the government's recognition that law enforcement and judicial officials lacked critical understanding of how to conduct trafficking investigations and the 2015 anti-slavery law, it did not provide training during the reporting period.

## PROTECTION

The government maintained minimal efforts to protect trafficking victims, including those exploited in hereditary slavery. The special brigade for minors identified more than 649 child slavery and child forced begging victims, and courts reported at least 46 victims were involved in 46 investigations. NGOs did not collect comprehensive trafficking victim statistics, but several reported identifying significant numbers of potential child trafficking victims in 2016. NGOs identified 6,353 cases of abuse of child domestic workers—an indicator of forced labor, and a second identified 1,258 child labor victims who were deprived of proper care or public services, marginalized, or living in difficult conditions and isolated areas—which increased their vulnerability to human trafficking. The government did not report removing any children from exploitative situations, referring them to care, or investigating the potential forced labor offenses. Twenty-four Mauritanian females were identified in domestic servitude in the Gulf states during the reporting period.

The government did not provide financial or in-kind support to NGOs that continued to provide the majority of protective services to trafficking victims. The Ministry of Social Affairs, Childhood, and the Family (MASEF) continued to manage seven public centers for the protection and social integration of children, which child trafficking victims could access. The centers provided services to 540 children during the reporting period, an increase from 373 children the previous reporting period; however, it is unclear how many were trafficking victims. The special brigade for minors had the authority to refer children to the centers, but it is unclear if they did so in practice and if other law enforcement knew these procedures. The government allocated 35 million MRO (\$98,600) to these facilities to fund staff and psycho-social assistance—a significant decrease from 76.9 million MRO (\$217,000) allocated the previous reporting period. The facilities only provided short-term protections, and even in situations of trafficking, staff generally returned children to their families or the *imams* who had facilitated their exploitation. MASEF sometimes referred children to other government centers or NGO facilities for additional care and vocational training; it is unclear how this referral mechanism worked and if any trafficking victims received additional services. There are no shelters dedicated specifically to trafficking victims, nor are there shelters available for adult trafficking victims; victims must depart MASEF centers at age 18. *Tadamoun* could offer assistance to slavery victims, commonly in the form of income-generating activities; it reported providing assistance to 61 slavery victims since 2013, although it was unclear how many—if any—received assistance during the reporting period and how victims could access this assistance. The lack of long-term rehabilitative care rendered victims vulnerable to re-trafficking after identification.

The 2015 anti-slavery law provides for comprehensive legal assistance for victims of hereditary slavery, requiring officials to provide them information on their rights and exempt them from judicial fees; however, it is unclear whether the government applied such provisions during the reporting period. The law also mandated the creation of support centers to facilitate such assistance in each province, but no such centers were established

during the reporting period. The law allows for the government to provide victim compensation, but officials did not report if any victims received compensation during the reporting period. While victims may seek restitution from their traffickers, the complex and opaque legal system made such efforts extremely difficult. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking, but the absence of measures to identify trafficking victims among vulnerable populations was likely to have led to some victims being penalized. For example, officials often jailed women suspected of prostitution and held illegal migrants in detention until their refugee status had been resolved. In 2016, the Ministry of Interior deported 5,800 foreign residents to their countries of origin and did not screen for indicators of trafficking. Mauritania does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

## PREVENTION

The government maintained modest efforts to prevent human trafficking. No single government agency was responsible for leading national anti-trafficking efforts, which hampered the government's effectiveness. The government did not finalize its draft national action plan. It did not provide staff to implement its 2014-2017 roadmap to fight the vestiges of slavery—a separate plan drafted in collaboration with an international organization—as it had committed to doing the previous reporting period. The inter-ministerial anti-trafficking committee, which reports to the prime minister and was responsible for the implementation of the action plan, met three times during the reporting period, compared with twice the previous reporting period, but did not make tangible efforts to implement the plan. *Tadamoun* continued to construct schools and provide income-generating activities in poverty-stricken areas, focusing particularly on communities of slave descendants and groups vulnerable to exploitation. In partnership with international organizations, the government organized two workshops on trafficking. The first workshop addressed the rights of children in Quranic schools, encouraging the modernization of the schools' learning methods and underlining legal protections available to students, in an attempt to reduce occurrences of forced begging. The second workshop trained 50 magistrates and 50 court clerks on the definition of trafficking, the difference between human trafficking and illegal immigration, and a review of international and national frameworks that address trafficking; the training did not address the 2015 anti-slavery law. The government continued its campaign to register all citizens and foreign residents and to issue secure biometric identity documents; despite these efforts, however, a significant portion of children continued to lack identity documents, which prevented some from enrolling in school and increased their vulnerability to trafficking. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. Despite large groups of Mauritians fraudulently recruited for work abroad, the government did not make efforts to oversee labor recruitment or investigate labor recruiters or brokers allegedly involved in fraudulent recruitment. The government did not provide anti-trafficking training for its diplomatic personnel. A foreign donor provided human rights training that included an anti-trafficking element to Mauritanian troops before their deployment abroad on international peacekeeping missions.

## TRAFFICKING PROFILE

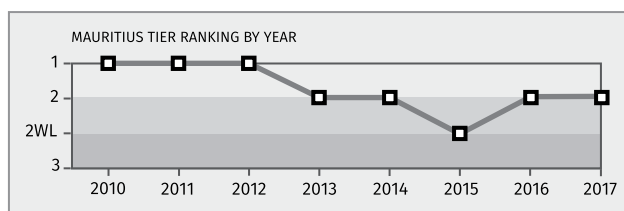
As reported over the past five years, Mauritania is a source, transit, and destination country for men, women, and children

subjected to forced labor and sex trafficking. Adults and children from traditional slave castes in the Black Moor and Afro-Mauritanian communities are subjected to hereditary slavery practices rooted in ancestral master-slave relationships, where they are often forced to work without pay as cattle herders and domestic servants. Although reliable data on the total number of slaves does not exist, local and international experts agree hereditary slavery continues to affect a significant portion of the country's population in both rural and urban settings. Separately, some boys from Mauritania and other West African countries who study at Quranic schools are forced to beg for food and money to pay corrupt imams. Boys from low-income families in the *Halpulaar* community are most vulnerable to forced begging by unethical imams. Street gangs force Mauritanian children to beg and sell drugs in Nouakchott. Approximately 41 percent of Mauritanian children lack birth certificates and are thus generally not permitted to enroll in school, which increases their risk for trafficking. Mauritanian women and girls—especially those from the traditional slave castes and Afro-Mauritanian communities, as well as women and girls from Mali, Senegal, The Gambia, and other West African countries—are forced into domestic servitude in Mauritania, sometimes by recruiters who fraudulently promise parents they will provide shelter and education for the children. West African women and girls are vulnerable to domestic servitude and sex trafficking in Mauritania. Sub-Saharan African migrants transit Mauritania en route to Morocco and Europe, where some are exploited in forced labor and sex trafficking. Mauritanian women and girls are fraudulently recruited by foreign recruitment agencies and Mauritanian middlemen for nursing and teaching jobs abroad and exploited in forced labor and sex trafficking in the Gulf, including Saudi Arabia. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian girls and young women. Mauritanian women and girls from poor families enter into these forced marriages, facilitated by brokers and travel agencies in both Mauritania and in the Middle East promising substantial payment, and are exploited as sex slaves in Saudi Arabia and other Gulf countries. During the reporting period, international authorities identified and removed from a refugee camp in southeastern Mauritania six Malian child soldiers who had been forced to work as cooks, porters, servants, and messengers for rebel groups in Mali. Due to the proximity between the countries and their porous borders, it is possible that Malian armed groups also forcibly recruited some Mauritanian children.

## MAURITIUS: TIER 2

The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mauritius remained on Tier 2. The government demonstrated increasing efforts by prosecuting a trafficking suspect under the anti-trafficking law for the first time and opening a new shelter for trafficking victims. The government increased efforts to identify and provide protective services for adult and child trafficking victims, including adult migrant workers, and increased investigations of employers who retained employee's passports. The government continued to conduct public awareness campaigns and train front-line officers. However, the government did not meet the minimum standards in several key areas. Protection services for adults remained

lacking, with neither specialized shelters nor systematic provision of medical, psychological, and financial assistance for adult victims. Coordination between law enforcement and prosecutors remained weak and the judicial process was slow, discouraging some victims from pursuing legal redress. There also was no clear government agency responsible for assisting adult sex trafficking victims.



## RECOMMENDATIONS FOR MAURITIUS

Improve coordination between law enforcement and prosecutors to decrease the length of the judicial process; improve protection services for adult trafficking victims by implementing standardized procedures for victim identification and referral to protective services, including adequate assistance once identified; empower an inter-ministerial coordination committee to address all forms of trafficking, not just child trafficking; vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers under the anti-trafficking law, including cases involving forced labor or forced prostitution of adults; increase monitoring of employers of migrant workers to identify and investigate indicators of trafficking; establish procedures to guide officials in proactive victim identification and referral among at-risk populations, specifically for women in prostitution and migrant workers; continue to provide specific anti-trafficking training to law enforcement officials and labor inspectors, social workers, prosecutors, and magistrates to improve case investigation and victim identification and referral to appropriate care; finalize the national action plan to combat trafficking, allocate sufficient funding to its implementation, and ensure clear roles and responsibilities in its implementation; and conduct a national awareness campaign on all forms of trafficking.

## PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. The Combating of Trafficking in Persons Act of 2009 criminalizes all forms of trafficking of adults and children, prescribing penalties of up to 15 years imprisonment for convicted offenders. The law prohibits the recruitment of workers by using fraudulent or deceptive offers; however, it does not appear to reach foreign recruiters who operate outside Mauritius. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and the Judicial Provisions Act of 2008 prescribes punishment for child trafficking offenses of up to 30 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The government initiated three trafficking investigations and prosecution of one suspect in 2016, compared to six investigations and no prosecutions in 2015. For the first time, the government charged a suspect under the anti-trafficking law, initiating prosecution of the alleged trafficker for child sex trafficking. However, there were no convictions in 2016, similar to the previous reporting period, and the government has never convicted an offender under the anti-trafficking law. The judicial process is prohibitively long, frequently many



years, which can dissuade victims from seeking legal redress; lack of coordination among law enforcement and prosecutors contributed to this and remained weak during the reporting period. Historically, the Ministry of Labor, Industrial Relations, Employment, and Training (MOL) has addressed potential labor trafficking cases through arbitration and mediation, rather than criminal investigation and prosecution, allowing traffickers to repeatedly commit trafficking offenses and face only administrative penalties. Despite the illegality of passport seizure, this practice remained widespread. However, beginning this reporting period, in collaboration with the Bangladeshi High Commission in Mauritius, the MOL identified and referred cases of passport retention to the passport and immigration authorities; nonetheless, the government did not report prosecution of employers for this crime.

During the reporting period, the Mauritius Police Training School provided anti-trafficking courses to 551 senior police officers, 26 fisheries officers, and 194 police recruits and the MOL conducted an in-house trafficking training for 102 labor officers and inspectors, including the Special Migrants Unit. The government led an anti-trafficking training at the University of Mauritius on the legal framework for combating trafficking, attended by 50 law students. The government trained an unknown number of officials from the Passport and Immigration Office (PIO) on victim identification measures. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

## PROTECTION

The government increased efforts to identify and protect victims of sex and labor trafficking, but the availability of services for adult trafficking victims remained lacking. The government identified three child sex trafficking victims and eight adult forced labor victims during the reporting period, compared to 10 victims identified in total in 2015. The Child Development Unit (CDU) of the Ministry of Gender Equality, Child Development, and Family Welfare continued to employ the standard referral procedure after identifying child trafficking victims. In May 2016, the government opened and initiated management of a new shelter for child trafficking victims that assisted 24 girls exploited in sex trafficking, including the three it identified. Child victims could leave the shelter to attend school and received shelter as well as medical and psychological assistance. The government provided funding for several anti-trafficking NGOs in the amount of approximately 11,000 rupees (\$307) per month per child, and also funded several NGO-run daycare centers for trafficking victims.

There were no standard referral procedures for adult sex or labor trafficking victims, nor was there a clear government agency responsible for assisting adult sex trafficking victims. There was neither specialized shelter, nor systematic provision of medical, psychological, or financial assistance for adult trafficking victims. In February of 2017, the PIO of the Mauritius Police Force conducted a raid to identify foreign persons with expired visas, during which officials identified eight men from Nepal as potential forced labor victims, who reported having paid recruiters in Nepal and India for work in Mauritius. The government provided assistance to two victims that remained in Mauritius as prosecution witnesses; however, it is unclear whether the remaining victims received assistance before the government facilitated their repatriation.

There were no reports the government arrested or punished

trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. However, due to the lack of identification measures and gaps in understanding of human trafficking among some law enforcement officers, some adult victims of forced prostitution and forced labor may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking. For example, law enforcement officers generally did not screen women in prostitution for trafficking indicators. During the reporting period, immigration officials continued to regularly turn back single Malagasy women, traveling on their own, with less than 4,200 rupees (\$117) who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in prostitution. The 2009 anti-trafficking law provides legal alternatives, including temporary residency, to removal to countries in which trafficking victims would face retribution or hardship; however, in the past, the government sometimes deported trafficking victims. The law allows for victims to file civil suits against their alleged traffickers for restitution; however, civil suits can be prohibitively expensive and lengthy. There were no reports trafficking victims filed any civil suits during the reporting period. The government generally encourages, but does not require, victim cooperation in investigations and prosecutions. In an effort to encourage cooperation, victims and witnesses could request police protection by contacting their local police.

## PREVENTION

The government increased prevention efforts. While the government did have an inter-ministerial coordination committee to address trafficking as a whole, the committee only met once during the reporting period and there was still confusion among agencies which department was responsible for addressing adult trafficking. The government conducted several awareness-raising campaigns during the report period. The police's family protection unit and the minors brigade continued extensive public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of facilitating child sex trafficking, which reached an estimated 13,600 people. The police continued to hold the annual police security and safety day which included presentations on anti-trafficking, reaching 34,400 people. The Ministry of Tourism and External Communication continued to distribute pamphlets warning tourism industry operators of the consequences of engaging in or facilitating child sex trafficking. The crime prevention unit distributed anti-trafficking posters to police stations, high schools, and community centers. The government continued to run the drop-in center that promoted its services through bumper stickers, a toll-free number, and community outreach, and a social worker continued to promote the services in communities and schools.

The MOL conducted nearly 300 sessions to sensitize migrant workers of their rights, including producing relevant documents in the native language of the migrant worker. The government increased the number of inspectors within the MOL's Special Migrant Workers Unit—responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites—from six to nine during the reporting period. The unit conducted 402 inspections, compared to 72 in the previous reporting period; however, this number of inspections remained inadequate relative to the approximately 37,000 migrant workers employed in Mauritius and the government did not report suspending any labor recruitment licenses for trafficking-related crimes during

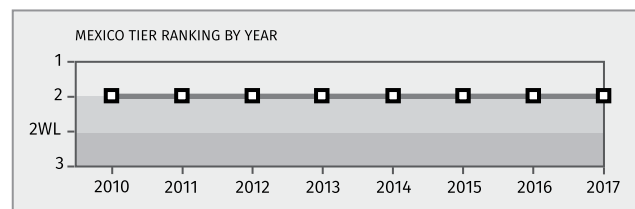
the reporting period. Although the MOL is required to approve all employment contracts before migrant laborers enter the country, some migrant laborers reportedly enter the country with contracts that are incomplete or have not been translated into languages the workers understand. The government did not make any discernable efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

### TRAFFICKING PROFILE

As reported over the past five years, Mauritius is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Girls from all areas of the country are induced or sold into sex trafficking, often by their peers, family members, or by businessmen offering other forms of employment. Taxi drivers allegedly transport child sex traffickers to their victims with whom they engage in commercial sex acts. Girls and boys whose mothers engage in prostitution reportedly are vulnerable to sex trafficking at a young age. Small numbers of Mauritian adults have been identified as labor trafficking victims in the United Kingdom, Belgium, and Canada. Malagasy women transit Mauritius en route to employment as domestic workers in the Middle East, where many are subjected to forced labor and sex trafficking. Mauritius' manufacturing and construction sectors employ approximately 37,000 foreign migrant workers from India, China, Sri Lanka, and Madagascar, with the vast majority from Bangladesh, some of whom are subjected to forced labor.

## MEXICO: TIER 2

The Government of Mexico does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mexico remained on Tier 2. The government demonstrated increasing efforts by convicting more traffickers than in the previous year; identifying and providing support to trafficking victims subjected to forced labor in Mexico and abroad; and engaging in new anti-trafficking prevention efforts in the travel and tourism sector. However, the government did not meet the minimum standards in several key areas. Official complicity continued to be a serious and largely unaddressed problem. The government identified fewer victims and provided limited specialized services for identified trafficking victims. Shelters remained inadequate compared to the scale of the problem and victim services were unavailable in much of the country, leaving many reported victims vulnerable to re-trafficking.



### RECOMMENDATIONS FOR MEXICO

Strengthen efforts to investigate and prosecute trafficking offenses and convict traffickers, especially for forced labor

crimes; increase efforts to hold public officials complicit in trafficking accountable through effective prosecutions and stringent sentences; develop and implement a national strategic action plan on victim services in consultation with international organizations and NGOs to include specialized trafficking victim services and shelters funded by the government; finalize and implement victim identification and referral protocols; amend anti-trafficking laws at the federal and state levels to incorporate the definition of trafficking in international law; increase the capacity of state-level anti-trafficking committees and specialized anti-trafficking units to respond more effectively to trafficking cases, through increased funding and staff training; verify, through increased training and monitoring, that victims are not coerced into testifying against traffickers or inappropriately misidentified as traffickers; continue to strengthen data collection efforts; provide effective protection for witnesses and victims testifying against traffickers; and continue to improve coordination mechanisms among federal, state, and local authorities.

### PROSECUTION

The government decreased investigations and prosecutions, but convicted more traffickers than in 2015. Law enforcement efforts were undermined by significant official complicity in trafficking crimes, mainly by local police and other local authorities. The general anti-trafficking law of 2012 prohibits all forms of human trafficking, prescribing penalties ranging from five to 30 years imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, in contrast to the international definition, the law establishes the use of force, fraud, or coercion as an aggravating factor rather than an essential element of the crime and defines illegal adoption without the purpose of exploitation as a form of human trafficking. Federal officials have jurisdiction over all international trafficking cases, all cases that take place on federally administered territory involving organized crime, and all cases involving allegations against government officials. States investigate other internal trafficking cases. Fourteen of 31 states have aligned their trafficking laws with the federal law, which may address inconsistencies among those states' laws and improve interstate investigations and prosecutions. In October 2016, the Mexican Senate approved amendments to the 2012 law that would align it more closely with international law; however, the reforms remained under consideration in the Chamber of Deputies. In December 2016, the Mexican Congress approved a Crime Victim's Law, which includes but is not limited to trafficking victims; and mandates the creation of a federal fund for crime victim assistance and mandates the states also create such funds.

Data based on the broad definition of trafficking in the 2012 law indicated authorities initiated 188 federal and 288 state investigations in 2016, compared with 250 federal and 415 state investigations for trafficking in 2015. Authorities initiated prosecutions against 479 individuals in federal and state cases in 2016 compared to 578 individuals in federal and state cases in 2015. Mexican authorities reported convicting 228 traffickers involved in 127 federal and state cases in 2016, compared to 86 traffickers involved in 36 federal and state cases in 2015. However, it was unclear how many of these convictions were for trafficking crimes as defined by international law. The government did not report the range of sentences, but media reported sentences ranged from 15 years to 60 years imprisonment. Investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the

country, which hindered prosecutions and caused additional stress for victims. Authorities did not treat cases involving individuals who may have been forced by criminal groups to engage in illicit activities as potential trafficking cases, despite indicators of force or coercion. In June 2016, the government completed a lengthy transition to an accusatory criminal justice system at the federal and state level. Notable cases included the conviction of a notoriously violent trafficker who had exploited dozens of trafficking victims over a period of years to a sentence of more than 22 years in prison and a fine of 1.3 million pesos (\$62,947); the arrest of 10 alleged traffickers in a multi-country trafficking network and the identification of 11 child trafficking victims; and, with the assistance of United States law enforcement, the arrest and indictment of several members of a family for operating a sex trafficking network over the past decade in Mexico and New York.

In 2016, the federal government decreased overall funding for investigations and prosecutions, impeding its ability to investigate and prosecute all crime, including trafficking crimes. The 2012 law obligated states to have a dedicated human trafficking prosecutor; 24 of 31 states have specialized prosecutors or units, but some states lacked funding to employ one. Some judges' and prosecutors' lack of understanding of trafficking led to traffickers being prosecuted for more minor offenses or to being acquitted when prosecuted for human trafficking. Authorities maintained strong law enforcement cooperation with the United States, partnering on three joint law enforcement operations, which resulted in the identification of nearly 56 victims and the arrest of 29 alleged traffickers. Mexican authorities continued to exchange information on human trafficking and migrant smuggling investigations through an ongoing working group. Some federal government agencies hosted anti-trafficking training with foreign donor support and funding; foreign governments and civil society provided the majority of specialized training.

Despite persistent reports of extensive official complicity, authorities did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking in 2016; the government has not convicted a complicit official since 2010. Some officials extort bribes and sexual services from adults in prostitution and child sex trafficking victims; extort irregular migrants, including trafficking victims; falsify victims' documents; threaten victims with prosecution to compel them to file official complaints against their traffickers; accept bribes from traffickers; facilitate movement of victims across borders; operate or patronize brothels where victims are exploited; or fail to respond to trafficking crimes, including in commercial sex locations. The government did not report on the status of investigations opened in previous years, including a municipal employee arrested for trafficking in Oaxaca in 2014, the 2013 investigation of two Tijuana police officers for exploiting a sex trafficking victim, or the 2012 investigation of a Chihuahua state employee charged with forced labor.

## PROTECTION

The government decreased protection efforts, as it identified fewer victims and provided limited specialized services for identified trafficking victims. The government reported identifying 740 trafficking victims in 2016—707 for sex trafficking, 15 for forced labor, 14 for forced criminality, two for slave-like conditions, one for slavery, and one for forced begging—compared with 1,814 trafficking victims in 2015. The federal government identified 179 victims—58 children and 136 adults; 37 male victims and 157 female victims compared

with 876 victims in 2015. The state governments identified 561 victims—173 children and 518 adults; 93 male victims and 598 female victims compared with 938 victims in 2015. The Ministry of Foreign Relations identified and provided support to 20 Mexicans subjected to forced labor abroad. In addition to the number of victims identified by the states, the press reported a case of 81 workers exploited in the tomato fields of Queretaro in which authorities arrested seven suspected traffickers for forced labor and provided services to the victims. The inter-secretarial anti-trafficking commission continued to use a victim identification and referral protocol developed in 2015, but did not report whether it led to increased identification and referral. The government reported 14 states used victim identification and referral protocols, but state governments did not report whether the protocols led to increased identification and referral. The Executive Commission for the Attention to Victims (CEAV) reported it provided officials a protocol outlining provision of assistance to victims; however, NGOs reported the protocol was ineffective. While immigration agents used a lengthy human rights questionnaire to identify potential trafficking victims, and some government institutions had informal victim referral procedures, most officials lacked clear guidelines for identifying and referring victims to services. An international organization worked with the National Migration Institute (INM) to develop a victim identification and referral protocol, which had not been implemented. NGOs questioned the government's ability to accurately identify trafficking victims among vulnerable populations, such as migrant workers and persons in prostitution.

In 2016, the CEAV did not report how much it spent for victim assistance, compared to 47 million pesos (\$2.3 million) for assistance to crime victims, including trafficking victims, in 2015. Federal and state entities offer victims emergency services, such as medical care, food, and temporary lodging, which some victims received during the year. Longer term victim services vary in scope and quality overall, but may include medical, psychological, legal, and educational services. The government did not report how many identified victims received particular services such as shelter. Services in most parts of the country remained inadequate compared to the significant number of trafficking victims identified by NGOs and officials. Government-funded services for male and forced labor victims were particularly weak. Shelters for vulnerable children younger than age 13 and for female victims of violence did not report how many trafficking victims they assisted in 2016. The Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) continued to operate a high-security shelter in Mexico City for up to 50 female victims of violence, including trafficking victims, who were participating in the legal process against their exploiters. The government did not report whether the shelter housed trafficking victims in 2016. Women were allowed to have their children with them at the shelter. Women were not allowed to leave the shelter alone; NGOs expressed concern this arrangement re-traumatized some victims. In addition to shelters, there are two publically funded women justice centers in the states of Hidalgo and Guanajuato that work jointly with the Specialized State District Attorneys for Trafficking in Persons to provide a temporary shelter to TIP victims. FEVIMTRA received 71.6 million pesos (\$3.5 million) in 2016, compared with 93.4 million pesos (\$4.5 million) in 2015, to provide assistance to female victims of extreme violence, including trafficking. The State of Puebla continued to operate the country's only public-private shelter, funded by the state government and private entities. The State of Mexico opened three trafficking-specific shelters in 2016; and the City of Mexico opened a trafficking-specific shelter, which could



provide medical, legal, psychological, legal, and social services, but lacked dedicated funding. NGOs, many with foreign donor or private funding, provided the majority of specialized shelters and assistance. Some shelters relied on the prosecutor's office to identify victims and received funding based on the number of victims housed, which observers suggested created an incentive to hold victims pending the conclusion of a case and could compromise the shelter's independence and sustainability of operations. Coordination between federal, state, and local officials on victim services and case management was weak.

Many victims were afraid to identify themselves as trafficking victims, and few filed complaints or assisted in investigations and prosecutions due to their fear of retribution from traffickers, the lack of specialized services, or distrust of authorities. The law has provisions to protect victims from punishment for unlawful acts committed as a direct result of being subjected to trafficking, but NGOs reported that in practice some officials unlawfully detained or punished victims. NGOs reported the government did not properly identify trafficking victims, but instead conducted anti-trafficking raids for the purpose of detaining individuals in prostitution and irregular migrants. Some public officials misunderstood the legal definition of trafficking and conflated it with migrant smuggling and prostitution. Some officials transferred victims to the INM for detention and deportation due to their immigration status and lack of formal identification as trafficking victims. Individuals in prostitution in Mexico City alleged officials detained and forced them to sign declarations accusing detained individuals of trafficking, which raised serious concerns about law enforcement tactics to secure evidence. NGOs also reported officials often re-traumatized trafficking victims due to lack of sensitivity. Foreign trafficking victims could receive refugee status independent of any decision to testify against suspected traffickers, but civil society reported few victims received this legal alternative to deportation in practice. Many foreign trafficking victims returned to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported providing food and assistance to six foreign trafficking victims in 2016 and issued temporary immigration relief to four victims renewable yearly depending on the victims' specific circumstances—compared with 14 victims assisted and 12 victims issued temporary immigration relief in 2015. In some cases, authorities shared victims' names and case details with the press. The national anti-trafficking law provides for restitution to be paid from a victims' fund, but the government did not report whether the courts awarded any trafficking victims restitution.

## PREVENTION

The government increased prevention efforts. The inter-secretarial anti-trafficking commission met once in 2016 to coordinate federal government efforts and reported on 2016 national anti-trafficking efforts. The government continued to implement the national action plan for 2014-2018, but did not report dedicating funds to implement the plan. Twenty-five out of 31 states had state-level anti-trafficking committees, which varied in effectiveness. Experts reported uneven interagency coordination at the federal and state levels.

The federal government provided anti-trafficking training to 16,639 public servants in 2016. Nineteen federal government agencies hosted nearly 800 trainings; engaged in 443 awareness-raising activities across the country, such as workshops and conferences, theater productions, and videos; and distributed 296,000 educational materials sensitizing over 100,000

individuals to the issue of trafficking. The Mexico City government provided funding to an NGO-run anti-trafficking hotline for the capital that provided referrals to appropriate Mexican agencies for victim assistance. The NGO hotline received 646 calls in 2016, resulting in the identification of 71 individual trafficking victims and 21 groups. The National Human Rights Commission, with the support of the government, promoted a national awareness campaign in airports and bus terminals, and conducted anti-trafficking training and awareness sessions for a range of audiences.

The inter-secretarial anti-trafficking commission continued to work with an international organization to develop a national information system, which could track the number of victims identified, referred, and assisted across the country. The Secretary of Labor and Social Welfare published an inspection protocol for use in federal job centers with agricultural activities, which included a requirement to identify victims of forced labor and to report such crimes to law enforcement officials. The government conducted outreach to foreign migrant workers to inform them of their rights and responsibilities and inspections of worksites to detect irregular activity, including underage workers who may be vulnerable to trafficking. However, according to NGOs, authorities did not conduct enough inspections, investigate complaints, or audit supply chains; and inspectors lacked resources and faced technical difficulties in carrying out inspections. Authorities did not report efforts to regulate or hold accountable fraudulent labor recruiters.

The Secretary of Tourism instituted a new program to prevent trafficking in the travel and tourism sector; secured 692 signatures to its "code of conduct" from travel agencies, hotels, restaurants, tourist guides, training centers, and transportation providers; trained students pursuing careers in this sector; and distributed awareness materials to prevent trafficking and reduce the demand for sexual exploitation of children in tourism destinations. Despite sex tourism being an increasing problem, the government did not report investigating, prosecuting, or convicting child sex tourists; some NGOs alleged some corrupt local officials allowed child sex tourism to occur. The government did not report efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel. Consular officials signed an agreement with an international organization to develop a consular protocol for the protection of Mexican national trafficking victims.

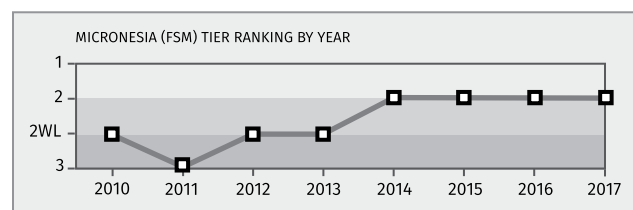
## TRAFFICKING PROFILE

As reported over the past five years, Mexico is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, migrants, and LGBTI individuals. Mexican women and children, and to a lesser extent men and transgender individuals, are exploited in sex trafficking in Mexico and the United States. Mexican men, women, and children are exploited in forced labor in agriculture, domestic servitude, child care, manufacturing, mining, food processing, construction, tourism, forced begging, and street vending in Mexico and the United States. Traffickers used fraudulent labor recruiters or deceptive offers of romantic relationships; or extorted through the retention of identity documents, threats to notify immigration officials of victims' immigration status, or threats to harm family members to enslave individuals. Transgender Mexicans in commercial sex are vulnerable to sex trafficking.

Some Mexicans are held in debt bondage in agriculture, and are indebted to recruiters or to the company itself. Residents at some substance addiction rehabilitation centers and women's shelters have been subjected to forced labor and sex trafficking. The vast majority of foreign victims of forced labor and sex trafficking in Mexico are from Central and South America; some of these victims are exploited along Mexico's southern border. Victims from the Caribbean, Eastern Europe, Asia, and Africa have also been identified in Mexico, some en route to the United States. Child sex tourism remains a problem and continues to expand, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe; Mexicans also purchase sex from child sex trafficking victims. Organized criminal groups profit from sex trafficking and force Mexican and foreign men, women, and children to engage in illicit activities, including as assassins; lookouts; and in the production, transportation, and sale of drugs. Trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, is a significant concern.

## MICRONESIA, FEDERATED STATES OF: TIER 2

The Government of the Federated States of Micronesia (FSM) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, FSM remained on Tier 2. The government increased the number of investigations into alleged trafficking cases, leading to the conviction of one offender, and strengthened its efforts to raise trafficking awareness among law enforcement and government officials. It established new mechanisms—including the creation of an anti-trafficking coordinator position—to oversee government anti-trafficking work, and two out of four states approved state-level action plans to implement the FSM National Action Plan. Despite these efforts, the government did not meet the minimum standards in several key areas. Although the government prosecuted and convicted a trafficker, the courts allowed the individual to pay restitution and repatriation costs in lieu of a prison sentence. Authorities did not follow an established procedure to identify victims among vulnerable populations or refer them to protective services, which remained undeveloped and under-resourced.



## RECOMMENDATIONS FOR THE FEDERATED STATES OF MICRONESIA

Increase efforts to investigate, prosecute, and convict trafficking offenders, and sentence them to penalties commensurate with the seriousness of the crime, and cease the practice of allowing offenders to pay fines or restitution in lieu of being sentenced to prison; develop and implement procedures

for the proactive identification of trafficking victims among vulnerable populations, including in the legal commercial sex industry; develop and implement a victim referral system and establish and allocate funding for specialized protective services for trafficking victims, including shelters; strengthen efforts to implement the National Action Plan, including through establishment of state-level anti-trafficking taskforces in all four states; and strengthen efforts to conduct anti-trafficking awareness campaigns targeted to government and law enforcement officials, traditional leaders, healthcare professionals, and the public.

## PROSECUTION

The government increased investigations and training, but it convicted only one offender, who was allowed to pay restitution to his victims in lieu of a prison sentence. The national anti-trafficking law criminalizes all forms of trafficking, and each of the four states has its own trafficking law prescribing penalties. The national and state laws prescribe prison sentences that are sufficiently stringent. However, when allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. In lieu of prison time, offenders convicted in Chuuk, Yap, and Kosrae states can elect to pay a fine as low as \$5,000; offenders may face even lower fines in Pohnpei State. Courts may also approve plea bargains requiring the payment of restitution costs to victims in lieu of prison sentences. The national law prescribes penalties of up to 15 years imprisonment or fines up to \$25,000 for adult trafficking, and 30 years imprisonment or fines up to \$50,000 for child trafficking. Pohnpei State's law prohibits sex trafficking of children and forced labor of adults and prescribes penalties of up to 10 years imprisonment or fines up to \$10,000, or both; however, it does not explicitly prohibit sex trafficking of adults. Chuuk State's law includes the same prohibitions, but prescribes penalties of up to 15 years imprisonment for forced labor, 25 years imprisonment for child sex trafficking, or fines up to \$10,000, or both. Kosrae State's law prohibits all forms of trafficking and prescribes penalties of 10 years imprisonment or fines up to \$20,000, or both. Yap State's law prohibits all forms of trafficking and prescribes penalties of up to 15 years imprisonment or fines up to \$1 million, or both.

In 2016, the government reported conducting investigations into eight alleged trafficking cases in Chuuk, Pohnpei, and Yap, compared to five in 2015 and two in 2014. Of these investigations, only one led to a prosecution culminating in a conviction, compared to one conviction in 2015 and none in 2014. Yap State convicted a local restaurant owner for subjecting two Filipino citizens to forced labor, but the courts approved a plea bargain that obligated the trafficker to pay full repatriation costs and \$7,000 in restitution for each victim. Two other cases identified in 2016 were pending a trial date at the end of the reporting period. In partnership with an international organization and a foreign government, the government conducted anti-trafficking training for 70 law enforcement officials and 75 service providers—an increase from 30 law enforcement and government officials in 2015. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government maintained inadequate efforts to identify and protect trafficking victims. Law enforcement, health care, and

labor inspection entities did not employ standard procedures for identifying victims in the commercial sex industry, which was legal in all but Kosrae State. The government did not allocate any funding for protective services or establish shelters dedicated to trafficking victims. Authorities reported providing physical security and psychological counseling to an unspecified number of trafficking victims during the reporting period. The Department of Justice continued to work with state governments on development of a directory listing churches, NGOs, and local government bodies that may be able to provide limited additional protective services to trafficking victims. However, the government did not report how many victims benefited from any of these services. Authorities did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution, nor did it provide incentives for victims to participate in trials. Although there were no reports of victims punished for crimes committed as a direct result of having been subjected to trafficking, some potential victims may have been detained due to a lack of formal victim identification procedures.

## PREVENTION

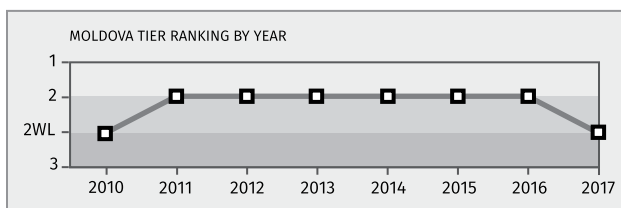
The government increased efforts to prevent trafficking. Authorities continued to dedicate a small amount of funding for anti-trafficking activities but did not provide details on how these funds were allocated. In January 2017, the government opened an office dedicated to anti-trafficking efforts under the direction of a newly appointed coordinator and staffed by two investigators; the office opened too late in the reporting period to generate any notable progress. Officials reported continued efforts to raise trafficking awareness in furtherance of the National Action Plan—including among traditional leaders whose communities may be at higher risk—but did not provide statistics or specific information about the nature of awareness raising campaigns. Two of the four states established anti-trafficking taskforces guided by respective state action plans during the reporting period; the remaining two were in the process of creating taskforces at the end of the reporting period. The government did not develop campaigns or disseminate informational materials aimed at reducing the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, the Federated States of Micronesia is a source, transit and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The groups most vulnerable to trafficking in FSM include foreign migrant workers, especially from the Philippines, and Micronesian women in prostitution. Women and girls are allegedly exploited in prostitution (child sex trafficking for girls) by the crew members of docked Asian fishing vessels and by foreign construction workers. FSM women recruited with promises of well-paying jobs in the United States and its territories are subsequently forced into prostitution or domestic labor upon arrival. Local authorities claim many sex trafficking cases are unreported due to social stigma and victims' fear of possible repercussions in their home communities. Foreign migrants from Southeast Asian countries report working in conditions indicative of human trafficking on Asian fishing vessels in FSM or its territorial waters.

## MOLDOVA: TIER 2 WATCH LIST

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting more traffickers and amending its laws to codify victim protection standards. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Pervasive corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. Law enforcement efforts were hampered by worsening legal and organizational obstacles, including changes in the national anti-trafficking investigative body. Authorities identified and assisted fewer victims, and victims continued to suffer from intimidation from traffickers. Although convictions increased, investigations and prosecutions of traffickers decreased. Therefore, Moldova was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR MOLDOVA

Vigorously investigate, prosecute, and convict traffickers, including government officials complicit in human trafficking, and impose sufficiently stringent sentences; implement measures to address corruption in the judicial sector; exempt trafficking victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin; shield trafficking investigators and prosecutors from external influence and internal corruption; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; train police, judges, and prosecutors on a victim-centered approach to investigations and prosecutions; seek restitution for victims in criminal cases; improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations; and fund and maintain data for the hotline on child abuse and exploitation.

## PROSECUTION

The government decreased law enforcement efforts. Articles 165 (trafficking in persons) and 206 (trafficking of children) of the criminal code prohibit all forms of trafficking and prescribe penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 168 of the criminal code was amended to increase fines for forced labor offenses. Corruption in the judicial system remained an acute impediment to bringing traffickers to justice. Courts frequently reversed convictions on appeal, sometimes without explanation or on weak grounds, although comprehensive statistics on the rate of appeal were not available. Criminal cases against public officials for complicity rarely resulted in conviction, in large part due to corruption and weaknesses in the judicial system. Several government officials were investigated in 2016 for complicity in



trafficking. Two police officers were indicted for sex trafficking. A village mayor was indicted for labor trafficking. Several Moldovan diplomats and the head of the foreign ministry's consular affairs department were investigated, arrested, or indicted for extorting or accepting bribes to facilitate illegal migration. However, none of the criminal investigations of public officials initiated in 2014, 2015, or 2016 were finalized, and most remained pending in court.

Prosecutions against the head of a human rights agency for forcing children to beg in Russia and a bailiff for compelling two persons into prostitution remained ongoing. A 2014 trafficking conviction against a public official and his accomplices remained pending appeal. A court acquitted the former head of the Biathlon Federation of Moldova of child trafficking charges in 2014 and instead issued a 3,000 lei (\$151) fine for organizing illegal migration; an appeal remained pending. A court still had not issued a verdict in a 2013 case against a police officer who allegedly accepted a bribe to convince his colleagues to close the investigation of a trafficking case. A case against the former head of the interior ministry's division to combat organized crime for involvement in human trafficking remained ongoing.

There were allegations of corruption by officers assigned to the interior affairs ministry's investigatory Center for Combating Trafficking in Persons (CCTIP); the Deputy Director of CCTIP and one of his trafficking investigators were arrested in February on corruption charges.

Law enforcement efforts continued to face institutional obstacles in 2016. CCTIP did not have a director from May to November 2015 and from February to November 2016. Due to the lack of effective direction, cooperation between CCTIP and some civil society actors and international partners continued to deteriorate for much of the reporting period, hampering the center's ability to conduct complex international operations. Observers reported CCTIP focused on simpler domestic sex trafficking cases rather than complex international cases, potentially to boost the center's statistics. This focus on statistics moved CCTIP away from its traditional strength of resource intensive victim-centered investigations. The appointment of a new CCTIP director in November 2016 led to improved working relationships with civil society and international partners and an initial shift back to investigating complex cases of international sex and labor trafficking. However, CCTIP continued to lack sufficient resources, particularly financial resources and experienced investigative staff. Reforms to the Prosecutor General's Office (PGO) in August eliminated the use of specialized prosecutors, disbanded the specialized anti-trafficking prosecutorial unit, ended the taskforce approach to investigations, and reduced institutional knowledge regarding the use of victim-centered approaches to investigations and prosecutions. Although the PGO hired four new prosecutors in November 2016 to cover trafficking cases, observers expressed concern the reforms had weakened the office's ability to prevent corruption and increased both the mistreatment of trafficking victims and the arbitrary dismissal of cases. Observers further noted the new unit was not dedicated only to trafficking cases, prosecutors had not received comprehensive training, and the new unit was vulnerable to corruption and political influence.

Developing investigative techniques that corroborate testimony and employing a victim-centered approach to cases are key to successful prosecutions. Prosecutors' reliance on victim testimony can hinder successful prosecutions and result in acquittals. A February 2016 Constitutional Court decision limited the time suspects may be detained to 12 months.

Because it often takes years before a final verdict is issued in trafficking cases, this ruling would allow suspected traffickers to be released before trials conclude, enabling them to flee the country or retaliate against witnesses. The National Investigative Inspectorate (INI) maintained a policy requiring CCTIP to regularly inform the INI of the suspects in CCTIP's investigations, to include subjects of search warrants before searches are executed, which increased the risk of corrupt officers warning suspects ahead of raids or intervening in ongoing investigations.

Authorities decreased investigations in 2016, carrying out 151 trafficking cases, compared to 189 in 2015. The government decreased prosecutions, completing 33 cases in 2016, compared to 76 in 2015. The government increased convictions in 2016, convicting 56 traffickers, compared to 39 in 2015. Of the 56 convicted traffickers, 47 received prison terms, with one suspended sentence. The average jail sentence was 7.5 years for trafficking in persons and 9.5 years for trafficking in children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government and international organizations trained police, border guards, prosecutors, and judges in 2016. Judges and prosecutors were required to complete a 40-hour course on trafficking.

## PROTECTION

The government decreased victim protection efforts. Two provisions of the criminal code, articles 165 (4) and 220 (4), were amended to absolve victims and minors of responsibility for all acts committed as a result of being subjected to trafficking. In addition, a new law established a legal framework for the rehabilitation of victims of violent crimes, including trafficking victims, providing them with a right to specified public services. However, implementation of its protection mechanisms often fell short in practice, due to pervasive corruption and a lack of funding. The government identified 232 trafficking victims in 2016, a decrease from 310 in 2015. Of these identified victims, 35 were children, a decrease from 68 in 2015. Some law enforcement officials may have intentionally avoided taking action on victim identification and investigation of trafficking crimes. The law requires adult trafficking victims confront their alleged traffickers in person at a police station to begin an investigation, and sometimes on multiple occasions over the course of an investigation and trial; this requirement likely deters victims from reporting crimes and can re-traumatize victims.

The government maintained funding levels for victim protection, budgeting approximately 8.6 million lei (\$430,151) to repatriation assistance and seven shelters for victims of crime and family violence, with increased funding for some shelters and programs offset by decreases to others. The government did not disburse all of the budgeted funds, with shelters and protection programs generally receiving 66 percent to 78 percent of the allocated fund amounts. The government often relied on NGOs and international organizations to supplement government employee salaries and fund victim services; government contributions are often insufficient to cover basic living expenses for both employees and victims.

The government assisted 124 victims with repatriation assistance or shelter care, compared with 132 in 2015. Teams of local officials and NGOs in all regions of Moldova coordinated victim identification and assistance; observers noted some teams were less effective than others in assisting identified victims. Through the Chisinau and regional centers, victims

could receive shelter and medical, legal, and psychological assistance, regardless of their cooperation with law enforcement. Psychological assistance, legal aid, and long-term reintegration support were insufficient, however, and victims were unable to obtain the free medical insurance that is afforded under Moldovan law. Trafficking victims often struggled to find pro bono legal representation. The weak capacity of social workers in outlying regions led to inefficient and poor quality services offered to victims. These deficiencies contributed to the continued vulnerability of trafficking victims to re-victimization. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Officials interviewed victims 14 years old or younger in specialized hearing rooms with recording equipment with the assistance of a psychologist. Male victims were entitled to all forms of assistance, but lacked access to shelters, which were designed for female victims. Care providers reported bureaucratic impediments to moving victims with severe mental health needs to state-run psychiatric institutions.

The government did not adequately protect victims participating in investigations and prosecutions. Victims were seldom fully informed of their rights. At times, police may have done so intentionally attempting to secure victims' cooperation. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. Judges disregarded laws and regulations designed to protect victims during trial proceedings thereby violating victims' rights and allowing traffickers to intimidate some victims in the courtroom so that the victims felt pressured to change their testimony.

Victims had the right to sue traffickers for damages, but most did not due to threats from perpetrators, inability to present proof required by courts, and perceived corruption in the judiciary. There were no civil suits against traffickers in 2016; and seven cases in which prosecutors froze suspected traffickers' assets remained pending from the previous year. While the law provides for restitution awards to trafficking victims in criminal cases, none were reported. It is unclear whether prosecutors do not seek restitution or judges do not award it when requested. The criminal code exempts trafficking victims from criminal liability for committing offenses related to their exploitation. However, when authorities classified cases under related statutes, such as the article criminalizing forced labor, victims were no longer exempt from criminal liability. The government punished trafficking victims for unlawful acts committed as a direct result of being subject to trafficking. Similarly, when authorities reclassify sex trafficking cases to pimping cases, victims were no longer exempted from punishment and could be charged with prostitution offenses. Victims can be fined or imprisoned for making false statements if they change their testimony, whether deliberately due to bribes or intimidation, or unintentionally due to the traumatization experienced. Observers reported some cases of authorities charging child sex trafficking victims with prostitution or other offenses, in violation of Moldovan and international law. In one case, police detained a child sex trafficking victim for theft and extortion after she refused her trafficker's demand to have sex with a purchaser of commercial sex. Police terminated the investigation only after an international organization interceded for the victim.

## PREVENTION

The government decreased efforts to prevent human trafficking. The national anti-trafficking committee (NCCTIP) and its secretariat coordinated the government's anti-trafficking

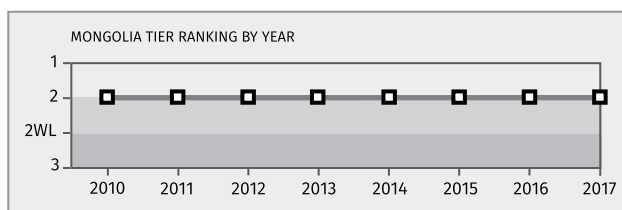
response. The government eliminated a coordinator staff position on the secretariat, reducing the committee's ability to coordinate public awareness campaigns and advocacy. As prescribed in the national action plan for 2014-2016, which was extended for an additional year, NCCTIP implemented programs to raise awareness among students and Moldovan citizens abroad, as well as the general public through a website and a national anti-trafficking week. In 2015, the government ceased state funding to the specialists running a hotline on child abuse and exploitation; the hotline continued to operate with funding from an international organization in 2016. The government provided training for its diplomatic personnel on identifying trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Moldovan victims are subjected to sex and labor trafficking within Moldova and in Russia, Ukraine, and other countries in Europe, the Middle East, Africa, and East Asia. Women and children are subjected to sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourists, including from the EU, Turkey, Australia, Israel, Thailand, and the United States, subject Moldovan children to commercial sexual exploitation. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Official complicity in trafficking continues to be a significant problem in Moldova.

## MONGOLIA: TIER 2

The Government of Mongolia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Mongolia remained on Tier 2. The government demonstrated increasing efforts by prosecuting more cases, adopting an action plan on victim protection, and facilitating trainings for government entities and stakeholders. However, the government did not meet the minimum standards in several key areas. The government did not proactively identify trafficking victims from vulnerable populations, and authorities arrested or detained potential victims for acts committed as a direct result of being subjected to trafficking. The government did not fund victim shelters or services during the year.



## RECOMMENDATIONS FOR MONGOLIA

Develop and implement formal procedures to guide government officials, including police, immigration, and labor authorities, in victim identification and referral to protective services; cease penalizing trafficking victims for offenses committed as a result

of being subjected to trafficking; allocate funding to support both government and NGO-run shelters and other forms of victim assistance and protection; increase efforts to investigate and prosecute all trafficking offenses using article 113 of the criminal code; continue to monitor working conditions and investigate claims of labor exploitation of foreign contractors employed in Mongolia; implement the national action plans to combat trafficking and protect victims; and engage in efforts to reduce demand for commercial sex acts, particularly throughout major transportation hubs.

## PROSECUTION

The government increased law enforcement efforts. The government adopted the last of six implementing regulations required by the 2012 anti-trafficking law. Article 113 of the criminal code prohibits all forms of human trafficking, defines trafficking in accordance with international law, and prescribes penalties of up to 15 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, under article 113, authorities investigated three potential trafficking cases, (14 in 2015), prosecuted 14 defendants (five in 2015), and convicted nine traffickers (eight in 2015). The government did not provide sentencing details or disaggregate ongoing prosecutions initiated in prior years from new cases in 2016. Authorities frequently charged suspected sex traffickers under article 124, which criminalizes inducing others into and organizing prostitution but does not require the element of force, fraud, or coercion that defines a trafficking crime and prescribes smaller penalties of up to five years imprisonment. Authorities prosecuted 37 defendants and convicted eight under article 124 in 2016; however, it was unclear how many of these cases had direct links to sex trafficking. In addition, due to the misconception among many government officials that only females can be sex trafficking victims, authorities rarely used articles 113 or 124 to prosecute cases in which males were the victims but instead used provisions with less stringent penalties. The government-funded training courses for over 500 law enforcement officers and social workers on topics including human trafficking, child protection, and labor exploitation. The government also provided in-kind support, including trainers and a venue, for trainings aimed at NGOs, prosecutors, judges, and police, as well as social, health, education, and employment officers. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government decreased efforts to protect victims. NGOs provided the vast majority of protection services for victims, including long-term resources, without support from the government. Victims' services continued to be available principally at two shelters run by the Mongolian Gender Equality Center (GEC). For the second consecutive year, the government did not report funding GEC facilities. In 2016, the GEC assisted a total of one potential labor and 43 potential sex trafficking victims, compared with 36 sex trafficking victims the previous year; 20 referrals originated from law enforcement agencies. All identified victims were female, and one was a child. Of the 44 potential victims assisted by the GEC, 22 chose to report their cases to law enforcement. National police agency investigators reported using an 11-question trafficking risk assessment checklist to identify victims proactively among vulnerable populations; however, NGOs indicated identification and referrals were not systematic but rather depended on the

initiative of individual officers. Mongolian authorities fined, arrested, and detained trafficking victims, including children, for crimes committed as a direct result of being subjected to trafficking during the reporting period. The government adopted implementing regulations for an action plan for 2016-2024 on the protection and assistance of victims and witnesses. Mongolian officials maintained operation of a private victim and witness room at the First District First Instance Criminal Court in Ulaanbaatar. The government assisted in the repatriation of four Mongolian trafficking victims from China in 2016. The government did not identify foreign victims during the reporting period. Mongolian law does not provide legal alternatives to the removal of foreign victims to countries in which they could face retribution or hardship.

## PREVENTION

The government maintained modest efforts to prevent trafficking. Although the Anti-Trafficking sub-council did not meet regularly in 2016, the government re-established its Crime Prevention Coordinating Council, which held the first of regular meetings in December and effectively fulfills the sub-council's role of coordinating anti-trafficking efforts. Justice officials submitted to the cabinet a national action plan for 2017-2021; the plan remained under review at the end of the reporting period. The government continued work with an international organization to establish an integrated statistical database, which will be publicly accessible in the future. In 2016, government officials conducted a study on the working conditions of foreign laborers in Mongolia; the report was not yet finalized at the end of the reporting period. Officials continued to disseminate a daily public service announcement (PSA) on social media and television, in addition to distributing a PSA to police stations in all provinces. Authorities, with assistance from an international organization, funded and distributed passport inserts to Mongolian citizens traveling abroad that provided emergency information for trafficking situations at major transportation hubs and in areas with high population density; however, this activity ceased in June 2016 while the inserts underwent revision. The government inspected labor contracts of Mongolians recruited to work abroad to ensure their compliance with the law, including adequate wages; authorities collected fines from four companies for visa violations and to recover underpaid wages of foreign workers. The government did not take measures to reduce the demand for forced labor or commercial sex acts. In 2016, the government provided anti-trafficking training for all peacekeepers in advance of their deployment abroad and required its diplomatic personnel to be familiar with anti-trafficking laws prior to assignment abroad.

## TRAFFICKING PROFILE

As reported over the past five years, Mongolia is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Mongolian men, women, and children are subjected to forced labor in Turkey, Kazakhstan, Israel, Norway, and Sweden and to sex trafficking in South Korea, Japan, China, Hong Kong, Macau, Malaysia, Germany, Sweden, Belgium, Turkey, and the United States. Women and girls are subjected to sex trafficking in Mongolian massage parlors, hotels, bars, and karaoke clubs. Mongolian girls employed as contortionists—often under contractual agreements signed by their parents—are subjected to forced labor primarily in Mongolia and Turkey and less so in Hong Kong and Singapore. Women are subjected to domestic servitude or forced prostitution after entering into commercially

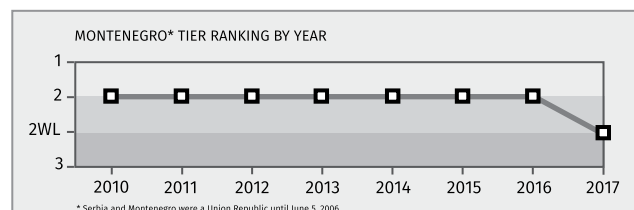


brokered marriages to Chinese men and, with decreased frequency, South Korean men. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. A significant number of Mongolian victims from rural and poor economic areas are subjected to sex trafficking in Ulaanbaatar and border areas. Japanese and South Korean tourists engage in child sex tourism in Mongolia.

The continued development of the mining industry in southern Mongolia led to an increase in internal and international migration, increasing the risk of trafficking, particularly along the China-Mongolian border. Increasing their vulnerability to exploitation, truck drivers transporting coal across the border often have their passports confiscated as collateral for their vehicles; young women are also at risk of being exploited in prostitution by drivers who are awaiting border crossing. Some Mongolian children are forced to beg, steal, or work in the informal sectors of the economy, such as horse racing, mining, herding, and construction, and are sometimes subjected to sex trafficking—often with familial complicity. North Korean and Chinese workers employed in Mongolia are vulnerable to trafficking as contract laborers in construction, production, agriculture, forestry, fishing, hunting, wholesale and retail trade, automobile maintenance, and mining. Purportedly, North Korean laborers do not have freedom of movement or choice of employment and are allowed to keep only a small portion of their wages while being subjected to harsh working and living conditions. Chinese workers have reported non-payment of wages. Previous reports allege corruption among Mongolian officials impedes the government's anti-trafficking efforts.

## MONTENEGRO: TIER 2 WATCH LIST

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by increasing funds for the NGO-run shelter and the Office for the Fight against Trafficking in Persons (OFTIP). The government adopted a 2017 action plan for the implementation of its 2012-2018 anti-trafficking strategy. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not prosecute or convict any traffickers for the second consecutive year and tried several potential trafficking cases as lesser crimes. The government identified fewer victims overall and did not identify any sex trafficking victims. The lack of convictions prevented victims from obtaining restitution from their traffickers. Therefore, Montenegro was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR MONTENEGRO

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, for trafficking crimes under article 444 of the criminal code; encourage trafficking victims' participation in prosecutions in a manner that protects victims;

increase proactive screening of potential victims, especially for children engaged in begging and women in prostitution; train first responders on victim identification and referral and provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; make efforts to ensure raids of prostitution establishments do not lead to the arrest of trafficking victims, minimize harm to potential victims and include arrangements to segregate traffickers from such victims; conduct victim-centered interviews, and quickly transition identified victims to post-rescue care and shelter; create a compensation fund, allocate adequate funds towards a compensation fund, and inform victims of their right to compensation; and integrate Romani groups into decision-making processes regarding victim protection.

## PROSECUTION

The government continued to decrease anti-trafficking law enforcement efforts. Article 444 of the criminal code prohibits sex and labor trafficking and prescribes penalties of up to 12 years imprisonment, with longer sentences possible for cases involving child trafficking, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government did not initiate any prosecutions under article 444 in 2016 or 2015. The government did not secure any convictions under article 444 in 2016, 2015, or 2014. The government did, however, investigate seven suspected trafficking cases, compared with four in 2015. Two of the 2016 cases led to the arrest and prosecution of three suspects for brokering in prostitution, a crime of promoting prostitution or leading or inciting another to engage in prostitution, and six suspects for migrant smuggling, not trafficking. Observers reported authorities investigated and prosecuted many possible sex trafficking cases under other offenses, such as brokering in prostitution (article 210), due to a lack of evidence or reluctance of victims to act as a witness. Brokering in prostitution prescribes a penalty of up to one year imprisonment, and if against a minor imprisonment for one to ten years. However, in one case involving brokering in prostitution of three children and four adults, the basic court convicted the perpetrator and sentenced her to one year and seven months imprisonment, lower than the prescribed minimum of three years for trafficking of children under article 444. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

Law enforcement continued proactive investigations through two taskforces targeting forced child begging and sex trafficking. A specialized trafficking unit within the Department for the Fight against Organized Crime and Corruption of the Police Directorate also investigated trafficking cases. Law enforcement conducted regular raids on bars, night clubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations. In 2015, the government established a new Office of the Special State Prosecutor to expand its capacity to prosecute cases of organized crime, including trafficking; however, the last suspect prosecuted under article 444 was in 2014. The Ministry of Interior (MOI), in cooperation with an international organization, trained 91 border police officers in eight separate sessions. The government also trained 41 members of local parliaments, 16 prosecutors, and 30 judges. MOI, OFTIP, and the police academy trained 17 representatives from the police directorate on trafficking issues. The police academy also trained new police cadets on trafficking issues. The government slightly increased cooperation with foreign governments and signed a trilateral agreement with Albania and

Kosovo that unified standard operating procedures (SOPs) on identifying trafficking victims and providing support services. The government also extradited to Serbia two Serbians suspected of trafficking.

## PROTECTION

The government decreased victim protection efforts. The government identified one potential trafficking victim, compared to 16 potential victims in 2015. The potential victim was a child forced to beg. The government did not identify any sex trafficking victims (16 sex trafficking victims in 2015). The government also identified two female Romani children forced into marriage and vulnerable to domestic servitude (four children forced into marriage in 2015). The government-funded NGO-run shelter accommodated the only child victim, compared to four victims in 2015. OFTIP allocated €27,000 (\$28,451) to the NGO-run shelter, compared to €26,000 (\$27,397) in 2015. Police identified 75 child beggars in 2016, compared to 122 in 2015 and 156 in 2014, but did not identify any of them as trafficking victims. The government accommodated most of the children identified as beggars at local social welfare centers until being released to their parents or guardians.

A multi-disciplinary national referral mechanism provided SOPs for identifying and referring victims to services. First responders carried out the preliminary identification of potential victims and then contacted police who formally recognized the individuals as potential trafficking victims. The government identified potential victims as an official trafficking victim only in cases with a final conviction; however, the government provided the same services to potential victims and officially recognized victims. The government, in cooperation with international organizations, continued to disseminate a victim identification checklist containing trafficking indicators to all law enforcement agencies, prosecutors, health and social workers, and school directors; however, police still conducted the majority of proactive identification efforts. For example, police officers proactively screened foreign nationals and seasonal workers during the summer tourist season for indicators of trafficking. Observers reported the low number of identified victims illustrates victim identification procedures remained an area for improvement.

The government-funded NGO-run shelter makes available specialized services for trafficking victims, including medical, psychological, and social assistance; legal assistance; and vocational training and reintegration assistance. Male victims can be accommodated in separate living quarters in the shelter, as were children from adults. Victims can leave the shelter after assessment by police, or by the social welfare centers in the case of children. The Ministry of Labor and Social Welfare (MLSW) operated local and social welfare centers and two regional institutions, which provide general services for victims of abuse, including trafficking victims. Although MLSW did not provide specialized services for trafficking victims, MLSW can provide separate facilities for males and females. MLSW trained 112 staff on trafficking indicators and interview techniques.

The law provides witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers reported the government assigned lawyers with little or no experience in trafficking. The law also provides for the possibility for victim restitution and entitles foreign trafficking victims to receive a temporary residence permit, lasting from three months to one year, and work authorization. No victims applied for temporary residence permits in 2016 or

2015. Additionally, no victims participated in the prosecution of their traffickers or requested restitution in 2016 and 2015. The Law on Compensation of Victims is intended to provide financial assistance to victims of intentional violent crimes leading to severe physical injuries or emotional distress; however, this law will not go into effect until Montenegro becomes a member of the European Union. Montenegrin law prohibits the detention or arrest of persons believed to be human trafficking victims for crimes related to the trafficking. However, in October 2014, the high court confirmed the guilty verdict of a Moldovan trafficking victim and sentenced her in absentia to one year in prison for perjury for her testimony in a high profile 2002 trafficking case in which she accused high-level officials of being involved in human trafficking. NGO representatives strongly condemned the verdict for its weak legal reasoning and its chilling effect on possible future cases.

## PREVENTION

The government increased prevention efforts. The government adopted a 2017 action plan to implement its 2012-2018 anti-trafficking strategy. The government produced semiannual reports on progress implementing the strategy and action plan and allocated €174,860 (\$184,260) to OFTIP, compared to €151,165 (\$159,289) in 2015. OFTIP led overall anti-trafficking efforts and the head of OFTIP was the national coordinator for the anti-trafficking taskforce, comprised of government agencies, NGOs, international organizations, and the international community. The coordination team monitored the implementation of the national referral mechanism and met twice a year and when a potential victim was identified.

The government organized seminars for healthcare workers, municipality representatives, social workers, and inspectors, on their respective roles and responsibilities in anti-trafficking efforts. The government also conducted a joint training on a multi-disciplinary approach to combating trafficking of children with police, prosecutors, judges, social workers, NGO and international organization representatives, and local government officials. The government, in coordination with the Roma Council and NGOs, organized awareness campaigns targeting the Romani community on trafficking issues. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. One hotline received 414 calls of which 15 were potential trafficking cases. The other hotline received 3,384 calls but only a small portion involved trafficking. In addition, the government conducted a national awareness campaign that included an awareness-raising video shown on television stations; and increased cooperation with media outlets to advertise the SOS hotline. Authorities provided specialized training to labor inspectors, although inspectors did not identify any cases of forced labor during the reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The national action plan included providing anti-trafficking training for diplomats; however, the government did not report providing training or guidance for its diplomatic personnel. The government required nationals deployed abroad as part of peacekeeping or similar missions to attend lectures on trafficking. The government trained 52 soldiers on trafficking before their deployment.

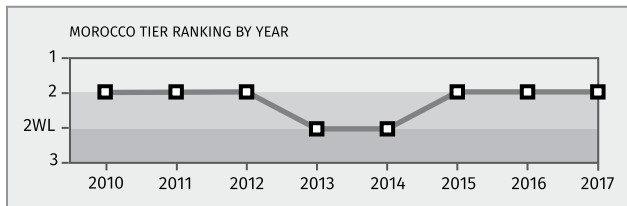
## TRAFFICKING PROFILE

As reported over the past five years, Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex

trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Sex trafficking victims are exploited in hospitality facilities, bars, restaurants, night clubs, and cafes. Children, particularly Roma and Albanian, are subjected to forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Kosovo, and forced into domestic servitude. International organized criminal groups occasionally subject Montenegrin women and girls to sex trafficking in other Balkan countries.

## MOROCCO: TIER 2

The Government of Morocco does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Morocco remained on Tier 2. The government demonstrated increasing efforts by enacting a new anti-trafficking law prohibiting all forms of trafficking and establishing an inter-ministerial anti-trafficking commission. It also worked to reduce vulnerability to trafficking by enacting a new law limiting child domestic work and by extending legal protections and social services to irregular migrants. However, the government did not meet the minimum standards in several key areas. The government reported limited efforts to investigate and prosecute potential trafficking crimes, and it did not report screening for or proactively identifying trafficking victims, especially among irregular migrants, who remained highly vulnerable to trafficking in Morocco. As a result, unidentified victims among vulnerable populations remained at risk of penalization and re-trafficking. The government also did not provide specialized protection services specifically catered to the needs of trafficking victims.



## RECOMMENDATIONS FOR MOROCCO

Implement the 2016 anti-trafficking law and train judicial and law enforcement authorities on its application; significantly increase investigations, prosecutions, and convictions of traffickers, and impose sufficiently stringent sentences; develop procedures for officials to proactively identify trafficking victims, especially among irregular migrants; ensure victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; provide adequate protection services for trafficking victims via funding or in-kind support to NGOs that provide specialized services for victims of all forms of trafficking; develop and implement formal procedures for victim identification and referral to care using a victim-centered approach; significantly improve law enforcement data collection and reporting, including the disaggregation of data between human trafficking and human smuggling crimes; and enhance public awareness campaigns addressing all forms of trafficking of men, women, and children.

## PROSECUTION

The government improved its law enforcement capacity by enacting an anti-trafficking law, but it made limited efforts to investigate and prosecute potential trafficking crimes. The government enacted anti-trafficking law 27.14 in September 2016, which prohibits all forms of trafficking. The law prescribes penalties of five to 30 years imprisonment, which are sufficiently stringent, consistent with the UN Convention Against Transnational Organized Crime, and commensurate with other serious crimes, such as rape. Several pre-existing laws used during the reporting period prohibited some, but not all, forms of trafficking. Generally, penalties under these laws were not sufficiently stringent. Morocco's penal code prohibits forced child labor through article 467-2, which prescribes penalties of one to three years imprisonment, which are not sufficiently stringent. The penal code also prohibits "forced prostitution" and "child prostitution" through articles 497-499, which prescribe penalties of up to 10 years or life imprisonment for crimes found to have occurred with aggravated circumstances; these penalties are sufficiently stringent and commensurate with other serious crimes such as rape. The penal code does not specifically define and penalize sex trafficking. Article 10 of Morocco's labor code prohibits forced labor of a worker; this offense is punishable by a fine for the first offense and a jail term of up to three months for subsequent offenses; these penalties are not sufficiently stringent.

The government did not make arrest or prosecution data public. Some media outlets and diplomatic missions reported that the government maintained close cooperation with Spain to arrest, prosecute, and convict international human traffickers. In February 2017, the Moroccan government cooperated with the Spanish government in the arrest of a 10-member human trafficking ring moving trafficking victims between Morocco and Spain. The government also reported cooperating with the governments of the Netherlands and Turkey on international trafficking cases during the reporting period. In 2016, the government reported two convictions of forced child begging in which the two perpetrators each received sentences of one-month probation, which advocates consider inadequate to deter the commission of these serious crimes. The government also reported disbanding 33 human smuggling and trafficking networks in 2016, but it did not report prosecuting the perpetrators operating these networks for alleged trafficking crimes. The government initiated separate investigations of and arrested three Saudi Arabian nationals and one American on charges of child sex trafficking and child sex tourism. In 2016, the government continued to investigate seven Moroccan peacekeepers accused of sexual exploitation in the Central African Republic and the Democratic Republic of the Congo, as reported by an international organization. At the end of this reporting period, the international organization reported three of these investigations remained pending, two were found unsubstantiated, and two were found substantiated. In the two substantiated cases, the government reportedly handed down a prison sentence to one former peacekeeper and the other was repatriated with further updates pending. In 2016, the government held three roundtable discussions for officials on victim identification, referral, and protection, which aimed to strengthen the capacity and coordination of anti-trafficking personnel in seven departments throughout the country. Additionally, authorities from various ministries, including the police, met regularly to coordinate various anti-trafficking efforts. The Ministry of Justice organized regular training programs on human trafficking for judges and other judicial officials in 2016. After the government enacted the 2016 anti-trafficking law, an international organization—with



in-kind assistance from the government—trained a group of judges on its provisions and implementation.

## PROTECTION

The government sustained minimal efforts to identify and protect trafficking victims. As in past years, the government did not report proactive efforts to identify trafficking victims, including within vulnerable populations such as irregular migrants. International organizations and NGOs reported some local law enforcement officials informally referred cases of vulnerable women, children, and migrants, including potential trafficking victims, to them for social services. Although the government drastically decreased forced deportations of migrants over the last couple of years, it continued to regularly conduct forced internal relocations of irregular migrants, particularly in Nador. The government did not make efforts to identify potential trafficking victims among the vulnerable irregular migrant population, and therefore some unidentified victims may have been penalized for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration and prostitution violations. While the government continued efforts to regularize various types of irregular migrants, it did not make efforts to identify potential trafficking victims among those whose stay was regularized through this program.

The government did not provide protection services designed or funded specifically to assist trafficking victims. Civil society organizations and some foreign embassies continued to be the primary providers of protection services for trafficking victims, and the government did provide limited funding or in-kind support. Additionally, some police officials reportedly helped foreign embassies recover migrants' passports confiscated by their employers. The government continued to provide a wide variety of legal protections and social and health services to vulnerable women and children, including victims of crime and abuse, some of whom may have been unidentified trafficking victims. In 2016, the Ministry in Charge of Residents Abroad and Migration Affairs (MCRAMA) offered financial assistance to 231 projects dedicated to providing integration programs including social, medical, and legal services to vulnerable migrants, refugees, and trafficking victims, but it did not report how many trafficking victims received this assistance during the reporting period. By the end of this reporting period, MCRAMA expanded this civil society partnership program to 124 organizations in ten different regions throughout Morocco. MCRAMA had a plan of action to protect Moroccan migrants abroad; it did not provide specialized care during the reporting period for repatriated Moroccans exploited abroad. The government reportedly encouraged victims to cooperate in investigations against their traffickers, yet the government did not report that any victims testified in 2016. Decree No. 1-11-164 and the anti-trafficking law 27.14 provide some protections to victims and witnesses who testify against traffickers. The government provided legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

## PREVENTION

The government increased efforts to prevent human trafficking. The new anti-trafficking law stipulates the formation of a national inter-ministerial anti-trafficking commission to coordinate efforts to combat and prevent trafficking. In 2016, the government drafted guidelines and responsibilities for the new commission, but did not finalize them by the end of the reporting period or establish the committee. In August 2016,

the government enacted a law that prohibits the employment of domestic workers under the age of 16 and strictly limits the employment of children between the ages of 16 and 18 for domestic work; to give employers time to comply, the law was not implemented during the reporting period but is scheduled to enter into force in August 2017. In December 2016, the government announced and adopted a plan to implement the second phase of its 2014 migrant regularization campaign, which granted legal status to various types of irregular migrants and allowed them access to jobs, employment services, education, legal protections, and some social services; as of March 2017, more than 18,000 migrants had already applied for regularization. The government continued to take some measures to reduce the demand for commercial sex acts and child sex tourism. In November 2016, in partnership with an international organization, the government developed a program to raise awareness about child exploitation on the internet. In addition, the government made efforts to reduce the demand for forced labor. In 2016, the Ministry of Employment and Social Affairs conducted 543 child labor inspections, resulting in 79 formal notices addressed to unlawful employers. Labor inspectors also withdrew 80 children under the age of 15 from work sites and 166 children between the ages of 15 and 18 from hazardous work sites. The government did not report if it imposed any financial penalties on these employers, nor if inspectors identified any trafficking victims among these children. As in previous years, inspectors continued to be hindered by inadequate staffing and did not have the legal authority to enter homes, preventing them from identifying children or adults in domestic servitude. The government provided its diplomatic personnel human rights training, which included background on human trafficking issues. Moroccan peacekeeping forces continued to operate under a "no tolerance" policy, and the government provided training on the issue of sexual exploitation, but not specifically human trafficking, to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.

## TRAFFICKING PROFILE

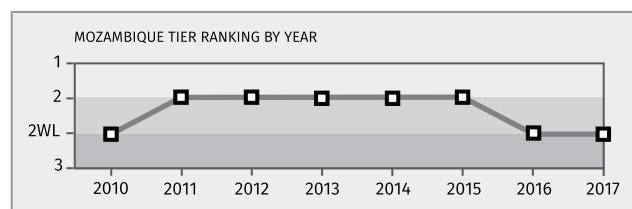
As reported over the past five years, Morocco is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. According to a November 2015 study conducted by the Moroccan government, with support by an international organization, children are exploited in Morocco for labor, domestic work, begging, and sex trafficking. Although the incidence of child domestic work has reportedly decreased since 2005, girls are recruited from rural areas for work in domestic service in cities and become victims of forced labor. Some Moroccan boys endure forced labor while employed as apprentices in the artisanal and construction industries and in mechanic shops. The 2015 study also found that some women are forced into prostitution in Morocco by members of their families or other intermediaries. Some female undocumented migrants, primarily from sub-Saharan Africa and a small but growing number from South Asia, are coerced into prostitution and forced labor. Criminal networks operating in Oujda on the Algerian border and in the northern coastal town of Nador force undocumented migrant women into prostitution and begging; networks in Oujda also reportedly force children of migrants to beg. Some female migrants, particularly Nigerians, who transit Oujda are forced into prostitution once they reach Europe. International organizations, local NGOs, and migrants report unaccompanied children and women from Cote d'Ivoire, Democratic Republic of the Congo, Nigeria, and Cameroon are highly vulnerable to sex trafficking and forced labor in Morocco. Some reports

suggest Cameroonian and Nigerian networks force women into prostitution, while Nigerian networks also force women to beg in the streets by threatening the victims and their families; the victims are typically the same nationality as the traffickers. Some women from the Philippines and Indonesia are recruited for employment as domestic workers in Morocco; upon arrival, some are subjected to forced labor, experiencing non-payment of wages, withholding of passports, and physical abuse at the hands of their employers.

Moroccan men, women, and children are exploited in forced labor and sex trafficking, primarily in Europe and the Middle East. Moroccan women forced into prostitution abroad experience restrictions on movement, threats, and emotional and physical abuse. Some foreigners, primarily from Europe and the Middle East, engage in child sex tourism in major Moroccan cities.

## MOZAMBIQUE: TIER 2 WATCH LIST

The Government of Mozambique does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by continuing to prosecute and convict traffickers; identifying victims and referring them to care; developing a draft national referral mechanism (NRM); training front-line responders; and coordinating awareness-raising events. However, the government did not demonstrate increasing efforts compared to the previous reporting period. While the number of investigations decreased, the numbers of prosecutions and convictions increased. The government did not finalize implementing regulations for the 2008 anti-trafficking law and the government's funding for and provision of protective services remained inadequate. The labor ministry employed an insufficient number of labor inspectors, and they lacked training and resources to effectively monitor for child trafficking and other labor violations. Therefore, Mozambique remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR MOZAMBIQUE

Increase efforts to prosecute and convict traffickers; finalize and implement the national action plan, and issue regulations necessary to implement the protection and prevention provisions of the 2008 anti-trafficking law; expand the availability of protective services for victims via increased funding or in-kind support to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons; build the capacity of the labor inspectorate and the Women and Children's Victim Assistance Units to investigate trafficking cases and provide short-term protection to victims; develop a formal system to proactively identify trafficking victims among vulnerable populations and finalize and implement the national referral mechanism; institute a unified system for collecting trafficking

case data; monitor the reported growth of commercial sex and train officials to investigate and prosecute those facilitating child sex trafficking or adult forced prostitution; and expand training for law enforcement officers in victim identification, particularly at border points.

## PROSECUTION

The government made uneven anti-trafficking law enforcement efforts. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years imprisonment for these offenses, which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The 2014 penal code prohibits involuntary commercial sexual exploitation and forced labor of men and women.

The government continued to manually compile anti-trafficking law enforcement data; however, it did not provide case-specific details. In 2016, the government reported initiating investigations of 20 suspected trafficking cases, compared with 35 the previous year and prosecutions of 17 defendants, compared with 10 the previous year. It reported convicting 16 traffickers under the 2008 anti-trafficking law, all of whom received prison terms, ranging from eight to 20 years imprisonment; the number of convictions represents an increase from 11 offenders convicted in 2015. As the 2008 anti-trafficking law criminalizes trafficking for the purpose of organ removal, law enforcement statistics likely included such cases, in addition to sex and labor trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

In partnership with international organizations, the government trained 30 members of the National Reference Group for Child Protection and Combating Trafficking in Persons (NRG), an inter-ministerial body responsible for coordination of national anti-trafficking efforts, on victim identification. An international organization trained approximately two dozen members of the Maputo Province Reference Group, consisting of officials from the provincial administrative office, attorney general's office, police, border guards, social workers, and NGOs, trained 24 provincial reference group members on victim identification twice during the reporting period. An international organization also provided training for the Maputo City Reference Group on victim identification. The attorney general's office worked with an international organization to train 100 provincial reference group members in Gaza, Nampula, and Tete provinces. The Ministry of the Interior trained 60 of its personnel from Gaza, Inhambane, and Maputo on victim identification. Expert reports allege traffickers commonly bribe police and immigration officials to facilitate trafficking crimes both domestically and across international borders.

## PROTECTION

The government maintained inadequate protection efforts. The government reported referring 11 trafficking victims, including 10 children, to an international organization for protective services. An international organization reported identifying one additional child victim. Officials continued to rely on technical and financial support from NGOs and international organizations to provide protection and rehabilitation services for victims and offered limited shelter, medical, and psychological assistance. In partnership with an

international organization, the government developed a draft NRM during the reporting period. The drafting process involved significant coordination among multiple government agencies, law enforcement, and civil society. However, it did not finalize implementing regulations for the protection and prevention provisions of the 2008 anti-trafficking law. Draft implementing regulations for trafficking victim and witness protection were not finalized by the end of the reporting period.

Officials continued to operate facilities in more than 215 police stations and 22 “Victims of Violence” centers throughout the country offering temporary shelter, food, limited counseling, and monitoring following reintegration for victims of crime; however, it remained unclear whether trafficking victims benefited from these services in 2016. The anti-trafficking law requires police protection for victims who participate as witnesses in criminal proceedings against traffickers. The multi-sectoral care mechanism, which coordinates referrals and protective provisions for female victims of violence, remained inadequate and inoperative in 2016. Although Mozambican law provides for temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution, the government did not use this provision during the reporting period.

## PREVENTION

The government made modest efforts to prevent trafficking. The NRG met at least twice during the reporting period to coordinate anti-trafficking efforts at the national level and to draft an updated national action plan; however, the plan was not finalized by the end of the reporting period. Provincial-level “reference groups,” consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations, continued to coordinate regional efforts to address trafficking and other crimes. These groups carried out awareness campaigns throughout the country with support from an international NGO. The labor ministry employed an inadequate number of labor inspectors who lacked training and resources to effectively monitor for child trafficking and other labor violations, especially on farms in rural areas. Mozambican officials remained without effective policies or laws regulating foreign recruiters and holding them civilly and criminally liable for fraudulent recruiting. The government did not demonstrate tangible efforts to reduce the demand for commercial sex acts or forced labor during the year. It did not provide anti-trafficking training for its diplomatic personnel.

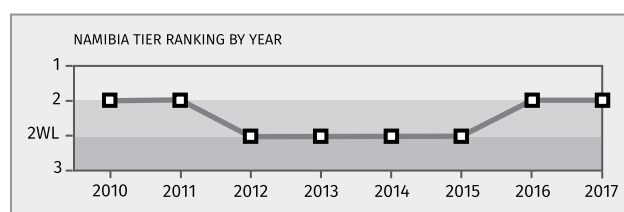
## TRAFFICKING PROFILE

As reported over the past five years, Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor occurs in agriculture, mining, and market vending in rural areas, often with the complicity of family members. In addition to voluntary migrants from neighboring countries, women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and sex trafficking. Mozambican girls are exploited in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Swaziland and South Africa. Child sex trafficking is of growing concern in Maputo, Beira, Chimoio, Tete, and Nacala, which have highly mobile populations and large numbers of truck drivers. As workers and economic migrants seek employment in the growing extractive industries in Tete and Cabo Delgado, they

increase the demand for sexual services, potentially including child sex trafficking. Mozambican men and boys are subjected to forced labor on South African farms and mines where they often labor for months without pay under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Swaziland to wash cars, herd livestock, and sell goods; some subsequently become victims of forced labor. Mozambican adults and girls are subjected to forced labor and sex trafficking in Angola, Italy, and Portugal. Persons with albinism, including children, are increasingly vulnerable to trafficking for the purpose of organ removal. Informal networks typically comprise Mozambican or South African traffickers. South Asian smugglers who move undocumented South Asian migrants throughout Africa also reportedly transport trafficking victims through Mozambique. Previous reports allege traffickers bribe officials to move victims within the country and across national borders to South Africa and Swaziland.

## NAMIBIA: TIER 2

The Government of Namibia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period, therefore, Namibia remained on Tier 2. The government demonstrated increasing efforts by identifying and referring to care more trafficking victims, by drafting a national mechanism to refer victims to care, and by establishing a multi-sectoral steering committee, the TIP National Coordinating Body (TNCB), and signing a memorandum of understanding to strengthen inter-ministerial coordination on trafficking cases. However, the government did not meet the minimum standards in several key areas. The government did not convict any traffickers. Government-funded shelters lacked personnel and resources to assist victims. The government did not conduct awareness activities.



## RECOMMENDATIONS FOR NAMIBIA

Finalize and enact comprehensive anti-trafficking legislation; increase efforts to investigate, prosecute, and convict traffickers, including for forced labor; adopt and implement the draft national mechanism to identify victims and refer them to care; allocate additional resources for shelter services, including to develop a plan to fully operationalize renovated safe houses specifically for trafficking victims; finalize and implement a new national action plan to guide anti-trafficking efforts; train officials on relevant legislation; institute a unified system for collecting trafficking case data for use by all stakeholders; strengthen coordination among government ministries at both the ministerial and working level; and increase efforts to raise awareness, especially in rural areas.



## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2009 Prevention of Organized Crime Act criminalizes all forms of trafficking and prescribes sentences of up to 50 years imprisonment and a fine for persons who participate in trafficking offenses or aid and abet traffickers, penalties that are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. In April 2015, the government enacted the Child Care and Protection Act, which includes provisions explicitly criminalizing child trafficking and providing protection measures for victims of child trafficking; however, the bill will not enter into force until regulations related to other parts of the law have been promulgated. The government continued to review the National Human Trafficking Bill, which is meant to provide a single point of reference for all trafficking cases and also includes protection and prevention measures; however, it was not enacted at the end of the reporting period.

In 2016, the government conducted eight trafficking investigations, three for sex trafficking and five for forced labor, compared to seven in 2015. The government initiated prosecution in two trafficking cases of seven defendants, the same as in 2015. The government did not convict any traffickers, compared to one conviction in the previous reporting period. One prosecution initiated in 2014 resulted in acquittal during the reporting period. The government continued implementing its training curriculum for new immigration officers and in-service personnel, with three of 14 regions trained in the reporting period. The government provided anti-trafficking training to an unknown number of law enforcement officers in three police colleges during the reporting period. The curriculum included a new overview on identifying and assisting trafficking victims; however, the training was not comprehensive. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to protect trafficking victims. It identified 12 trafficking victims, including eight foreign nationals, and referred all victims to care facilities for assistance, although the government did not report what specific services it provided. This was compared to five victims identified and referred in 2015. However, the government did not have formal written procedures for use by all officials on victim identification and referral to care. The TNCB drafted but did not adopt a national referral mechanism to formalize identification and referral procedures. In practice, when police identified a woman or child victim of crime, including trafficking, they transferred the victim to the Gender-Based Violence Protection Units (GBVPU), which refer victims of all crimes to temporary shelter and medical assistance. GBVPU facilities offered initial psycho-social, legal, and medical support to crime victims, in cooperation with the police, the Ministry of Gender Equality and Child Welfare (MGE CW), the Ministry of Health, and NGOs. Government shelters for victims of gender-based violence (GBV), including trafficking, were not fully operational, and were used as a last resort to provide emergency short-term shelter in limited cases. A government-funded NGO shelter in Windhoek provides care for women and child victims of GBV and trafficking; during the reporting period, it provided care to 60 women and 85 child victims of GBV and trafficking, including four identified trafficking victims. The government lacked standard operating procedures for shelters, which remained under development by MGE CW. The Ministry of Home Affairs

and Immigration continued to provide immigration officials a printed manual to guide identification of trafficking victims.

The government did not have a policy to encourage victims' participation in investigations; the law provides for witness protection or other accommodations for vulnerable witnesses that in principle would be available for trafficking victims. There were no reports that the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, without uniform victim identification measures, victims may be left unidentified in the law enforcement system. Street children remained vulnerable to detention as police and immigration officials did not always screen for indicators of trafficking. The police and prosecutor general began implementing a formal policy to screen individuals who have been identified for deportation for trafficking before deportation. While the government had no formal policy to provide residence permits to foreign victims of trafficking, during previous reporting periods government officials made ad-hoc arrangements for victims to remain in Namibia.

## PREVENTION

The government maintained prevention efforts. The ministerial-level national committee to combat trafficking and its technical committee did not hold any official meetings during the reporting period. The national action plan to combat trafficking in persons expired at the end of 2016; reportedly, members of the technical committee continued work on a new plan. In April 2016, the government signed a memorandum of understanding with an international organization to launch an anti-trafficking program; however, implementation of the awareness-raising component of the project remained pending at the end of the reporting period. The government conducted awareness-raising events through the Ministry of Education in schools throughout the fourteen regions as well as outreach to religious leaders in the capital. The Ministry of Labor and Social Welfare employed 97 labor and occupational health and safety inspectors, who were responsible for enforcing laws against child labor. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training to its diplomatic personnel.

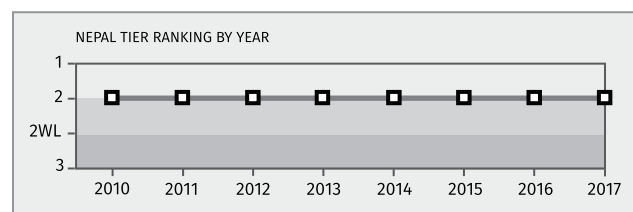
## TRAFFICKING PROFILE

As reported over the past five years, Namibia is a source and destination country for children, and to a lesser extent women, subjected to forced labor and sex trafficking. Some victims are initially offered legitimate work for adequate wages, but are then subjected to forced labor in urban centers and on commercial farms. Namibian children are subjected to forced labor in agriculture, cattle herding, and domestic service, and to sex trafficking in Windhoek and Walvis Bay. A 2015 media report alleged foreign sex tourists from southern Africa and Europe exploit child sex trafficking victims. Namibians commonly house and care for children of distant relatives to provide expanded educational opportunities; however, in some instances, these children are exploited in forced labor. Among Namibia's ethnic groups, San and Zemba children are particularly vulnerable to forced labor on farms or in homes. In 2014, an NGO reported persons in prostitution, some of whom may have been trafficking victims, were taken aboard foreign vessels off the Namibian coast. Children from less affluent neighboring countries may be subjected to sex trafficking and forced labor, including in street vending in Windhoek and other cities as well as in the fishing sector. Angolan children

may be brought to Namibia for forced labor in cattle herding. There were reports in 2013 of labor violations—potentially including forced labor—involving foreign adults and Namibian adults and children in Chinese-owned retail, construction, and fishing operations.

## NEPAL: TIER 2

The Government of Nepal does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Nepal remained on Tier 2. The government demonstrated increasing efforts through a rise in both the number of trafficking investigations and victims identified, and by doubling its budget to provide victim care services to female victims of violence, including trafficking victims. The government conducted awareness activities around the country and revoked the licenses of more than 400 foreign employment agents located outside of Kathmandu, reportedly to reduce the exploitation of migrant workers. However, the government did not meet the minimum standards in several key areas. Its laws do not prohibit all forms of trafficking and it lacks standard operating procedures (SOPs) on victim identification. The government stated its notable decrease in prosecutions from 341 cases in the previous Nepali fiscal year to 218 was due in part to poor investigative technique by the police resulting in insufficient evidence. While the government revised its policies preventing female migration in several ways, observers continued to report the revised policies compelled women to use illegal methods to migrate which subsequently increased their vulnerability to human trafficking. Many government officials continued to lack understanding of trafficking crimes; officials continued to register cases of labor exploitation abroad under the Foreign Employment Act without investigation into whether the abuse constituted a trafficking crime.



## RECOMMENDATIONS FOR NEPAL

Respecting due process, increase investigations, prosecutions, and convictions against all forms of trafficking, including bonded labor, transnational labor trafficking of Nepali males, sex trafficking of Nepali females within Nepal, and against officials complicit in trafficking-related crimes; institute formal procedures for proactive identification and referral of trafficking victims to protection services; amend the Human Trafficking and Transportation (Control) Act (HTTCA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol; expand access to and availability of victim care, including to male victims; penalize licensed labor recruiters who engage in fraudulent recruitment or charge excessive fees; implement victim witness protection provisions in the HTTCA; enforce the low-cost recruitment policy and continue to take steps to eliminate all recruitment fees charged to workers; ensure victims are not punished for unlawful acts committed as a direct result

of being subjected to trafficking; lift current bans on female migration to discourage migration through undocumented channels; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2007 HTTCA and the 2008 regulation prohibit most, but not all, forms of trafficking in persons. The HTTCA criminalizes slavery and bonded labor but does not criminalize the recruitment, transportation, harboring, or receipt of persons by force, fraud, or coercion for the purpose of forced labor. It criminalizes forced prostitution but, in a departure from the 2000 UN TIP Protocol definition, does not consider the prostitution of children as a form of trafficking absent force, fraud, or coercion. The law also criminalizes facilitating prostitution and removal of human organs. 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 2002 Bonded Labor (Prohibition) Act prohibits bonded labor and the Child Labor Act prohibits forced child labor. The Foreign Employment Act (FEA) criminalizes fraudulent and deceptive labor recruitment. The National Committee for Controlling Human Trafficking (NCCHT) continued to work on draft revisions to the HTTCA to bring the definition of human trafficking closer in line with international law; however, the government did not complete the revision process by the end of the reporting period.

The Nepal Police Women's Cells conducted 212 investigations under the HTTCA during the Nepali fiscal year compared with 181 cases in the previous fiscal year. The 212 cases involved 447 alleged traffickers of whom 192 were suspected of sex trafficking and 140 of forced labor. The remaining 115 were uncategorized, and it is unknown what proportion of cases were transnational. These investigations involved crimes in which women and girls were the primary victims. Crimes involving male victims are handled by other police investigative units. The Central Investigative Bureau investigated 20 transnational and six internal trafficking cases between April and December 2016 compared with six transnational cases during the same time period in 2015. In collaboration with the Sri Lankan police, the Nepali government sent a team of police and ministry officials from labor, foreign affairs, and women, child, and social welfare (MWCSW) to Colombo to investigate allegations traffickers and smugglers were increasingly using Sri Lanka as a transit point to send Nepali women migrant workers to other destinations. The government prosecuted 218 cases during the fiscal year compared with 341 cases in the previous year. This data was not disaggregated to distinguish between sex and labor trafficking cases. The government stated the decrease in prosecutions was related to a combination of poor investigative techniques by the police, insufficient evidence for prosecution in some cases, and other cases taking priority. At the district level, courts convicted 262 traffickers during the fiscal year, compared with 260 traffickers in the previous year, and acquitted 232 accused. Department of Foreign Employment (DFE) officials continued to advise abused migrant workers returning to Nepal to register complaints under the FEA rather than notify police. Victims of transnational labor trafficking preferred to submit claims for compensation through the FEA rather than pursue lengthy criminal prosecutions under the HTTCA, often to avoid the stigma associated with being labeled a trafficking victim (assumed to insinuate sex trafficking) and because the potential to be awarded compensation was higher.

The Women and Children Services Directorate conducted a

course on trafficking investigations for 190 police officers and continued to conduct psycho-social victim-centered training during the reporting period. An NGO, in partnership with the government, provided a 30-day, crime scene training course to police officials, which included information on how to identify and protect trafficking victims. Despite this training, police officers' lack of awareness of the anti-trafficking law, challenges in evidence collection, and poor investigative techniques impeded prosecution efforts. The Attorney General's office trained public prosecutors on prosecuting traffickers and utilizing a victim-centered approach to improve victim protection during legal proceedings. In 2013 the anti-corruption commission indicted 46 officials from the DFE and Immigration for issuing fraudulent documents; criminal proceedings were ongoing at the close of the reporting period. Observers alleged some traffickers enjoy impunity due to personal connections with politicians or by bribing police. Despite continued allegations local officials facilitated the falsification of age documents for child sex trafficking victims, the government did not report initiating any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government increased modest efforts to protect victims. Authorities did not systematically track the total number of victims identified. Police identified 419 victims of sex and labor trafficking connected to the 238 investigations initiated during the Nepali fiscal year compared with 327 victims identified through investigations the previous year. Of the 419 victims, 109 were under age 18 and almost all were female—only two of the identified victims were male. It is unknown how many of the victims were exploited abroad. Officials' poor understanding of the crime, a lack of formal SOPs for identification, and victims' reluctance to be identified due to stigma hindered proper and proactive identification, especially among returning male labor migrants who reported exploitation abroad. NGOs reported government efforts to identify domestic sex trafficking victims improved during the reporting period; police increased the number of raids on Kathmandu adult entertainment businesses and more consistently worked to identify sex trafficking victims to avoid penalizing them for prostitution crimes. When properly identified, victims were not detained, fined, or jailed for crimes committed as a result of being subjected to human trafficking.

The government has national minimum standards for victim care and referring identified victims to services. Despite these standards and the government's continued drafting of victim identification and referral SOPs, referral efforts remained ad hoc and inadequate. It is unclear how many victims were referred to and able to utilize services during the year. The government increased its budget to provide services for female victims of violence, including trafficking, from 12.6 million Nepali rupees (NPR) (\$115,915) during the 2015-2016 fiscal year to 25 million NPR (\$229,991) for the 2016-2017 fiscal year. With support from MWCSW, NGOs maintained eight rehabilitation homes, 17 emergency shelters, and one long-term shelter for female victims of gender-based violence, including trafficking. MWCSW provided the NGOs funding for three staff members per shelter, some facility expenses, and victim assistance, including legal assistance, psychological support, transportation, medical expenses, and skills training. The government continued to allocate 40,000 NPR (\$386) for the protection of adult male trafficking victims but did not fund shelter services. An NGO ran one shelter for men in Kathmandu. In July 2016, MWCSW launched an online directory to catalog service providers for victims of human trafficking and migration-related exploitation.

At the close of the reporting period, the directory cataloged services in 16 districts. Victims may seek compensation from a rehabilitation fund if the government is unable to collect fines from traffickers. During the reporting period, the government paid a total of 50,000 NPR (\$368) to the victim in one case. The government established nine victim-witness protection rooms in district courts during the reporting period. Overall victim-witness protection mechanisms remained insufficient. They also were impeded by a 2015 amendment to the HTTCA that reinstated a provision allowing victims to be fined if they failed to appear in court or criminally liable for providing testimony contradicting their previous statements. The government did not have established procedures for alternatives to the deportation of foreign victims.

While Nepali embassies in Kuwait, Oman, Saudi Arabia, Qatar, Bahrain, and United Arab Emirates provided emergency shelters for vulnerable female workers, some of whom were trafficking victims, the Foreign Employment Promotion Board (FEPB) acknowledged the shelters lacked sufficient space and resources to meet the high demand for assistance. FEPB collected fees from departing registered migrant workers for a welfare fund to provide repatriation and one year of financial support to families of injured or deceased workers, which could include trafficking victims. During the fiscal year, the fund provided financial support to the families of 173 injured and 690 deceased migrant workers, and paid to repatriate 535 workers, an increase from 216 workers in the previous year. FEPB may also repatriate unregistered migrant workers by requesting funds through the finance ministry on an ad hoc basis. It is unknown if unregistered workers were repatriated during the reporting period.

## PREVENTION

The government maintained efforts to prevent human trafficking. The government continued to conduct training and coordination sessions with officials from the district committees for controlling human trafficking (DCCHTs) to clarify responsibilities in the implementation of the 2012-2022 national action plan. The NCCHT allocated approximately 98,900 NPR (\$910) to each of the 75 DCCHTs to support awareness campaigns, meeting expenses, and emergency victim services. This marked a decrease from the 250,400 NPR (\$2,304) allocated last fiscal year. The government, with partial funding from a foreign government, continued to establish local committees for controlling human trafficking (LCCHTs). As of December 2016, 420 LCCHTs were in operation. Observers continued to note the need for improved coordination between the NCCHT, DCCHTs, and LCCHTs. The government conducted and participated in public awareness campaigns throughout the country, including a week-long series of street plays, programs for media, and workshops in September 2016. During the week MWCSW issued awards to four journalists for their coverage of human trafficking. The police continued to implement post-2015 earthquake orders to maintain vigilance against human trafficking of women and children in displaced persons camps, border crossings, and transportation hubs. In nine districts, special committees continued to monitor the adult entertainment sector for abuses. Observers stated their effectiveness was limited, however, due to a lack of funding and legislation to establish the committees' formal role. MWCSW issued its fourth report on the government's anti-trafficking efforts, and the National Human Rights Commission's Office of the Special Rapporteur on Trafficking in Women and Children issued its seventh report on human trafficking.

The government's 2015 labor migration guidelines include



a policy requiring foreign employers to pay for visa and transportation costs for Nepali migrant workers bound for Malaysia and the Gulf states and restrict agency-charged recruitment fees to 10,000 NPR (\$92). Both NGOs and government officials noted enforcement of this policy was difficult and reported employment agencies regularly charged migrant workers for visa and transportation costs and fees above the 10,000 NPR limit. In July 2016 DFE revoked the licenses of more than 400 agents located outside of Kathmandu, reportedly to reduce the exploitation of migrant workers. In May 2016 the government formally lifted the suspension on all exit permits for female domestic work and lowered the age limit from 30 to 24 years for domestic worker migration to the Gulf states while simultaneously instituting a migration ban for mothers with children under age two. Observers continued to argue any ban on female migration increased the likelihood such women would migrate illegally and therefore heightened their vulnerability to human trafficking. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for all Nepali peacekeeping forces before deployment and for its diplomatic personnel. Nepal is not a party to the 2000 UN TIP Protocol. During the reporting period, however, the government-funded an NGO to study the costs of acceding to the protocol.

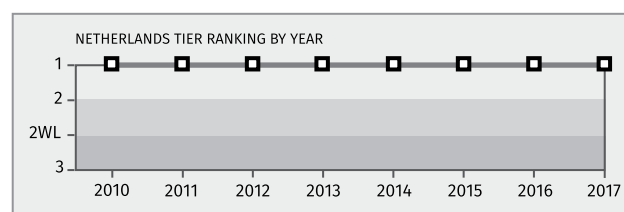
### TRAFFICKING PROFILE

As reported over the past five years, Nepal is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Nepali women and girls are subjected to sex trafficking in Nepal, India, the Middle East, Asia, and sub-Saharan Africa. Nepali men, women, and children are subjected to forced labor in Nepal, India, the Middle East, and Asia in construction, factories, mines, domestic work, and begging. Manpower agencies or individual employment brokers who engage in fraudulent recruitment practices and impose high fees may facilitate forced labor. Unregistered migrants—including the large number of Nepalis who travel through India or rely on unregistered recruiting agents—are particularly vulnerable to forced labor and sex trafficking. Some Nepali women who agree to arranged marriages through Nepali companies to men in China and South Korea may experience fraud and be vulnerable to domestic servitude in which their freedom of movement is restricted. Some migrants from Bangladesh and possibly other countries transit Nepal en route to employment in the Middle East, using potentially falsified Nepali travel documents, and may be subjected to human trafficking. Some government officials reportedly accept bribes to include false information in Nepali identity documents or provide fraudulent documents to prospective labor migrants, a tactic used by unscrupulous recruiters to evade recruitment regulations. Within Nepal, bonded labor exists in agriculture, brick kilns, the stone-breaking industry, and domestic work. Sex trafficking of Nepali women and girls increasingly takes place in private apartments, rented rooms, guest houses, and restaurants. Nepali and Indian children are subjected to forced labor in the country, especially in domestic work, brick kilns, and the embroidered textile, or *zari*, industry. Under false promises of education and work opportunities, Nepali parents give their children to brokers who instead take them to frequently unregistered children's homes in urban locations, where they are forced to pretend to be orphans to garner donations from tourists and volunteers; some of the children are also forced to beg on the street. Many Nepalis, including children, whose home or livelihood was destroyed by the 2015 earthquakes

continue to be vulnerable to trafficking. Traffickers increasingly utilize social media and mobile technologies to lure and deceive their victims.

## NETHERLANDS: TIER 1

The Government of the Netherlands fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, the Netherlands remained on Tier 1. The government demonstrated serious and sustained efforts by investigating, prosecuting, and convicting a significant number of traffickers and providing care for a significant number of victims. The government released a national action plan on child sex tourism and signed the first of 12 industry-specific covenants aimed at reducing the risk of human trafficking in supply chains. Although the government meets the minimum standards, the number of prosecutions, convictions, and victims identified reported by the government declined from the previous year; the government did not report complete statistics for the reporting period.



### RECOMMENDATIONS FOR THE NETHERLANDS

Increase efforts to investigate, prosecute, convict, and sentence traffickers to penalties proportionate to the seriousness of the crime; provide adequate funding to NGOs to provide victim services; provide all potential trafficking victims with care services, regardless of their ability to cooperate with an investigation; continue outreach to potential victims in labor sectors and identify forced labor; remove the requirement that a trafficker needs to be formally convicted for the official identification of trafficking victims; improve mentoring of officials in Bonaire, St. Eustatius, and Saba to increase identification of victims and prosecution of traffickers; improve data collection on investigations, prosecutions, convictions, sentences, and victim identification; and continue to pursue covenants with companies in 12 identified industry sectors to reduce the risk of human trafficking in supply chains.

### PROSECUTION

The government maintained law enforcement efforts. Article 273f of the criminal code prohibits all forms of trafficking, including forced begging and forced criminality, and prescribes punishments of up to 12 years imprisonment. The penalty is 15 years if the victim is a minor, or perpetrators act in a group, or there are acts of violence. The sentence for aggravated human trafficking is 18 years to life imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. According to the prosecutor's office, authorities did not keep data on trafficking investigations that did not result in arrests; in 2016 the police arrested 220 individuals suspected of trafficking, compared with 215 in 2015, the first annual increase since 2011.

In 2016, the government prosecuted 174 trafficking defendants and convicted 103, compared with 189 prosecuted and 140 convicted in 2015.

In 2015, the most recent year full data was available, the average sentence for traffickers was 18.3 months; this was shorter than the average sentence for individuals convicted of a single count of rape, which in 2015 was 20.5 months. The average sentencing for traffickers has dropped since 2013, in line with trends for sentencing of other significant crimes. Prosecutorial statistics did not disaggregate labor and sex trafficking cases, but statistics on victims indicated approximately 25 percent of victims identified in the first six months of 2016 were forced labor victims. A September 2016 report by the national rapporteur found judges' rulings and sentences in sexual offenses, which included sentences for sex trafficking crimes, were inconsistent, with 40 percent of suspects receiving no sentence, and 20 percent serving more than one year in prison. However, judges continued to sentence some convicted traffickers to prison, including a man sentenced to 15 years in prison for exploiting his daughter and foster daughters in child sex trafficking, the longest sentence ever handed down in the Netherlands for human trafficking. In November 2016, for the first time in the Netherlands, a district court convicted a company of human trafficking, fining a mushroom farming company €75,000 (\$79,030) and sentencing the director to two years in prison for the labor trafficking of six Polish workers. Judges with trafficking-specific training heard all trafficking cases in 2016. Judges, prosecutors, and defense attorneys continued to receive specialized training in applying the anti-trafficking law and dealing with traumatized victims. In 2016, labor inspectors referred 17 cases for prosecution for forced labor, an increase from 10 in 2015. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking in 2016. Police officers' basic training included anti-trafficking courses, and anti-trafficking police officers were required to pass examinations in a training course focused on policing commercial sex.

## PROTECTION

The government maintained efforts to protect victims. The government reports its protection data through the independent anti-trafficking rapporteur, who monitors government efforts and released five reports during the year. In the first six months of 2016—the most recent reports available—the government-funded national victim registration center and assistance coordinator registered 486 possible trafficking victims, a decrease from 648 in the first six months of 2015. Of the 486 identified, 304 were victims of sex trafficking, 124 of labor trafficking and forced crime, and 69 of uncategorized trafficking; many individuals were identified as victims of multiple forms of trafficking. One-hundred and fifteen of the victims were children. The top countries of origin during the first six months were the Netherlands (30 percent of victims), Bulgaria, Poland, Romania, and Nigeria. Eighty-three of the identified potential trafficking victims elected to stay in shelters in 2016, compared with 146 in 2015; during the first six months of 2016 police identified 45 percent of human trafficking victims; military police, nine percent; labor inspectors, four percent; and other organizations, 42 percent. During 2016, reportedly six potential victims were identified in detention and referred to shelters. The government continued to fund an extensive network of facilities providing specialized services for child, adult female, and adult male victims. However, the government reduced funding for civil society organizations in 2016. NGOs that coordinate victim assistance have reported increased challenges

due to decreased government funding.

For victims to be officially designated as trafficking victims, their trafficker must be sentenced in court; without this status, foreign victims could not obtain permanent residency, with some exceptions. Potential victims had access to three government-funded shelters dedicated to human trafficking victims, one of which was dedicated to male victims, as well as various other shelters funded by local governments that catered to domestic violence victims, which also had dedicated beds for trafficking victims. Potential victims were allowed to stay for a three month reflection period to decide whether to assist law enforcement in prosecuting their traffickers. However, this three-month period could be reduced if a potential victim decided not to assist the police, or if the police determined not to file a case. The government did not release information on the number of potential trafficking victims who made use of this reflection period during 2015; this information will be released by the national rapporteur in October, along with the numbers for 2016. In 2014, the most recent year data was available, 174 victims made use of the reflection period. During a reflection period, non-EU victims were not allowed to work. After the reflection period, victims who agreed to assist police could stay in available shelters. All shelters provided medical and psychological care, schooling, language and skills training, and legal assistance; some also provided self-defense classes and most had facilities accessible to disabled individuals. Adult victims were permitted to leave shelters at will and unchaperoned, and child victims were placed in special shelters for children or in specialized foster homes. Seven shelters were specially designated for "lover-boy" trafficking victims, one of which was opened during the reporting period. The government worked with and funded NGOs to provide information on available services over the internet and to operate an interpreter fund to enable shelters to hire interpreters to assist with foreign victims. The government did not disclose the amount of funding for the shelters.

Victims willing to testify against their alleged trafficker were eligible to receive a B-8 permit, a temporary residence permit for trafficking victims, if authorities decided to prosecute a suspected trafficker. The government did not release information on the number of potential trafficking victims who applied for B-8 status during 2015; this information will be released by the national rapporteur in October along with the numbers for 2016. In 2014, the most recent year data was available, 251 victims applied for B-8 status, compared with 268 in 2013. Victims were granted permanent residency if the trafficker in their case was convicted or when they maintained B-8 status for three or more years. Authorities worked with civil society to repatriate foreign victims unable to acquire residency permits. If a trafficker was not prosecuted or was acquitted in a victim's case, or if a potential victim did not want to assist the police investigation, the victim could apply for asylum. While NGOs reported this was a regular occurrence, the government did not collect statistics on the number of potential victims who applied for asylum. A procedure also existed to circumvent B-8 eligibility requirements for residency in cases where victims were seriously threatened or had serious medical or psychological conditions. In January 2017, the government implemented measures from a 2012 pilot program to reduce potential B-8 fraud by shortening authorities' decision time to launch a criminal investigation to within 10 days of a report. Some experts contended this program forced victims in a vulnerable state to decide whether to press charges too quickly, possibly before they had met with an attorney. While the anti-trafficking law contains a non-punishment clause, defense attorneys

reported instances in which the clause was not always properly understood or implemented.

## PREVENTION

The government maintained efforts to prevent trafficking. The government's Human Trafficking Taskforce continued implementation of the 2014-2017 national anti-trafficking action plan, the full text of which was classified and only the main priorities were publicly available. During 2016, the taskforce, comprised of local and national government authorities, the private sector, and NGO representatives, expanded to include a representative from the shelter community. The national anti-trafficking rapporteur published five reports during the reporting period addressing human trafficking trends and the government's response, and the Ministry of Security and Justice published two studies on connections between human trafficking and the criminalization of prostitution. The foreign ministry funded an international study on child sex tourism. The government announced a €1 million (\$1,053,740) increase to the 2017 anti-trafficking budget, and a €2 million (\$2,107,480) increase for the budget for 2018 onwards; authorities primarily assigned these funds for hiring more police detectives and analysts. The government continued several awareness campaigns to educate the public about all forms of trafficking with videos, websites, handouts, and school prevention curricula; the labor inspectorate continued to focus inspection efforts on sectors with an elevated risk of exploitation. Local government officials continued to conduct brothel inspections, which included close observation for any signs of trafficking. Authorities trained immigration, hotel, aviation, customs, and labor inspection staff in methods to identify possible human trafficking victims and signs of child sex tourism. In July, the government signed the first "Covenant on Reducing Human Rights Violations in Supply Chains" with the textile and clothing sector, with signatories representing 35 percent of the Dutch clothing and textile market. The government did not demonstrate efforts to reduce the demand for commercial sex. The Anonymous Crime Reporting Center received 279 tips on sex trafficking in 2016, compared with 182 tips on human trafficking and smuggling (joint category) in 2015. The government, in cooperation with NGOs and foreign governments, continued its campaign against child sex tourism aimed at screening potential foreign child sex tourists at airports. In September, the government released a national action plan against child sex tourism, focusing on prevention, prosecution, and international cooperation.

The foreign ministry continued to conduct outreach to foreign diplomats' domestic workers, without their employers present, on how to report cases of abuse. In the last five years, the Netherlands has registered 26 reports of labor exploitation by foreign diplomats. The government provided human rights training, including trafficking in persons training, during orientation for its diplomatic personnel. The government provided training on human rights and humanitarian law of war, including trafficking in persons, to Dutch troops prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, the Netherlands is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. The largest group of identified trafficking victims are Dutch girls enticed by young male traffickers, "lover boys," who establish sham romantic relationships with vulnerable girls before intimidating them

into sexual exploitation. Women and child refugees and asylum-seekers are vulnerable to sex trafficking and child sex trafficking, respectively. Men and women from Eastern Europe, Africa, and South and East Asia are subjected to labor trafficking in industries such as inland shipping, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity. Foreign workers who are dependent upon recruitment agencies are particularly vulnerable to labor trafficking and sexual exploitation. Media reported that over the last five years, 26 reports have been made to officials of labor exploitation of domestic workers from East Asia, South America and Africa by foreign diplomats representing countries in the Middle East, Africa, South America, and European Union offices. Roma children are forced into pickpocketing and shoplifting rings, and refugees and asylum-seekers, including unaccompanied children, are vulnerable to labor trafficking. The Netherlands is a source country for child sex tourists.

## BONAIRE, ST. EUSTATIUS, AND SABA (BES)

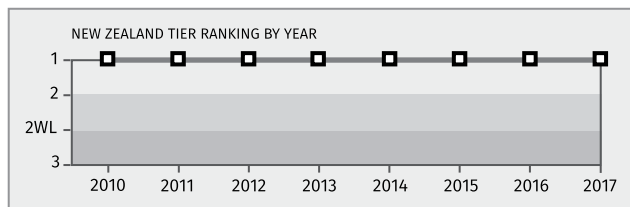
The BES islands are municipalities of the Netherlands and a transit and destination area for men, women, and children subjected to sex trafficking and forced labor. Women in prostitution in regulated and illegal commercial sex and unaccompanied children are highly vulnerable to trafficking. Local authorities believe men and women have been subjected to domestic servitude and forced labor in the agricultural and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

The BES criminal code criminalizes both sex and labor trafficking under article 286f, prescribing penalties ranging from six to 15 years imprisonment. Authorities did not initiate any new trafficking investigations or prosecutions in 2016. The prosecution of Bonaire's first trafficking case, involving Colombian women in forced prostitution, was initiated in October 2012 and remained ongoing at the close of the reporting period. The mandate of the Netherlands' national rapporteur did not extend to the BES islands, so the office could not do local research. Local governments on the BES islands ran multidisciplinary anti-trafficking teams, which cooperated with each other and with Dutch counterparts. In January 2017, the Dutch government announced that in 2018, victims of violence, including human trafficking, would be eligible for compensation from the Violent Offenses Compensation Fund.

## NEW ZEALAND: TIER 1

The Government of New Zealand fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, New Zealand remained on Tier 1. The government demonstrated serious and sustained efforts by convicting a trafficker under its human trafficking statute for the first time, training police and labor inspectors on victim identification, and providing services to trafficking victims and potential victims. Although the government meets the minimum standards, it did not consistently identify victims in vulnerable sectors, provide shelter services designed specifically for trafficking victims, or adequately conduct campaigns to raise general awareness of human trafficking.





## RECOMMENDATIONS FOR NEW ZEALAND

Increase resources for robust victim protection services and establish procedures to refer all trafficking victims, including boys and men, to such services; significantly increase efforts to investigate and prosecute trafficking offenses and sentence traffickers to penalties commensurate with the seriousness of the crime; increase efforts to identify victims through proactive screening of vulnerable populations, including women and children in prostitution, foreign workers, and illegal migrants; amend the law to define the sex trafficking of children as not requiring the use of force, fraud, or coercion and to remove the possibility of a fine alone as a sentence; provide human trafficking training to judges and prosecutors; update the national action plan to address current trafficking trends in the country; expand anti-trafficking awareness campaigns; and engage in efforts to reduce demand of forced labor, including in supply chains, and sexual commercial exploitation, especially of children and foreign women.

## PROSECUTION

The government increased law enforcement efforts. The Crime Act of 1961, as amended by the Omnibus Crime Bill, criminalizes most forms of human trafficking. Under the Crime Act, the human trafficking provision includes the reception, recruitment, transport, transfer, concealment or harboring of a person for the purpose of exploitation, defined as the deception or coercion causing a person to be involved in prostitution or other sexual services, slavery and practices similar to slavery, servitude, forced labor or other forced services, or the removal of organs. It requires elements of deception or coercion in its provision criminalizing sex trafficking of a child, which is inconsistent with international law. The law prescribes sentences of up to 20 years imprisonment, a fine not exceeding \$500,000, or both; these penalties are sufficiently stringent. By allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crime, such as rape. The government initiated seven investigations and began prosecutions of four defendants in 2016. The government convicted a trafficker under the human trafficking provision of the Crime Act for the first time. The court sentenced the trafficker to nine years and six months imprisonment and ordered the offender to pay \$28,167 in restitution for exploiting 15 migrant workers in forced labor; a second offender pleaded guilty to immigration violations and was sentenced to one year of home detention and ordered to pay \$55,000 in restitution. The government reported cooperating with foreign governments to investigate trafficking crimes. The government continued to train police on human trafficking, victim identification, and indicators of trafficking, but it did not report training prosecutors or judiciary officials. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained moderate victim protection efforts.

It reported having standardized guidance to identify trafficking victims, but it identified only a small number of victims. The government reported using a certification process by which police formally certify a person as a suspected trafficking victim based on reasonable suspicion, enabling potential victims to access a range of services. During the reporting period, the government made two new certifications of labor trafficking victims, (34 in 2015) and provided services such as shelter referrals and obtaining employment for 37 victims of labor trafficking, in addition to 11 potential victims, compared to 34 victims assisted in 2015. The government reported referring women and child victims of crime to services; on a case-by-case basis the government provided assistance, such as food and shelter, to victims of crimes and referred them to NGOs or other service providers. The government did not operate any shelters specifically for trafficking victims. The law authorizes the extension of temporary residency to foreign trafficking victims for up to 12 months and makes them eligible for a variety of government-provided or -funded services while their cases are under investigation; the government provided temporary work visas for all foreign victims identified in 2016. Immigration officials began developing a comprehensive framework to guide the process of identification, referral, and provision of services of victims. In addition to police, the government provided training for labor inspectors on victim identification as well as referral of victims to services. Labor inspectors reported inspecting legal brothels to ensure working conditions were in compliance with the law, but this did not result in the identification of any sex trafficking victims. Labor inspectors reported conducting routine audits in work places that employ migrant workers; they identified breaches of labor standards, but these did not result in investigations or prosecutions of forced or coerced labor exploitation. There were no reports of victims being detained, fined, or jailed for unlawful acts committed as trafficking victims; however, some may have been as a result of inadequate government efforts to identify victims. The government reported providing legal alternatives to the removal of foreign victims of crime to countries where they may face hardship or retribution, but no trafficking victims received this benefit in 2016. Victims could seek restitution through civil claims; although no such civil claims were filed in 2016, some labor exploitation cases resulted in restitution for labor violations.

## PREVENTION

The government maintained efforts to prevent trafficking. Police, labor, and immigration officials led the government's anti-trafficking efforts under an anti-trafficking coordinator. During the reporting period, Immigration New Zealand established a consultation group including NGOs and other stakeholders to further its anti-trafficking efforts. The government continued to implement the Fisheries Foreign Charter Vessels Amendment, which came into effect May 1, 2016, and requires all foreign charter vessels fishing in New Zealand waters to operate as New Zealand-flagged vessels and abide by its health and labor laws. Under the immigration act, the government convicted an employer and the employer's company, separately, for failing to adequately compensate migrants working excessive hours; the employer and company were collectively fined a total of \$15,000 and ordered to pay \$5,000 to the victims.

The government continued to collaborate with the Philippines as part of a bilateral agreement to reduce the vulnerability of Filipino migrant workers to exploitation in New Zealand. Immigration officials issued guidance for employing Filipino workers including legal obligations under both New Zealand

and Philippine law, and requirements for the licensing of recruitment agents. The government continued to send welcome emails with workers' rights information to all approved residence, work, and student visa holders and issued guides for migrant dairy farm workers and their employers on workers' rights, employers' responsibilities, and support services. In an attempt to reduce the demand for forced labor, the government conducted compliance tests of employment contracts used in work visa applications and issued media statements about labor compliance audit results and prosecutions of labor exploitation cases. The government did not make efforts to reduce the demand for commercial sex acts; New Zealand decriminalized commercial sex in 2003 under the Prostitution Reform Act. The government required diplomatic personnel to sign a code of conduct requiring they comply with all New Zealand laws, but it did not report providing them with anti-trafficking training. The government continued to cooperate with foreign governments to identify child sex tourists in New Zealand and to prioritize the prevention of child sex tourism abroad by its residents, although these efforts did not result in any investigations or prosecutions.

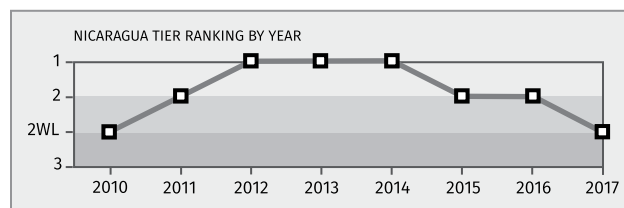
### TRAFFICKING PROFILE

As reported over the past five years, New Zealand is a destination country for foreign men and women subjected to forced labor and sex trafficking and a source country for children subjected to sex trafficking within the country. Foreign men and women from China, India, the Philippines, Bangladesh, Sri Lanka, countries in the Pacific and Latin America, and South Africa, are vulnerable to forced labor in New Zealand's agricultural, construction, viticulture, food service, and hospitality sectors, and as domestic workers. Unregulated immigration brokers operating in India and the Philippines reportedly assisted some victims of labor exploitation in New Zealand obtain visas. Some foreign workers are charged excessive recruitment fees and experience unjustified salary deductions, non- or underpayment of wages, excessively long working hours, restrictions on their movement, passport retention, and contract alteration. Some migrant workers are forced to work in job conditions different from those promised during recruitment but do not file complaints due to fear of losing their temporary visas. Foreign men aboard foreign-flagged fishing vessels in New Zealand waters are vulnerable to forced labor. Foreign women from Asia are at risk of sex trafficking. Some international students and temporary visa holders are vulnerable to forced labor or prostitution. A small number of Pacific island and New Zealand (often of Maori descent) girls and boys are at risk of sex trafficking. Some children are recruited by other girls or compelled by family members into sex trafficking.

## NICARAGUA: TIER 2 WATCH LIST

The Government of Nicaragua does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by increasing national awareness raising efforts. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government identified significantly fewer victims for the second consecutive year and did not provide or fund adequate services for victims. The government-led anti-trafficking coalition and regional working groups were largely ineffective during the year, and key elements of the trafficking

law—such as a dedicated anti-trafficking fund—were not implemented for the second year. Prosecution, protection, and prevention efforts in the two Caribbean autonomous regions of Nicaragua continued to be much weaker than in the rest of the country. Therefore, Nicaragua was downgraded to Tier 2 Watch List.



### RECOMMENDATIONS FOR NICARAGUA

Increase efforts to investigate and prosecute cases involving all forms of human trafficking, and convict and punish traffickers, including child sex tourists; provide specialized services for trafficking victims or dedicate resources for civil society organizations to do so; increase funding for victim protection, including through financing the trafficking fund; implement operating procedures to effectively refer victims to appropriate services; partner with civil society organizations to ensure that victims receive long-term care and reintegration services; amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law; increase training for government officials—including social workers, labor inspectors, and law enforcement officials—to facilitate increased victim identification and assistance, including securing restitution; institute formal procedures for proactively identifying victims among vulnerable populations in the autonomous regions and those in forced labor; strengthen law enforcement and victim protection efforts in the Caribbean Autonomous Regions, including through increased staff and funding; improve trafficking data collection and coordination across agencies, and improve measures to track anti-trafficking efforts among government entities and share with external stakeholders; reinvigorate the work of the national and local anti-trafficking coalitions, including by appointing a national executive secretariat; and invite a diverse range of civil society organizations to hold formal membership on both the national and local anti-trafficking coalitions.

### PROSECUTION

The government maintained uneven law enforcement efforts, which focused largely on sex trafficking. Law 896 of 2015 criminalizes all forms of trafficking and prescribes penalties ranging from 16 to 18 years imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, the law's definition of trafficking is inconsistent with international law; it conflates human trafficking with other crimes, such as illegal adoption, and establishes the use of force, coercion, or deceit as an aggravating factor rather than an essential element of most trafficking crimes.

Authorities reported initiating eight sex trafficking investigations and prosecuting 13 suspected sex trafficking offenders in seven cases in 2016, compared to 23 suspects prosecuted in eight cases in 2015. Under law 896, courts of first instance convicted nine sex traffickers in six cases, most of which included child victims, compared to 10 sex traffickers convicted in six cases in 2015; in one case, the government reported convicting two individuals for knowingly soliciting a 14 year old to perform commercial sex

acts. Convicted traffickers appealed the verdicts and sentences in four of these six cases; appellate courts upheld the convictions in two cases, overturned in one case involving two defendants, and one appeal remained pending. All convicted and sentenced traffickers were sentenced to 10 to 20 years imprisonment. The government did not provide information on the number of prosecutions ongoing from previous years, and reported no labor trafficking investigations or prosecutions. An NGO reported referring an additional four cases for investigation, none of which the government investigated. The government did not identify or prosecute any cases of forced labor, including child domestic servitude during the reporting period. Corruption is widespread in Nicaragua. There were no investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government reported that its programs to improve awareness of trafficking crimes reached 743 government officials, including investigators, prosecutors, judges, and other law enforcement officials.

## PROTECTION

The government decreased efforts to identify victims and it maintained limited protection efforts focused solely on Nicaraguan female sex trafficking victims. The government identified 13 Nicaraguan female sex trafficking victims, including four adults and nine children, a decline from 30 victims identified by the government in 2015 and 51 in 2014. The government provided these victims with legal assistance and temporary shelter, food, and medical services. An NGO reported identifying and assisting 11 additional victims, including Nicaraguan and foreign men, women, and children exploited in both sex and labor trafficking. Authorities did not have formal procedures for identifying victims among vulnerable populations, such as individuals in prostitution or working children. The government had an internal victim referral process for trafficking cases, but it is unclear if it used the tool to refer any victims during the reporting period. Rather, the government reported referral of six trafficking victims on an ad hoc basis for long-term care to NGO shelters for at-risk children or victims of domestic abuse. Local officials were not adequately trained to recognize all forms of trafficking and identified fewer victims in the autonomous regions than other regions, where identification and referral mechanisms were lacking. There were few specialized services for trafficking victims in Nicaragua. The government maintained two police-operated short-term shelters for victims of domestic violence and human trafficking that served an unknown number of victims; the government closed the offices of the specialized women's unit that previously operated these shelters, which led to challenges in coordination between the shelters and NGOs. The government did not provide funding to NGOs that provided the majority of victim protection. Services and shelter for boys remained limited and there were no shelters available for men. The government did not provide long-term care, and the availability of extended services from NGOs was limited. The government put some child victims at risk of re-victimization by placing them with family members who may have been complicit in their exploitation. Regions outside Managua most affected by human trafficking largely lacked adequate services.

Law 896 established a dedicated fund—to be financed through budget allocation, donations, and seized assets from traffickers—for victim protection and prevention activities. However, for the second year, the government did not finance it or make it operational. Victims may obtain damages by filing civil suits against traffickers; however, the government and NGOs

reported that in practice victims had never exercised this right. The government did not report assisting Nicaraguan victims through its diplomatic missions overseas. There were no reports of victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, but this may have occurred due to weak identification efforts. The government reported screening for indicators of trafficking among migrant populations and those involved in prostitution, but failed to identify any labor trafficking victims or foreign victims. Humanitarian visas were available to foreign trafficking victims, although the government did not report any requests for visas.

## PREVENTION

The government maintained minimal efforts to prevent trafficking. While the government reported that its anti-trafficking coalition was active during the reporting period, for the second year it remained without an executive secretariat to lead and coordinate its efforts. Furthermore, NGOs reported for a second consecutive year the coalition and its regional working groups did not meet with NGOs, despite requirements under law 896 that the coalition include an NGO representative. The government reported it conducted research on human trafficking and met to track trends, cases, and prevention efforts; however, NGOs and former members of the coalition reported they were not aware of these efforts. The government reported it conducted and fully funded 443 prevention campaigns during the reporting period targeting students, faculty, parents, indigenous communities, and community leaders along border towns and tourism destinations. Some Nicaraguans could not easily obtain national identification cards, which increased their vulnerability to trafficking. The Ministry of Labor reported that it monitored private employment agencies, which must be registered under Nicaraguan law. The government reported it provided anti-trafficking training for its diplomatic personnel. Authorities did not investigate, prosecute, or convict any tourists for the purchase of commercial sex acts from children in 2016, although NGOs report that child sex tourism continues to be an issue in the country. The government made limited efforts to reduce the demand for commercial sex acts and forced labor.

## TRAFFICKING PROFILE

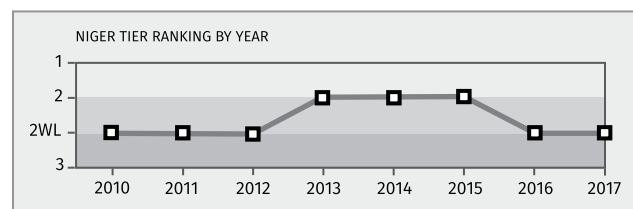
As reported over the past five years, Nicaragua is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Nicaraguan women and children are subjected to sex trafficking within the country and in other Central American countries, Mexico, and the United States. Many trafficking victims are recruited in rural areas or border regions with false promises of high-paying jobs in urban centers and tourist locales, where they are subjected to sex or labor trafficking. Victims' family members are often complicit in their exploitation, and traffickers have reportedly increased recruitment activity on social media sites. Nicaraguan women and children are subjected to sex and labor trafficking in the two Caribbean Autonomous Regions, where the lack of strong law enforcement institutions and a higher crime rate increase the vulnerability of the local population. Nicaraguans from Northern-Central departments who migrate to other Central American countries and Europe are reportedly vulnerable to sex and labor trafficking. During the reporting period, Nicaraguans were reported as among the primary nationalities of victims identified in Guatemala. In addition, children left by these migrants in Nicaragua reportedly become vulnerable to sex and labor trafficking. Nicaraguan adults and children are subjected to forced labor in agriculture, construction, mining, the informal



sector, and domestic service within the country and in Costa Rica, Panama, the United States, and other countries. Children in artisanal mining and quarrying are vulnerable to forced labor. NGOs report children and persons with disabilities are subjected to forced begging, particularly in Managua and near tourist centers. Male migrants from Central American countries transit Nicaragua en route to Panama in search of employment; some are subjected to labor trafficking in Panama. Nicaragua is a destination for child sex tourists from the United States, Canada, and Western Europe.

## NIGER: TIER 2 WATCH LIST

The Government of Niger does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by providing in-kind assistance to NGOs and international organizations that provided shelter to trafficking victims and training law enforcement officials on victim identification. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not report the number of investigations, prosecutions, and convictions or the number of victims identified or referred for protective services for the second consecutive year. Therefore, Niger remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR NIGER

Vigorously investigate, prosecute, and convict traffickers, including those engaged in slavery and child soldiering, using the anti-trafficking law; train law enforcement and judicial officials throughout the country on the anti-trafficking law; fully adopt and implement systematic procedures for the proactive identification of trafficking victims—especially among vulnerable populations, such as children exploited in sex trafficking, girls born into slave castes, and children at worksites—and their subsequent referral to care; train law enforcement officials on victim identification procedures; provide financial or in-kind support to NGO partners providing victim care; provide victims with legal assistance and awareness of their rights and support victims, including victims of forced labor and caste-based slavery, in seeking redress from, and participating in the prosecution of, their traffickers; amend the law to increase penalties in the 2010 anti-trafficking law for trafficking of adults and in the penal code for forced child begging and child sex trafficking, and remove the option of imposing a fine in lieu of jail time for forced labor crimes in the labor code; increase the quantity and quality of services available to victims; increase efforts to rescue victims of traditional slavery practices and adult victims; implement programs for the disarmament, demobilization, and reintegration of former child combatants that take into account the specific needs of child ex-combatants; raise public awareness about the anti-trafficking law, specifically targeting vulnerable populations, religious leaders, and traditional chiefs; and develop a system

among law enforcement, judicial officials and social welfare personnel to track suspected human trafficking cases and prosecution and protection data.

## PROSECUTION

The government maintained minimal prosecution efforts; it did not report undertaking anti-trafficking law enforcement efforts for the second consecutive year. Order No. 2012-86 on Combating Trafficking in Persons, enacted in 2010, criminalizes all forms of trafficking, including slavery and practices similar to slavery as well as exploitative begging. This law prescribes sufficiently stringent punishments of five to 10 years imprisonment for committing trafficking offenses against adults and 10 to 30 years when the victim is a child. Penalties for child trafficking are commensurate with those prescribed for other serious offenses, such as rape, but those prescribed for trafficking of adults are not. Other statutes prohibit certain forms of trafficking: the penal code criminalizes slavery, procurement of a child for sex trafficking, and the encouragement of, or profiting from, child begging in articles 270 (as amended in 2003), 292-293, and 181, respectively. The prescribed penalties for slavery in the penal code are 10 to 30 years imprisonment and sufficiently stringent. However, penalties of five million to 10 million CFA (\$7,998 to \$15,996) and two to five years imprisonment for child sex trafficking and six months to one year imprisonment for child begging are neither commensurate nor sufficiently stringent; such punishments are well below those required by the 2010 anti-trafficking act for child trafficking crimes. The labor code, enacted in September 2012, outlaws forced labor, prescribing penalties of two to five years imprisonment with the option of a fine. The penalties for slavery and forced labor offenses are sufficiently stringent and reflect the serious nature of the crime; however, forced labor penalties are inadequate when there is the option of a fine in lieu of jail time.

The government did not report the number of investigations, prosecutions, and convictions for the second consecutive year, contrasted with 144 investigations of trafficking offenses, five prosecutions of defendants, and five convictions of traffickers in 2014. The government did not make progress in ending impunity for *marabouts*, teachers at Quaranic schools, who force children to beg or traditional chiefs who facilitate the enslavement of children. There is a lack of access to justice for victims, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. There were no reported developments in pending slavery cases, some of which have reportedly been ongoing for years, although several new cases were reportedly filed in 2016. NGOs reported the government was slow to prosecute trafficking crimes. In 2016, the government trained police, prosecutors, and judges on the national trafficking law and victim protection. There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking or trafficking-related criminal activities.

## PROTECTION

The government maintained minimal protection efforts; the government did not report the number of victims it identified or referred for protective services for the second consecutive year. There were no specialized services available in Niger for adult victims or victims of hereditary slavery. The National Agency for the Fight against Trafficking in Persons (ANLTP) provided training and written materials to law enforcement personnel on proactive identification of victims of trafficking. There

were no formal written procedures for identifying victims and referring them to protective services, although generally police, prosecutors, and the ANLTP refer trafficking victims to local NGOs on an ad hoc basis. However, in August 2016, the National Coordination Commission for the Fight against Trafficking in Persons (CNCLTP) and the ANLTP met to agree and finalize identification procedures and a referral mechanism, which remained pending ratification by the National Assembly. The government relied almost exclusively on NGOs and international organizations to provide services to victims, although NGOs' capacity to provide shelter or long-term services to victims was inadequate. NGOs provided shelter to approximately 6,000 trafficking victims, including victims subjected to forced begging and caste-based slavery; the government provided in-kind support to the victim assistance programs of NGOs and international organizations including temporary shelter, food, and primary health care for an unknown number of these victims. The Ministry of Women's Promotion and Child Protection provided limited social services to an unknown number of victims, including some returned to their home villages. Authorities did not employ systematic measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites.

While the government reported it would encourage adult victims to assist in the investigation and prosecution of trafficking cases, victims' lack of awareness of the legal options available to them, fears of retaliation by traffickers, and lack of adequate shelter and protective services impeded their efforts to do so. Victims of forced labor and caste-based servitude could file civil and criminal complaints simultaneously; however, there were no reports they routinely did so. While the government announced plans to establish demobilization and reintegration programs for children forcibly recruited by the terrorist organization Boko Haram, during the reporting period no such mechanisms were in place. An international organization reported that the government detained some children on suspicion of involvement with Boko Haram. The law provides for the possibility of granting victims legal residency in Niger if it is unsafe for them to return to their countries of origin, including the ability to obtain employment. During the reporting period, several thousand Nigeriens were deported from Algeria and several dozen voluntarily returned from Saudi Arabia; the Ministry of Interior has a program to welcome and shelter returning Nigeriens and facilitated the return of those Nigeriens who wished to do so.

## PREVENTION

The government maintained modest efforts to prevent trafficking. The CNCLTP continued to serve as the coordinating body for the government's anti-trafficking efforts, and the ANLTP was the government's permanent implementing body to address trafficking in persons. Although the CNCLTP and the ANLTP submitted budgets of \$8.7 million and \$877,000 to the government, respectively, the agencies did not expect to receive the full amounts. A surge in enforcement efforts targeting illicit migration in Agadez region, a major transit point to North Africa, resulted in a sharp decrease in smuggling of migrants, a group vulnerable to trafficking, through northern Niger. The government conducted an investigative mission and drafted and released a report documenting Nigerien citizens' understanding of trafficking. Senior officials publicly recognized the problem of human trafficking and Niger's policies to combat it at the opening of several anti-trafficking information and education campaigns during the reporting

period, some which were covered by the media. With the help of an international donor, the government conducted awareness-raising on forced begging. In 2016, the Ministry of Employment, Labor and Social Security (MELSS) increased the number of labor inspectors by 13 to 73, although the number of labor inspectors remained insufficient for the size of Niger's workforce. The government did not punish labor recruiters or brokers who recruited workers with knowingly fraudulent offers of employment or job placement, although it did temporarily halt a program to place Nigerien workers for employment in Saudi Arabia and provided assistance with travel documents to workers who wished to return to Niger after workers complained of exploitative working conditions. As part of its strategy to reduce illegal migration and associated human trafficking, the government continued a repatriation program with Algeria and restricted migratory routes through Niger. The government took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing the armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions and the government addressed such requirements through a program conducted by a foreign donor. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

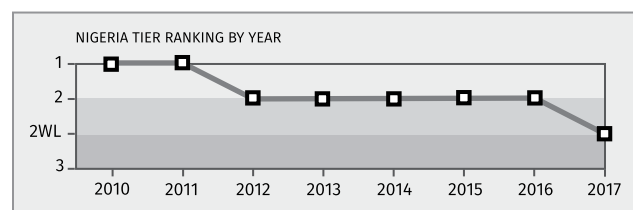
As reported over the past five years, Niger is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country and affect some 44,000 people. Victims from Benin, Burkina Faso, Cameroon, Ghana, Mali, Nigeria, and Togo are exploited in sex and labor trafficking in Niger. Nigerien boys are subjected to forced labor, including forced begging, within the country and in Mali and Nigeria by corrupt *marabouts*. Corrupt *marabouts* or loosely organized clandestine networks may also place Nigerien girls into domestic servitude or commercial sex. Nigerien children are subjected to forced labor in gold, salt, trona, and gypsum mines; agriculture; stone quarries; and manufacturing within the country. Girls are subjected to sex trafficking along the border with Nigeria, sometimes with the complicity of their families. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as "fifth wives" and subject them to forced labor and sexual servitude, a practice known as *wahaya*; their children are born into slave castes. "Fifth wives" are typically sold between the age of 9 and 11 years old. 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. Some girls in forced marriages may be exploited in commercial sex after fleeing these nominal unions. Nigerien girls reportedly travel abroad to enter into "marriages" with Nigerian men or foreign citizens living in Saudi Arabia and the United Arab Emirates and are subjected to domestic servitude in these countries. In Algeria, Nigerien children were forced to beg and Nigerien women and girls were vulnerable to sex trafficking.

Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe where they are subjected to domestic servitude, sex trafficking, or forced labor in agriculture or animal herding. Some migrants were suspected to be traffickers, particularly Nigerien migrants to Algeria. Traffickers operated primarily small, freelance operations in loosely organized networks of individuals, including some *marabouts*. Some women have been accused of managing trafficking rings, although they may have been trafficking victims themselves. Some women are

complicit in the exploitation of children, accepting payment from traffickers who run forced street-begging operations. There have been reports of freelance businesspeople (both men and women) and informal travel agencies that recruit women to the Middle East or to northern Nigeria for sex trafficking or domestic servitude. Niger is a transit country for men, women, and children from West and Central Africa migrating to North Africa and Western Europe, where some are subjected to forced labor or sex trafficking. Additionally, some migrants are subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or as staff in bars and restaurants. The terrorist organization Boko Haram forcibly recruited Nigerian children during the reporting period. In some instances, law enforcement and border officials have accepted bribes from traffickers to facilitate the transportation of victims through the country.

## NIGERIA: TIER 2 WATCH LIST

The Government of Nigeria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by investigating, prosecuting, and convicting traffickers; conducting anti-trafficking training for law enforcement officials; and repatriating some Nigerian trafficking victims identified abroad. However, the government did not demonstrate increasing efforts compared to the previous reporting period. During the reporting period, credible observers reported for the first time that some elements of the Nigerian security forces (NSF) used children as young as 12 years old in support roles, and NSF continued to detain and arrest children for alleged association with Boko Haram, some of whom may have been forcibly recruited. The Nigerian military also conducted on the ground coordination with the Civilian Joint Taskforce (CJTF), non-governmental self-defense militias that continued to recruit and use children—possibly unwillingly and mostly in support roles—and at least one of which received state government funding. Government officials—including military, police, and federal and state officials—were involved in widespread sexual exploitation of Borno State women and girls displaced by Boko Haram, at times forcing women and girls in IDP camps to provide commercial sex acts in exchange for food. Furthermore, despite identifying a large number of labor trafficking victims, the government only convicted two labor traffickers and it decreased funding for the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP), including its budget for victim services. Therefore, Nigeria was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR NIGERIA

Cease NSF elements' use of children; cease provision of financial and in-kind support to armed groups that recruit and use children; vigorously investigate, prosecute, and convict traffickers—including complicit officials, labor traffickers,

and those who recruit and use child soldiers—and impose sufficiently stringent sentences; cease detaining former confirmed or suspected child soldiers, and ensure such children are not penalized for crimes committed as a result of being subjected to trafficking; implement programs for the disarmament, demobilization, and reintegration of former child combatants that take into account the specific needs of child ex-combatants, and work with NSF and CJTF to implement these plans; increase funding for NAPTIP, particularly to provide adequate victim care; continue efforts to provide regular training to police and immigration officials to identify trafficking victims and screen for trafficking among vulnerable populations; provide pre-departure information for migrants on how to find assistance if exploited abroad; expand ongoing police and immigration training to include identifying trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; increase efforts to identify trafficking victims among IDPs, investigate cases, and implement preventive measures; increase efforts to investigate allegations of child forced begging in Quranic schools; continue to integrate anti-trafficking responsibilities into the work of other law enforcement agencies, especially the Nigerian police force; fully integrate anti-trafficking responsibilities in the work of the Ministry of Labor; and increase the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including by implementing a mechanism that allows embassies to reissue passports to trafficking victims who lack identity documents.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts, but there were increased reports of government complicity in human trafficking. The Trafficking in Persons Law Enforcement and Administration Act, as amended in 2015, criminalizes all forms of trafficking and prescribes a minimum penalty of five years imprisonment and a minimum fine of one million naira (\$3,290) for sex and labor trafficking offenses; the minimum penalty for sex trafficking increases to seven years imprisonment if the case involves a child. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Enforcement of the law remained ineffective in many parts of the country, and while officials made efforts to address trafficking cases, insufficient resources and jurisdictional problems between state and federal governments hampered efforts.

NAPTIP reported 654 investigations, 24 prosecutions, and 23 convictions for trafficking offenses, compared with 507 investigations, 32 prosecutions, and 24 convictions the previous reporting period. It was unclear how many investigations were pending and how many had been dismissed at the end of the reporting period. Most convictions took place under the 2015 amended anti-trafficking law, although some judges also convicted traffickers under the 2003 anti-trafficking law and its amendments and other laws for employing a child with force, fraud, or coercion; transporting or attempting to transport women and girls abroad for exploitation; and knowingly soliciting or patronizing a sex trafficking victim. Prison sentences upon conviction ranged from 18 months to 14 years imprisonment; of the 23 convictions, 22 resulted in imprisonment without the option of paying a fine. Despite a 2015 amendment that removed judges' ability to sentence traffickers to pay fines in lieu of prison time, Nigerian courts penalized one trafficker with the option of a fine or imprisonment. Furthermore, despite the identification of 599 forced labor and child labor victims, the government only



convicted two labor traffickers. The government only convicted one trafficker for child forced begging, despite the prevalence of the practice. The government conducted joint investigations or cooperated with authorities from eight countries on 19 cases involving Nigerian nationals during the reporting period, compared with cooperating with foreign governments on 43 cases in the previous reporting period.

Corruption affected all levels of government and the security forces and there were reports of official complicity in trafficking offenses. The government took few steps to investigate or prosecute officials who committed violations, whether in the security forces or elsewhere in the government. In April 2016, an international organization reported that more than half of the areas surveyed to assess the treatment of IDPs in Maiduguri—including IDP camps, settlements, and host communities—reported instances in which camp authorities, including government officials and security forces, forced or coerced women to exchange sex acts for food or freedom to move in and out of IDP camps. A second NGO also reported sexual exploitation of IDPs by camp officials. In response to these allegations, the president instructed the inspector general to create a special panel to investigate cases of sexual exploitation reported by the second NGO, which resulted in the arrest of seven government officials and two CJTF members for alleged sexual misconduct towards IDPs, including sex trafficking. The investigations were ongoing at the end of the reporting period.

During the reporting period, NSF elements used children as young as 12 years old rescued or arrested during military operations in support roles such as cooks, porters, cleaners, messengers between barracks and between camps, and guards. Reports also indicate NSF interrogated children in detention for later use as collaborators to identify Boko Haram members among newly arrested persons. The government did not report any investigations, prosecutions, or convictions for child soldiering offenses, including of government officials complicit in such offenses. NAPTIP investigated two officials allegedly complicit in trafficking offenses. In one case, an official attempted to take a domestic servant with him to the United States but NAPTIP did not find indicators of trafficking; the second investigation was ongoing at the end of the reporting period. A Nigerian official reported some immigration officials knowingly facilitated the issuance of falsified passports to enable traffickers to make minors appear 18 years of age for foreign travel; the government did not report investigating these claims. The government did not report if it continued the prosecution from the previous reporting period of a Ministry of Foreign Affairs official who allegedly facilitated a trafficking crime abroad.

The government conducted extensive training throughout the reporting period. NAPTIP, in collaboration with international partners, provided specialized training to approximately 243 government employees, including judges, prosecutors, NAPTIP officials, and other law enforcement on victim identification; investigation and prosecution of trafficking cases; counseling; and disarmament, demobilization, and reintegration. NAPTIP developed and distributed a manual to law enforcement agencies on identifying trafficking victims and referring cases to NAPTIP and conducted train-the-trainer training on the procedures across agencies. In addition, it assisted 14 countries with their anti-trafficking efforts through training courses, joint intelligence sharing, and mutual legal assistance. The government dismissed the director general of NAPTIP in February 2016 and did not nominate a replacement until March 2017. While in the interim the agency had an acting director, the lack of permanent

leadership hampered the agency's effectiveness.

## PROTECTION

The government maintained efforts to identify trafficking victims but decreased funding for victim protection. It identified 1,128 potential trafficking victims: 529 sex trafficking victims, 426 child labor victims—some of whom were forced, including 261 children in domestic servitude—and 173 adult forced labor victims, an increase from 943 victims identified in the previous reporting period. The Nigerian guards brigade intercepted a convoy of 69 children between 6 and 10 years old allegedly destined for forced begging in a Quranic school. Nationwide, NAPTIP officers were often concentrated in state capitals, inhibiting efforts to identify victims and investigate trafficking in rural areas. NAPTIP provided initial screening for all victims and referred all identified victims to government facilities for medical care, vocational training, education, and shelter. It also referred 302 victims to NGOs for additional care. The government had formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficking victims among high-risk populations, and NAPTIP trained police, immigration, and social services personnel with specialized training on identifying trafficking victims and directing them to NAPTIP. Additionally, the government's national referral mechanism provided formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims, both within Nigeria and abroad. In partnership with an international organization, NAPTIP developed and disseminated guidelines on implementing the national referral mechanism for caregivers and service providers.

The government allocated approximately 1.69 billion naira (\$5.56 million) to NAPTIP in 2016, which was a significant decrease from 2.5 billion naira (\$8.22 million) allocated in 2015. As of December 2016, the national assembly had only reported disbursing 1.27 billion naira (\$4.17 million) of the 2016 funding to NAPTIP, and NAPTIP required approximately 1.3 billion naira (\$4.27 million) for personnel costs alone. The national assembly allocated an additional 208 million naira (\$683,760) to NAPTIP in 2016 specifically to assist trafficking victims and other vulnerable people in eight states; it was unclear how much of this funding was disbursed during the reporting period. Because this amount was significantly less than the 581 million naira (\$1.91 million) allocated for victim protection in 2015 and the government identified more trafficking victims than the previous reporting period, it was unclear how NAPTIP maintained the same quality of victim services. Although NAPTIP is mandated to care only for victims of trafficking crimes under the 2015 anti-trafficking law, the government often referred victims of other crimes to NAPTIP, which reduced its capacity to care for trafficking victims. NAPTIP continued to operate nine shelters specifically for trafficking victims, with a total capacity of 313 people. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, financial empowerment, and business management skills. These shelters were also available to Nigerian trafficking victims exploited abroad upon repatriation, but it was unclear if authorities referred any such victims to these shelters. NAPTIP had agreements with certain hospitals and clinics to provide additional medical and psychological treatment for victims, as needed. NAPTIP shelters offered short-term care, generally limiting victims' stays to six weeks, although victims could extend their stays under special circumstances; both men and women received specialized care. If victims needed longer-term care, NAPTIP collaborated with two shelters

operated by the Ministry of Women's Affairs and NGO-run shelters. Victims in NAPTIP shelters were not permitted to leave without a chaperone, reportedly for security. Additional shelters existed and provided services to vulnerable children and victims of crime, including trafficking, although it is unclear if any trafficking victims received those other services during the reporting period. Foreign victims had access to the same services as domestic victims. In contrast with previous years, NAPTIP did not report providing funding, in-kind donations, or services to NGOs and other organizations that afforded protective services to trafficking victims. Nigerian embassies in Benin, Cote d'Ivoire, the Democratic Republic of the Congo, and Togo provided repatriation assistance to Nigerian trafficking victims identified in those countries. At least one Nigerian embassy, however, required trafficking victims to pay for passport reissuance fees—as many victims had received falsified passports from traffickers or had their passports stolen—and prove their citizenship with documentation victims often did not have, such as a birth certificate or old passport number, which caused delays in repatriation.

Although provisions of the anti-trafficking law prohibit the penalization of identified victims for unlawful acts committed as a result of being subjected to trafficking, the government arrested and detained children for alleged association with Boko Haram, some of whom may have been forcibly recruited. During the reporting period the military began cooperating with an international organization to release children in military detention, some of whom were child soldiers, and released 876 by October 2016. However, it continued to detain child trafficking victims removed from or allegedly associated with Boko Haram, including at least 78 ex-child combatants, who did not receive trafficking victim care. NSF detained, reportedly for prolonged screening, some women and girls following their release from forced marriages and sexual slavery by Boko Haram militants. NAPTIP authorities sometimes deemed adults in prostitution, who claimed to be working voluntarily, trafficking victims and detained them in shelter facilities against their will. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reported 43 victims served as witnesses or gave evidence during trial in the reporting period, 10 more than in the previous reporting period. While the government did not have long-term legal alternatives to prevent the removal of victims to countries where they would face hardship or retribution, it guaranteed trafficking victims temporary residence visas during any criminal, civil, or other legal action. The victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers, was available to all victims. During the reporting period, the government allocated an additional 2.5 million naira (\$8,220) to the fund and disbursed 5.6 million naira (\$18,410) to an unknown number of trafficking victims for various purposes, including vocational training and school tuition, although not necessarily in equal amounts; this is comparable to 5.6 million naira (\$18,410) disbursed among 25 victims the previous reporting period.

## PREVENTION

The government increased efforts to prevent human trafficking. NAPTIP continued to conduct awareness campaigns to educate the public about the dangers of human trafficking and how traffickers operate. It also conducted stakeholder and town hall meetings in areas with particularly high incidences of trafficking. The inter-ministerial committee on trafficking continued to meet, but in contrast with previous years did not take any significant anti-trafficking action. The government

had a national action plan and a (2012-2017) strategic plan to implement the national action plan, and NAPTIP implemented some of the plan's objectives during the reporting period; the government began drafting a new national action plan in 2017. The government did not provide sufficient protections for workers employed in the informal economy—including children working in agriculture, domestic work, and artisanal mining—rendering such workers vulnerable to trafficking. The Ministry of Labor and Productivity continued to implement the national policy and action plan on labor migration and manage the licensing requirement for all private labor recruitment agencies. NAPTIP conducted anti-trafficking awareness campaigns in areas where trafficking victims were known to originate to educate the public about the dangers of human trafficking. The government did not report providing pre-departure information to migrants on how to obtain assistance if exploited abroad, and authorities identified Nigerian trafficking victims in more than 29 countries during the reporting period. To reduce the demand for commercial sex acts, several states continued to outlaw soliciting commercial sex, and judges convicted four individuals for knowingly soliciting or patronizing a sex trafficking victim.

In response to reports that government officials sexually exploited female IDPs, including in IDP camps, the government deployed 100 female police officers to the Borno State IDP camps during the reporting period. NAPTIP officials reportedly screened for trafficking in IDP camps in Borno State; it was unclear in how many camps NAPTIP screened and how regularly, however, and the agency did not report identifying any trafficking victims in IDP camps during the reporting period. The Borno State government made public announcements of the prohibition against the recruitment and use of child soldiers but continued to provide financial and in-kind resources to one of the CJTF self-defense militias, which according to credible observers continued to use and recruit children. The government provided anti-trafficking training for its diplomatic personnel and, with foreign donor support, to Nigerian troops prior to their deployment abroad on international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Nigerian trafficking victims are recruited from rural areas—especially the country's southern regions—and, to a lesser extent, urban areas. Women and girls are victims of domestic servitude and sex trafficking and boys are victims of forced and bonded labor in street vending, domestic service, mining, stone quarrying, agriculture, textile manufacturing, and begging. Many of the more than 9.5 million young boys studying in Quranic schools, commonly known as *Almajiri*, are subjected to forced begging. Traffickers operate "baby factories"—often disguised as orphanages, maternity homes, or religious centers—where women are held against their will, raped, and forced to carry and deliver a child. The children are then sold, sometimes with the intent to exploit them in forced labor and sex trafficking. Nigerian traffickers take women and children to other West and Central African countries—including Mali, Cote d'Ivoire, and Cabo Verde—as well as to South Africa, where they are exploited in forced labor and sex trafficking. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, and held captive in the commercial sex industry or forced labor, including forced begging in Morocco. West African children are subjected to forced labor in Nigeria, including in granite and gold mines. Women from West African

countries transit Nigeria en route to Europe and the Middle East, where they are subjected to forced prostitution. Nigeria's ports and waterways around Calabar are transit points for West African children subjected to forced labor in Cameroon, Equatorial Guinea, and Gabon.

Authorities identified Nigerian trafficking victims—often exploited by Nigerian traffickers—in more than 29 countries during the reporting period. Officials report an increase in Nigerian women and girls subjected to sex trafficking within Nigeria and throughout Europe, including in Italy, Austria, and Russia; an international organization estimated 80 percent of all female Nigerian migrants in Italy are or will become sex trafficking victims. Nigerian sex traffickers operate in highly organized criminal webs throughout Europe, and many sex trafficking victims begin to work for their traffickers in exchange for leaving sex trafficking themselves. Nigerians are subjected to sex trafficking and forced labor in Finland. During the reporting period, Spanish and Moroccan officials dismantled a Nigerian-led criminal group that subjected at least 39 Nigerian women and girls to sex trafficking in southeastern Spain. Nigerians are increasingly exploited in Libya; lured by the promise of reaching Europe, traffickers keep victims in “control houses” or “prostitution camps” located on the outskirts of Tripoli and Misrata and subject them to sex trafficking and—to a lesser extent—domestic servitude until they can repay travel debts; before victims repay the debt, traffickers sell them again. During the reporting period, ISIS captured at least seven Nigerian women and girls in Libya and exploited them in sexual slavery; some of the victims had been transiting Libya en route to Europe. Before departure for work abroad, many Nigerian women participate in a traditional ceremony with a *juju* priest; some traffickers exploit this tradition and tell the women they must obey every order or a curse will harm them, which prevents victims from seeking assistance or cooperating with law enforcement. Some victims' parents encourage them to obey their traffickers and endure exploitation to earn money. During the reporting period, authorities observed criminal gangs—some of whom might have had ties to so-called student cults—partner with organized crime networks to transport Nigerians to Europe for exploitation.

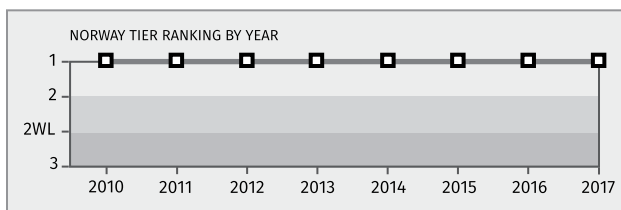
Reports indicate government officials and security forces committed sexual exploitation—including sex trafficking—and such exploitation is a major concern in nearly all of the 13 IDP camps and local communities in and around Maiduguri, the Borno State capital, which hosts IDPs affected by the ongoing conflict with Boko Haram. “Gatekeepers” in control of some IDP camps, at times in collusion with Nigerian policemen and soldiers, reportedly force women and girls to provide sex acts in exchange for food and services in the camps; in July 2016, an NGO reported camp leaders, policemen, soldiers, and vigilante groups exploited 37 women and children in sex trafficking among seven IDP camps in Maiduguri. In July 2016, a Nigerian research organization surveyed 400 IDPs in Adamawa, Borno, and Yobe states, and 66 percent said camp officials sexually abused women and girls, some of which constitutes sex trafficking. Various NGOs and news outlets continued to report that children in IDP camps are victims of labor and sex trafficking, and some alleged government officials managing the camps are complicit in these activities.

During the reporting period, Boko Haram continued to forcibly recruit and use child soldiers as young as 12 years old and abduct women and girls in the northern region of Nigeria, some of whom it subjected to domestic servitude, forced labor—including in suicide attacks in Nigeria, Cameroon, and Chad—

and sexual slavery through forced marriages to its militants. International organizations continued to express concerns about the arrest and detention by the Nigerian government and security forces of children for alleged association with Boko Haram. Authorities arrested more than 1,365 children between January 2015 and October 2016 for their or their parents' alleged association with Boko Haram and did not report screening them for trafficking. Among the more than 1,365 children detained, 455 remained in detention as of December 2016, including 78 boys aged 13-17 whom NSF determined to be combatants; in one case, authorities kept 58 children in military detention for four months. The government prohibited the recruitment and use of child soldiers, but NSF used children as young as 12 years old in support roles such as messengers, porters, and guards. Credible observers reported NSF interrogated children in detention for later use as collaborators to identify Boko Haram members among newly arrested persons. The Nigerian military also conducted on-the-ground coordination with elements of the CJTF—a self-defense militia involved in fighting Boko Haram that is not part of the Nigerian government—including the Government of Borno State-funded, Maiduguri-based CJTF. An NGO noted the term CJTF is now used to describe a number of self-defense vigilante groups operating in northeast Nigeria, some of which have tenuous ties to the Maiduguri-based CJTF. Credible observers, including NGOs and an intergovernmental organization, reported CJTF continued to recruit and use children, possibly compulsorily, and used children as young as 12 years old mostly to man check points, conduct patrols, spy, and apprehend suspected insurgents.

## NORWAY: TIER 1

The Government of Norway fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Norway remained on Tier 1. The government demonstrated serious and sustained efforts by signing a new anti-trafficking action plan and devoting more resources to victim protection. Although the government meets the minimum standards, it did not report a high level of law enforcement efforts relative to the number of victims identified; from 2007 to 2016, approximately 2,800 potential trafficking victims received assistance in Norway, yet authorities have secured only 50 convictions since 2003.



## RECOMMENDATIONS FOR NORWAY

Train investigators on compiling evidence additional to victims' testimonies; train prosecutors on the application of the trafficking law; vigorously prosecute and convict sex and labor traffickers; adequately resource police departments to investigate trafficking crimes; enhance communication between police and immigration authorities and proactively screen foreigners in detention for indicators of trafficking prior to their deportation; continue collaborative efforts to combat labor



trafficking offenses; and produce public awareness campaigns on trafficking.

## PROSECUTION

The government maintained law enforcement efforts. The penal code was amended in October 2015; section 257 defines human trafficking consistent with the 2000 UN Protocol to include all forms of sex and labor trafficking; it criminalizes the use of force, fraud or coercion for the purpose of prostitution, labor, army recruitment or organ removal and specifies that with regard to the trafficking of children, the use of force, fraud or coercion is not a required element of the crime. Section 258 in the amended penal code criminalizes “gross human trafficking,” which includes those trafficking offenses in which the victim was a child or gross violence or coercion was used, the maximum penalty under section 257 is six years imprisonment and for section 258, 10 years. This punishment is sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. Authorities initiated 46 investigations (42 sex trafficking cases and four labor trafficking cases), compared with 61 (43 sex trafficking cases and 18 labor trafficking cases) in 2015. The government prosecuted seven suspects in four different cases (three sex trafficking and one labor trafficking suspects), compared with 11 suspects (six sex trafficking and five labor trafficking suspects) in 2015. Authorities obtained four convictions (three sex traffickers and one labor trafficker), compared with 11 (six sex traffickers and five labor traffickers) in 2015. All of the convicted traffickers under the 2016 reporting period received prison sentences.

In 2016, the National Criminal Investigation Service began developing a standardized training curriculum for use in all police districts. The government organized a national seminar on human trafficking for law enforcement and others, which focused on victim identification and prosecution; the 300 attendees included police officers, prosecutors, immigration officials, asylum and reception center representatives, health care professionals, NGOs, and others from across the country. The government earmarked 15 million kroner (\$1.7 million) annually for the establishment of specialized anti-trafficking units in Norway’s five largest police districts, under the supervision of the police directorate. The Bergen police maintained a specialized unit dedicated to combating trafficking. In 2015, Parliament mandated that all 12 police districts in Norway have a trafficking unit—funds have been allocated for five of these police districts as of April 2017. The national police directorate and Ministry of Justice were in dialogue about proper funding with Parliament. Many municipalities did not have prosecutors with specialized training in trafficking cases; as a result, prosecutors sometimes brought pimping charges in trafficking cases when the accused trafficker used forms of force, fraud, or coercion other than physical violence. In these cases, victims were not automatically provided the benefits given under the trafficking laws, and convicted offenders could receive penalties that were not dissuasive or proportionate to the crime. Even when trafficking perpetrators were prosecuted for pimping, if authorities believed there may have been elements of trafficking associated with the crime, the victims have sometimes been eligible for a resident permit. With a residence permit, victims are entitled to social benefits such as financial support and welfare services. A government report found that a large number of trafficking cases that were investigated were not prosecuted, due in part to limitation on prosecutorial capacity and training to deal with trafficking cases, as well as investigators relying solely on victims’ testimony without additional evidence that would help support successful

prosecutions. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained protection efforts. In 2016, the government reported identifying and providing services for 262 trafficking victims, including 46 men, 199 women, and 17 children, compared with approximately 290 victims overall in 2015. Within the total number of trafficking victims reported in 2016, 185 were sex trafficking victims, 60 were forced labor victims, and 17 were a combination of both. The government provided protection to trafficking victims through municipal crisis centers and government-funded NGOs. These NGOs provided foreign and domestic victims with shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian language classes. Additionally, the government’s ROSA project (Re-establishment, Organizing safe places to stay, Security, Assistance) managed a 24-hour hotline for potential victims saw an increase in calls, particularly from potential labor trafficking victims, after additional funding allowed the hotline to stay open outside of business hours. In 2015, Parliament established a new grant scheme of providing seven million kroner (\$811,971) exclusively for measures to prevent trafficking in persons and support victims. In 2016, two NGOs received grants of 5.9 million kroner (\$684,375) and 2.25 million kroner (\$260,991), respectively, to operate shelters, including one for male victims. ROSA remained the largest project exclusively intended to assist victims of trafficking and received 3.75 million kroner (\$434,984) in government funding. ROSA received 97 initial contacts from possible victims through their hotline, in contrast with 125 contacts in 2015. The contrast in numbers is a result of the type of assistance needed once contact is made with ROSA. Of the 97 making initial contact, 40 ultimately accepted shelter, compared to 38 in 2015. Another publicly supported NGO assisted sex trafficking victims who had been granted a reflection period with vocational programs and sponsored internships. Child Welfare Services provided specialized care to child victims, including accommodation in a child protection institution or a foster home. GRETA previously reported Norwegian border officials did not adequately identify potential victims. Experts observed the police were under pressure to deport individuals without legal status and often pursued deportation without screening for indicators of trafficking, particularly among individuals in prostitution.

Authorities granted a six-month reflection period to 24 victims and temporary residence permits to 23 victims in 2016, compared with 22 and 41, respectively, in 2015. Observers expressed concern over the lack of communication between police and immigration authorities, resulting in the deportation of victims who may have merited temporary residency. Victims could receive a longer-term residence permit if they made a formal complaint to the police and the authorities decided they needed the victims’ assistance for the investigation and prosecution. Victims facing retribution or hardship in their countries of origin could apply for asylum after law enforcement no longer required their assistance; 17 victims received asylum status in 2016 (11 in 2015). There were isolated incidents of potential victims being inappropriately detained or fined for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

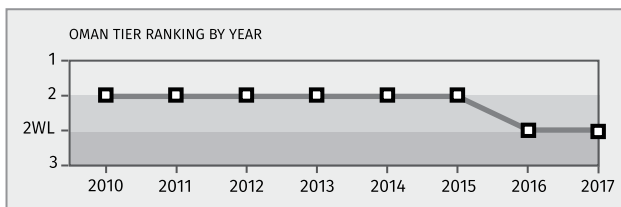
The government maintained modest prevention efforts. Norway introduced a new anti-trafficking action plan, effective in January 2017, which was developed with NGO consultation. The government did not fund any information campaigns targeted towards potential trafficking victims in 2016. The government raised awareness among employers of regulations around employing migrants, as well as notifying the public to refrain from using abnormally cheap services, in attempt to combat forced labor. The government did not report any specific measures to reduce the demand for commercial sex. The government provided anti-trafficking training for its diplomatic personnel. The government provided anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, Norway is a destination and, to a lesser extent, transit and source country for women and girls subjected to sex trafficking, and for men and women subjected to forced labor in domestic service, car washing, and construction. Children are subjected to domestic servitude, forced begging, and forced criminal activity, such as shoplifting and drug sales. Trafficking victims identified in Norway primarily originate from Eastern Europe and Africa—particularly Albania, Bulgaria, Lithuania, Nigeria, and Romania, as well as victims from Pakistan. Foreign au pairs, including those from the Philippines, are vulnerable to trafficking in Norway. Some children, who had disappeared or had been recruited from asylum centers were subsequently subjected to trafficking by organized trafficking groups.

## OMAN: TIER 2 WATCH LIST

The Government of Oman does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by prosecuting traffickers and conducting trainings for law enforcement and prosecutorial and judicial personnel. It identified more victims and provided them with basic care, and continued to fund and operate an all-purpose shelter. The government also hired a full-time consultant to liaise between relevant agencies to create a whole-of-government approach to countering trafficking in Oman. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government conducted fewer investigations, and prosecutions and convictions remained disproportionately low compared to the known trafficking problem in Oman. The government generally continued to process potential labor trafficking cases through mediation in labor courts rather than criminally investigating and prosecuting them. Officials remained without standardized mechanisms for the proactive identification of trafficking victims among vulnerable groups, and they relied on victims to self-identify. The government only referred victims to protective services if they filed cases with the public prosecutor. Therefore, Oman remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR OMAN

Significantly increase efforts to investigate, prosecute, and convict traffickers, especially for forced labor offenses; expand labor law protections to and enforce legal protections for domestic workers; amend the sponsorship-based employment scheme that renders expatriate workers vulnerable to exploitative labor; institute formal procedures to identify trafficking victims among vulnerable populations, such as migrant workers and people in prostitution; develop and institute a formal mechanism for cooperation between the Ministry of Manpower (MOM) and the public prosecutor to investigate and prosecute cases of labor trafficking, including those involving labor recruitment agencies; refer suspected trafficking victims to the government shelter, regardless of whether there is a corresponding prosecution of an alleged offender; repeal the restrictions on victim referrals to allow broader victim access to shelter care; offer shelter and specialized services to male victims and labor trafficking victims; cease penalization of trafficking victims for acts committed as a direct result of being subjected to human trafficking, such as immigration violations or prostitution; enable the development and support the operations of a holistic victim care network run by civil society stakeholders; impose dissuasive penalties on employers who withhold their employees' passports; expand training for officials involved in criminal investigations and judicial proceedings; update and fully implement the national action plan; and broaden public awareness efforts to reduce the demand for forced labor.

## PROSECUTION

The government maintained limited anti-trafficking law enforcement efforts. Oman's 2008 anti-trafficking law criminalizes all forms of trafficking and prescribes punishments of three to 15 years imprisonment, in addition to financial penalties; these punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The May 2014 Child's Law prohibits holding a child in slavery. MOM circular No. 2/2006 prohibits employers from withholding migrant workers' passports but does not specify penalties for noncompliance.

The government reported investigating one sex trafficking case and one forced labor case, compared to five and none, respectively, during the previous year. It prosecuted nine defendants—three for sex trafficking and six for forced labor—all of whom awaited a final verdict at the close of the reporting period; in 2015, the government initiated three prosecutions involving nine suspects and did not convict any traffickers. However, the government generally treated forced labor cases, including involving domestic workers, as labor law violations rather than criminal offenses. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. The MOM received 332 cases of passport retention during the reporting year, in comparison to 432 cases in 2015; 44 were referred to the lower court, 12 referred for further investigation, eight remained pending at the close of the reporting period, and the other 268

were settled via mediation. The MOM did not refer any cases of passport retention for criminal investigation as potential labor trafficking offenses. The Royal Oman Police continued to train all incoming cadets on the legal framework for trafficking and related crimes, victim identification, and mechanisms for transferring potential cases to court. In 2016, the MOM and Ministry of Justice (MOJ) conducted various workshops on trafficking for judicial and prosecutorial personnel across the Sultanate on the intricacies of the anti-trafficking law and processing trafficking cases. Additionally, a cadre of Omani officials visited the United States for one month to study best practices in combating trafficking and victim service provisions. The MOJ included the anti-trafficking law as a mandatory course for all prospective lawyers, judges, and prosecutor generals in Oman.

## PROTECTION

The government demonstrated modest efforts to identify and protect victims. The government reported identifying 36 potential trafficking victims, 15 of whom it referred to the government-run shelter, an increase from five in the previous reporting period. The government repatriated the remaining 21 victims to their respective countries of origin. However, it largely relied on victims to self-identify and report abuses to authorities, and victims could only obtain government-provided services if the public prosecutor filed a case and issued a referral for them. Some source-country embassies in Oman operated shelter services for their nationals, including men. As the labor law does not cover domestic workers, authorities continued to treat potential domestic servitude cases as labor violations, and did not identify as victims, or provide protection services to, potential victims of domestic servitude. The government's lack of formal identification and referral procedures left victims vulnerable to being incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking. The government reaffirmed its policy that foreign workers are required to adhere to the terms of employment contracts or leave the country for a minimum of two years before returning to Oman to work for a new employer. Without a legal mechanism by which potential trafficking victims can avoid deportation or seek employment outside existing contracts, this policy may compel workers to stay in exploitative situations in which they may be deterred from taking legal actions against traffickers.

During the reporting period, the government operated, and allocated 191,860 Omani rial (\$498,350) to its permanent shelter, which could accommodate up to 50 women and child victims of forced labor or sex trafficking. The shelter provided lodging, psychological counseling, legal support, monetary stipends, rehabilitation activities, and medical care to victims. Victims in the shelter were only permitted to leave the premises with a chaperone, allegedly to deter reprisal from traffickers. The government did not provide shelter services for male victims. Victims were permitted to stay in Oman on a case-by-case basis but not permitted to work while awaiting court proceedings. The government provided foreign victims with legal alternatives to removal to countries in which they may face retribution or hardship; however, it did not report if any victims benefited from this policy.

## PREVENTION

The government continued efforts to prevent human trafficking. In October 2016, the Ministry of Foreign Affairs hired an international expert on combating trafficking to assist the

government in creating a taskforce focused on victim-centered investigations and to guide Omani interagency entities on training, legislative improvements, and enhanced information gathering techniques. The government has maintained an action plan since 2009. In conjunction with an international organization, the anti-trafficking committee organized two workshops for 80 officials on the front-lines of policymaking or implementation of the national action plan. In 2016, the MOM produced 625 individual awareness campaigns and 60 group outreaches; it also sent more than 140,000 anti-trafficking related text messages to unknown recipients and disseminated pamphlets in 14 languages documenting worker protections and grievance filing guidelines. The Ministry of Social Services maintained a hotline in Dar al Wifaq, operated by police and staffed with Arabic, English, Urdu, Hindi, French, and Swahili translators; the government did not report the number of calls received during the reporting period. The government required employers to post labor law regulations in the languages of their workers in prominent locations at worksites. Oman ceased the issuance of domestic worker visas from numerous African countries during the previous reporting year and extended the ban into the current year in an effort to curb recruiter malfeasance. The government reported having memoranda of understanding with Iran, India, Bangladesh, Sri Lanka, Vietnam, Syria, Palestine, Egypt, and Morocco; some included articles prohibiting unlawful labor recruitment and trafficking. The government continued to monitor employment agencies through 21,946 labor inspections; 558 labor complaints were registered in 2016, of which 443 were settled through mediation, 91 were referred to the court system, and 24 cases remained pending at the close of the reporting period. Grieving workers filed the majority of these complaints through the MOM's website or hotline. The government did not report efforts to reduce the demand for forced labor or commercial sex acts. It provided anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

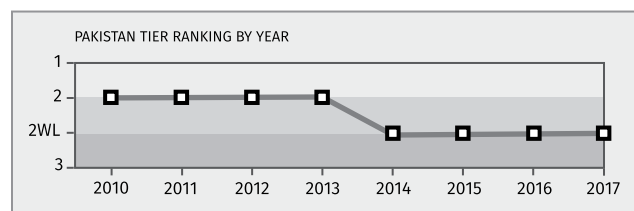
As reported over the past five years, Oman is a destination and transit country for men and women, primarily from South and East Asia and East and North Africa, subjected to forced labor and, to a lesser extent, sex trafficking. Expatriate workers migrate to Oman willingly and legally with the expectation of employment in domestic service or in the construction, agricultural, and service sectors; some are subjected to conditions of forced labor, including excessive work hours, passport confiscation, non-payment of wages, food deprivation, and psychological and sexual abuse. Oman's migrant worker community hails primarily from Bangladesh, India, Pakistan, Sri Lanka, and the Philippines. Male laborers transit Oman en route to the United Arab Emirates, where some are subjected to forced labor. Oman is a destination and transit country for some women from South Asia, North Africa, and East Africa who are exploited in sex trafficking, often by nationals of their own countries. Unscrupulous labor recruitment agencies in Oman and their sub-agents in labor-sending countries, as well as labor brokers in neighboring countries, deceive some workers into accepting work that constitutes forced labor. Such dishonest agencies provide fraudulent employment contracts with fictitious wage rates and charge workers exorbitant recruitment fees with high interest rates. Employers sometimes compel the foreign worker to repay the hiring costs, such as recruitment fees, and are reluctant to release them until such costs are recouped. These practices can render workers vulnerable to trafficking. There have been anecdotal reports that female domestic workers from countries without a diplomatic presence in Oman are especially vulnerable to sex trafficking. Some



Tanzanian women are susceptible to exploitative conditions working for Omani extended family members of Zanzibar-Tanzanian origin. Domestic workers who flee their employers are also vulnerable to forced prostitution.

## PAKISTAN: TIER 2 WATCH LIST

The Government of Pakistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by increasing investigations, prosecutions, and convictions of sex trafficking. The government amended its national strategic framework against trafficking in persons and human smuggling to extend it through 2020 and ratified the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict. The province of Sindh adopted a law prohibiting bonded labor and both the Sindh and Punjab provincial governments passed legislation criminalizing child sex trafficking and forced labor with sufficiently stringent sentences. In November 2016, the province of Balochistan passed legislation establishing District Child Protection Units, charged with providing case management and ensuring abused children including trafficking victims, receive appropriate government services. The province of Punjab opened its first wholly-integrated women's shelter for victims of violence and Sindh increased its budget for women's shelters. Punjab reported it identified and removed approximately 79,000 children working in brick kilns, some of whom may have been victims of bonded labor. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Overall, government law enforcement efforts on labor trafficking remained inadequate. Despite bonded labor being Pakistan's largest trafficking problem, only the government of Punjab reported convictions for bonded labor and the total number was low—10 convictions in 2016 compared with seven in 2015. Official complicity in trafficking crimes remained a serious problem, yet the government reported no prosecutions or convictions of complicit officials. Government protection efforts were weak. Provincial governments' identification of victims decreased sharply and only a small number of the total victims identified were referred to rehabilitation services, which remained inadequate and inconsistent. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Pakistan was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Pakistan remained on the Tier 2 Watch List for the fourth consecutive year.



## RECOMMENDATIONS FOR PAKISTAN

Increase prosecutions and convictions, particularly of forced and bonded labor, while strictly respecting due process; pass an anti-trafficking law that prohibits and penalizes all forms of human trafficking, including sex trafficking of those under 18

without requiring coercive means, and prescribes sufficiently stringent penalties; provide additional resources to increase trafficking-specific services for victims, including for men and boys, and ensure victims are not penalized for acts committed as a result of being subjected to trafficking; thoroughly investigate credible allegations of government complicity in trafficking and stringently prosecute and punish officials who are complicit; ensure the creation, dissemination, and use of standard operating procedures (SOPs) for victim identification and referral to rehabilitation services at the provincial level; expand ability for freed bonded laborers to obtain identification documents and gain access to government services; take steps to eliminate all recruitment fees charged to workers; issue policies and provide trainings to government officials that clearly distinguish between human trafficking and human smuggling; strengthen the capacity of provincial governments to address human trafficking, including bonded labor, through training, awareness raising, funding, and encouraging the creation of coordination taskforces and the adoption of provincial-level anti-trafficking action plans; improve efforts to collect, analyze, and accurately report anti-trafficking data, distinct from data on smuggling; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government demonstrated mixed law enforcement efforts against trafficking. Law enforcement efforts against sex trafficking increased and the provinces of Sindh, Balochistan, and the Islamabad Capital Territory reported data for the first time. However, law enforcement efforts against labor trafficking remained inadequate compared to the scale of the problem. The law does not criminalize all forms of trafficking. Section 369A of the Pakistan Penal Code (PPC), amended in March 2016, prohibits transnational and internal forced labor and transnational and internal sex trafficking of women and children; however, Section 369A does not define the prostitution of children younger than age 18 as an act of human trafficking in the absence of coercive means, the standard of the 2000 UN TIP Protocol. Section 369A prescribes penalties ranging from five to seven years imprisonment, or a fine between 500,000 and 700,000 Pakistani rupees (PKR) (\$4,790 and \$6,710), or both. These penalties are sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Several other sections of the PPC criminalize some forms of human trafficking, such as slavery and selling or buying a person for the purposes of prostitution; maximum penalties for these offenses range from seven years to life imprisonment. These prescribed penalties are sufficiently stringent and the laws criminalizing sex trafficking have penalties commensurate with those prescribed for other serious crimes, such as rape. Transnational sex and labor trafficking offenses, as well as some non-trafficking crimes—such as human smuggling and fraudulent adoption—are criminalized in the Prevention and Control of Human Trafficking Ordinance (PACHTO), which prescribes penalties of seven to 14 years imprisonment. Prescribed penalties for PACHTO offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years imprisonment, a fine, or both. Fines alone are not sufficiently stringent sentences. Under a devolution process begun in 2010, some federal laws apply to provinces until corresponding provincial laws are enacted, although most of the provinces have adopted their own labor laws. The provinces of Punjab and Khyber Pakhtunkhwa adopted the BLSA in previous reporting periods and in June 2016 Sindh adopted the BLSA. In July 2016, the Punjab, and in March

2017, the Sindh provincial governments, passed legislation restricting the employment of children; both laws criminalize “child prostitution” and forced labor. Punjab’s law prescribes penalties between three and seven years imprisonment, which are sufficiently stringent but not commensurate with penalties for other serious crimes. Sindh’s law prescribes between five and 10 years imprisonment, penalties which are sufficiently stringent and commensurate with those for other serious crimes. In September 2016, Punjab also passed a law criminalizing child labor younger than age 14 at brick kilns and requiring written contracts between the employer and all brick kiln employees outlining the amount of the wage, wage advance, and the advance payback schedule. The contracts must be sent to a government inspector; if a contract does not exist between the employer and brick kiln worker, bonded labor is assumed and the employer is liable under the BLSA. During the reporting period, both the National Assembly and the Senate drafted new legislation to distinguish between human smuggling and trafficking and to prohibit all forms of trafficking; at the end of the reporting period the bills were in committee for review.

The government reported investigating 98 alleged traffickers, prosecuting 60, and convicting 25 under PACHTO in 2016, compared with investigating 158 alleged traffickers, prosecuting 59, and convicting 13 in 2015. Despite efforts to formalize differentiation in policies, some law enforcement officials continued to conflate human trafficking and migrant smuggling and may have reported statistics conflating the two crimes, as PACHTO criminalizes both trafficking and smuggling. The government also reported data on trafficking investigations, prosecutions, and convictions under the penal code by province and, for the first time, Sindh, Balochistan, and the Islamabad Capital Territory (ICT) reported data. Overall, the government reported an increase in sex trafficking investigations, prosecutions, and convictions. Punjab reported the investigation of 1,241 sex trafficking cases in 2016, compared with 1,291 cases in 2015. Punjab initiated prosecutions of 1,779 alleged sex traffickers in 2016 and reported 119 convictions, compared with 40 convictions in 2015. Khyber Pakhtunkhwa reported the investigation of 55 sex trafficking cases in 2016, an increase compared with 27 cases in 2015, and the prosecution of 263 alleged sex traffickers in 2016. Khyber Pakhtunkhwa did not convict any traffickers in 2016—the same result as in 2015. Sindh, notably providing data for the first time, reported the investigation of 35 sex trafficking cases, prosecution of 164 alleged sex traffickers, and zero convictions in 2016. Balochistan, also notably providing data for the first time, reported the investigation of six sex trafficking cases, prosecution of 16 alleged sex traffickers, and zero convictions in 2016. The ICT, also providing data for the first time, reported the investigation of 22 sex trafficking cases, prosecution of 108 alleged traffickers, and zero convictions in 2016. Both the semi-autonomous territories of Azad Jammu and Kashmir and Gilgit-Baltistan reported an increase from zero sex trafficking investigations, prosecutions, and convictions in 2015. Azad Jammu and Kashmir reported investigation of 12 sex trafficking cases, prosecution of 19 alleged traffickers, and zero convictions. Gilgit-Baltistan reported investigation of three sex trafficking cases, prosecution of four alleged sex traffickers, and conviction of one trafficker in 2016.

The government’s law enforcement action on labor trafficking remained inadequate for the scale of forced and bonded labor in Pakistan. Overall, provincial governments reported the investigation of 11 forced labor cases in 2016, compared with five in 2015. The governments prosecuted five forced labor cases in 2016, involving 21 alleged traffickers, compared with

prosecution of four cases in 2015. The governments reported zero convictions for forced labor in 2016, compared with one forced labor conviction in 2015. Punjab was the only province to report legal action on bonded labor in 2016. Punjabi authorities reported investigating 16 cases, prosecuting 12 traffickers, and securing convictions of 10 traffickers for bonded labor under the BLSA, compared with 15 case investigations and prosecutions and seven convictions during the previous reporting period. The government did not report sentences for any of the convictions.

The Federal Investigative Agency (FIA) was charged with reporting and coordinating the government’s response to human trafficking, despite its statutorily limited jurisdiction encompassing transnational crimes. Nonetheless, FIA investigated human trafficking and smuggling cases through its 27 anti-trafficking law enforcement joint task forces at the federal, provincial, and local level. FIA’s basic training for new recruits included information on human trafficking and migrant smuggling and, in 2016, FIA held two dedicated trainings for 78 officers to specifically distinguish between the two crimes. During the reporting period, a special training on trafficking was also held at the police academy, and police basic training continued to include information on human trafficking and the relevant sections of the PPC. FIA also reported 123 officers participated in 11 anti-trafficking trainings in 2016 held by foreign governments or international organizations; FIA contributed in-kind support to the trainings.

Official complicity in trafficking remained a significant concern. Some feudal landlords and brick kiln owners were affiliated with political parties or held official positions and reportedly used their influence to protect their involvement in bonded labor. In some cases, when bonded laborers attempted to escape or seek legal redress, police returned them to their traffickers, who have been reported to hold laborers and their families in private jails. NGOs reported some perpetrators of bonded labor successfully filed false charges against bonded labor victims leading to their arrest and imprisonment. In May 2016, media reported a Punjab police officer was investigated for registering a false case against a bonded laborer and was later terminated. Some police reportedly acted against trafficking only when pressured by media and activists and other reports indicated police accepted bribes to ignore prostitution crimes, some of which may have included sex trafficking. In November 2016, Members of the Gilgit-Baltistan Legislative Assembly and senior officials from Gilgit-Baltistan were accused in media reports of involvement in a child sex trafficking ring; the investigation was ongoing at the end of the reporting period. In January 2017, an Islamabad High Court judge was suspended and referred to a lower court for prosecution for the alleged torture and domestic servitude of a 10-year-old girl; at the end of the reporting period the investigation remained ongoing. In October 2016, a Pakistani soldier on a peacekeeping mission was accused of the sexual exploitation of a child; at the end of the reporting period the investigation was ongoing.

## PROTECTION

The government demonstrated mixed efforts to protect and assist victims. While Punjab opened its first wholly integrated women’s shelter and Sindh increased its budget for women’s shelters, provincial governments reported a sharp decrease in victims identified and continued to only refer a small number of victims to rehabilitative services, which remained inadequate and inconsistent. The government reported its use of SOPs for the identification of trafficking victims at airports and border crossings; however, it is unknown if provincial officials have

and use SOPs for identification efforts and referral of victims to protection services. FIA's anti-trafficking units reported identifying 131 Pakistani victims and no foreign victims in 2016, compared with 104 Pakistani victims in 2015. Provincial police reported identifying 4,518 victims, including 2,134 women, 2,184 men, and 200 children, a decrease compared with 15,153 victims identified in 2015. The government did not report which form of trafficking the victims were subjected to or the identification of victims by province. In part due to nonexistent SOPs or lack of dissemination and training on SOPs, authorities may have charged sex trafficking victims with moral crimes and detained and charged undocumented foreign nationals for immigration violations. Media and NGOs accused some law enforcement of being ignorant of trafficking indicators and allowing false charges against bonded laborers to be brought by brick kiln or landowners.

FIA reported it referred the 131 Pakistani victims it identified to NGOs for shelter and rehabilitation services; however, the government reported the provincial police referred to rehabilitative care only 220 of the 4,518 victims they identified. Civil society continued to provide most victim services, without provision of government support. Government-run "women's shelters" were available to women in a range of difficult circumstances, including trafficking victims. Punjab reported all 36 district women's shelters in the province were operational and assisted 49 women and 30 child trafficking victims during 2016. Sindh province operated five women's shelters in its 29 districts and reported its budget for these shelters increased from 48.4 million PKR (\$464,240) in the 2015-2016 fiscal year to 65.7 million PKR (\$629,660) in 2016-2017. Khyber Pakhtunkhwa reported four of its 26 districts had women's shelters and Balochistan reported it operated one women's shelter. NGOs noted some of these facilities operated under prison-like conditions and, in the recent past, traffickers forced some of the women in shelters into prostitution. In March 2017, Punjab opened the first wholly integrated shelter for female victims of violence. In addition to housing, the shelter provided medical and psychological support and facilities for law enforcement, judicial officials, and a courtroom. Observers stated there were only a few shelters in all of Pakistan designated for trafficking victims, which were ill-equipped to deal with victims' social, economic, and psychological needs.

Provincial child protection units in Punjab, Sindh, and Khyber Pakhtunkhwa identified and referred children in exploitative or vulnerable labor situations to NGO and government care. Boys could access government shelters; however, there was no government-funded shelter for males over the age of 18. In November 2016, Balochistan passed legislation establishing District Child Protection Units, charged with providing case management and ensuring abused children including trafficking victims, receive appropriate government services. The Punjab Child Protection and Welfare Bureau (CPWB) housed children in child protection shelters. CPWB operated open reception centers to identify and register children living on the street; during 2016, the centers identified and referred 1,457 child beggars to services, 750 of whom were referred to the child protection shelters. Authorities did not report how many of these children, if any, were victims of forced begging. CPWB also identified and removed 65 children from domestic servitude. Khyber Pakhtunkhwa continued to fund and operate a 1,000-bed shelter for homeless children.

In October 2016, the Sindh labor department ordered each of its 29 districts to establish bonded labor district vigilance committees (DVCs) to ensure the implementation of the

BLSA and required the committees to send monthly reports to the labor department. During the reporting period, two districts established DVCs and held meetings. Punjab labor department reported its continued funding and implementation of programs for vulnerable workers and the elimination of bonded labor in brick kilns, both of which support bonded labor DVCs; during 2016 Punjab reported 202 DVC meetings were held. It is unknown if DVCs set up under the Khyber Pakhtunkhwa BLSA were operational during the reporting period. Punjab and Khyber Pakhtunkhwa provided free legal aid to bonded laborers who requested help. Bonded laborers who were released but lacked identity documents were unable to access government services, including healthcare and food stipends, and sometimes returned to brick kilns or farms and assumed more debt. NGO-run shelters were available to bonded laborers, including entire families. The government reported it provided protection to victims to encourage their cooperation in investigations; however, it did not report how many it provided such protection in 2016 and it is unclear how often protection was available or adequate. Victims expressed reluctance to testify against their traffickers due to threats of violence against them and their families. The Ministry of Interior could grant extensions for foreign victims to stay in the country until a decision was reached on the victims' repatriation by the Federal Review Board of the Supreme Court; however, it is unclear if this policy allowed legal alternatives to removal to countries in which victims would face retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. In December 2016, the government amended its national strategic framework against trafficking in persons and human smuggling to extend through 2020 and assign timelines to the activities. In November 2016, the government ratified the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict, which among other provisions, requires the government to take all feasible measures to prevent recruitment and use of children by non-state armed groups. In July 2016, the Punjab, and in March 2017, the Sindh governments, passed legislation restricting the employment of children; both laws specifically prohibit the forced or compulsory recruitment of children for use in armed conflict as a form of slavery. The FIA reported provincial governments increased resources allocated for development-related labor programs, some of which were specific to the prevention of bonded labor, though at least a portion of those resources may have been previously allocated to be distributed over multiple years. Khyber Pakhtunkhwa funded and implemented a program to prevent child and bonded labor. Punjab expanded its multi-year project to eliminate child and bonded labor to include additional districts. In addition, Punjab reported, after passing a law criminalizing child labor under age 14 at brick kilns in 2016, it initiated 871 investigations, 819 prosecutions, and 24 convictions for child labor violations and identified and removed approximately 79,000 children working in brick kilns and admitted them to school. Punjab prosecuted 3,989 brick kiln owners for lack of compliance with labor laws, including non-payment and illegal deductions from wages, and imposed fines totaling 5.1 million PKR (\$49,060). Punjab also established a hotline to report child labor in brick kilns and issued identification documents to brick kiln workers and their families, which allowed them to access government benefits and reduced the probability of subjection to trafficking. The provincial governments of Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh funded and implemented multi-year programs focused on combating the worst forms of child labor and other labor abuses. Sindh



partnered with an international organization to increase birth registration in rural areas, and Punjab continued to implement a birth registration program for brick kiln workers. The Punjab Department of Labor continued to provide brick kiln workers interest-free loans. In January 2017, the Lahore High Court directed the Punjab government to create a domestic worker policy. FIA's research and analysis center published quarterly newsletters with statistics and information on the government's efforts to combat trafficking and smuggling. In 2016, Punjab ran an awareness campaign in all 36 districts for women and children on human trafficking and smuggling and held seminars and distributed brochures to school children on bonded labor in brick kilns.

The Bureau of Emigration and Overseas Employment (BEOE) monitored overseas migration by issuing licenses to private employment promoters and monitoring workers who migrate through their own arrangements. The Emigration Ordinance of 1979 prohibited the role of unregulated and unregistered sub-agents; however, sub-agents continued to operate widely with impunity. The government allowed licensed employment promoters to charge migrant workers a service fee and workers to pay all the costs associated with overseas employment. While the government stipulated a receipt should be issued to the migrant worker for these costs, the government did not specify any cost limit and the BEOE did not consistently review migrant workers' receipts—in 2016, an international organization's research revealed more than 80 percent of Pakistani workers' cost for employment in Saudi Arabia and United Arab Emirates was the result of exorbitant visa fees. BEOE required migrant workers to attend a pre-departure briefing at one of its seven offices including on what to do if they encounter problems; however, observers asserted the government did not take sufficient steps to inform emigrants about trafficking even though a number of migrant workers become trafficking victims. In February 2017, the government announced 1.4 million registered Afghan refugees living in Pakistan were granted an extension of residency until December 31, 2017; however, during the reporting period, there were reports of harassment and extortion of Afghan refugees by Pakistani provincial authorities, police, and host communities. Media reported some undocumented Afghan nationals who returned to Afghanistan due to alleged threats from Pakistani law enforcement were subjected to bonded labor in brick kilns in Afghanistan after being unable to pay their transportation cost from Pakistan. The government reduced the demand for commercial sex acts by arresting clients and proprietors of brothels. The government did not make efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic and peacekeeping personnel. Pakistan is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

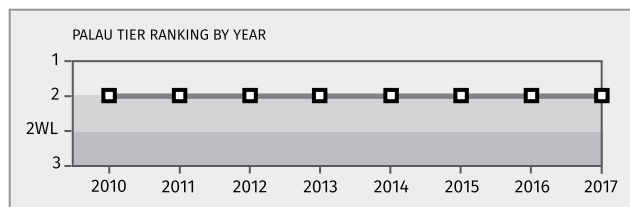
As reported over the last five years, Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The country's largest human trafficking problem is bonded labor, in which an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for generations. Bonded labor is concentrated in Sindh and Punjab provinces, but also occurs in Balochistan and Khyber Pakhtunkhwa provinces, in agriculture and brick-making and, to a lesser extent, in fisheries, mining, and handicraft- and carpet-making. Some feudal landlords and brick kiln owners affiliated with political parties use their influence to protect their involvement in bonded labor. Children are bought, sold,

rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns, and sex trafficking. Begging ringmasters sometimes maim children to earn more money. NGOs report boys are subjected to sex trafficking around hotels, truck stops, bus stations, and shrines. Illegal labor agents charge high recruitment fees to parents in return for employing their children, some of whom are subjected to forced labor and sex trafficking. Trafficking experts describe a structured system for exploiting women, girls, and LGBTI individuals in sex trafficking, including offering victims for sale in physical markets. Observers report police accept bribes to ignore prostitution in general, some of which may include sex trafficking. Women and girls are sold into forced marriages; in some cases, their new "husbands" prostitute them in Iran or Afghanistan. In other cases, including some organized by extra-judicial courts, girls are used as chattel to settle debts or disputes. Non-state militant groups kidnap children, buy them from destitute parents, or coerce parents with threats or fraudulent promises into giving their children away; these armed groups force children to spy and fight, in Pakistan and Afghanistan. Pakistan's large number of IDPs, due to natural disasters and domestic military operations, are vulnerable to trafficking.

Pakistani men and women migrate voluntarily to the Gulf states and Europe for low-skilled employment—such as domestic service, driving, and construction work; 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 entrap Pakistanis into sex trafficking and bonded labor. Some Pakistani children and adults with disabilities are forced to beg in Iran. Pakistan is a destination country for men, women, and children subjected to forced labor—particularly from Afghanistan, Bangladesh, and Sri Lanka. Women and girls from Afghanistan, China, Russia, Nepal, Iran, Bangladesh, Uzbekistan, and Azerbaijan are reportedly subjected to sex trafficking in Pakistan. Refugees from Afghanistan, Bangladesh, and Burma, as well as religious and ethnic minorities such as Christians and Hazaras, are particularly vulnerable to trafficking in Pakistan.

## PALAU: TIER 2

The Government of Palau does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Palau remained on Tier 2. Increasing efforts included the conviction of a corrupt official whose actions could have been permissive of trafficking. The government also reconvened the National Human Rights Working Group intended to consolidate government efforts in the promotion and protection of human rights, including through as yet unimplemented anti-trafficking awareness-raising campaigns. However, the government did not meet the minimum standards in several key areas. Courts failed to secure convictions under trafficking provisions and issued light penalties for trafficking-permissive violations—a trend that seemed to reflect a failure to treat trafficking as a serious crime. The government did not increase funding for or access to victim protective services, nor did it develop a national action plan to combat trafficking.



## RECOMMENDATIONS FOR PALAU

Using the 2005 anti-trafficking law and 2014 amendments to the criminal code, increase efforts to investigate and criminally prosecute trafficking offenses, convict sex and labor traffickers, and impose sufficiently stringent penalties on convicted traffickers—including complicit officials; develop and implement formal procedures for front-line officers to identify trafficking victims among vulnerable groups and increase the availability of protective services for trafficking victims, including through provision of access to government-funded trafficking victims' shelters and to legal counsel; implement anti-trafficking awareness and education campaigns targeting vulnerable populations, including labor migrant communities; use funds obtained from asset seizure or fines imposed on convicted traffickers to support victims; increase financial and human resources devoted to victim protection efforts; do not penalize trafficking victims for illegal acts committed as a result of trafficking; develop systematic procedures to provide authorization for foreign victims to remain in the country and obtain alternate employment; develop a national action plan to combat trafficking; continue to enforce laws punishing employment agents and labor officials for illegal practices that facilitate trafficking, with a focus on penalties that are likely to deter future offenses; establish a mechanism for the systematic monitoring of government anti-trafficking efforts; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. The Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking and prescribes penalties for these offenses ranging from 10 to 50 years imprisonment and fines of up to \$50,000, or \$500,000 for cases with aggravating circumstances; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Trafficking victims could file claims with a government-designated NGO, which registered cases with the Office of the Attorney General (OAG). The OAG had dedicated anti-trafficking prosecutors to investigate trafficking allegations and prosecute cases, and provided training to police academy recruits on trafficking statutes and indicators.

The OAG received one new report of trafficking for the second year in a row, though it is unclear if the case—involving a woman from the Philippines—triggered any law enforcement action. The government obtained two convictions compared to three in 2015. However, the courts imposed penalties on convicted traffickers that reflected a failure to treat trafficking in persons as a serious crime. In one case, the government obtained a conviction of a Nepali individual initially prosecuted in 2015 for labor trafficking along with an accomplice. Courts sentenced him to six months in prison and fined him \$1,600. However—as was the case for this individual's accomplice in 2015—they ultimately stayed both penalties contingent on his voluntary permanent exile within 10 days of the verdict, and on the conditions that he divulge the identities of any Palauans

involved in his crime and not engage in any further recruitment activities. He departed Palau per the conditions of the stay. In a separate case, the government obtained the conviction of a labor official who accepted bribes to secure a labor permit for an undocumented Bangladeshi national. Authorities sentenced the official to one year in prison with five years probation, ordered him to pay a \$2,000 fine, plus \$400 in restitution to the victim, and barred him from holding public office in the future; however, the courts ultimately allowed him to pay the \$400 restitution amount in lieu of a prison sentence.

## PROTECTION

The government maintained limited efforts to identify and protect victims. It was unclear how many potential trafficking victims were identified from civil and criminal cases filed. While identified victims were given access to a government counselor, the government did not fund or provide any additional protective services for victims, nor did it report whether any victims received shelter or support from other entities. An NGO worked with victims and assisted in their representation before labor and immigration hearings, but the general lack of support services reportedly led some potential trafficking victims to leave the country rather than pursue legal recourse. The OAG filed and supported several civil lawsuits to help trafficking victims recover lost wages. Courts could order restitution be paid to labor trafficking victims regardless of whether they request it, but it was unclear if any victims were awarded restitution in 2016. Labor trafficking victims were entitled to receive repatriation benefits. Some faith-based organizations reportedly provided shelter for trafficking victims, but did so without government funding or in-kind support. There were no reports of trafficking victims facing detentions, fines, or jail time for acts committed as a result of having been subjected to trafficking; however, insufficient identification and referral mechanisms could have made some victims vulnerable to law enforcement actions.

## PREVENTION

The government maintained modest efforts to prevent trafficking. The government did not conduct educational or public awareness campaigns, but it took steps to develop them. The president reconvened the National Human Rights Working Group in 2016 to focus on the promotion and protection of human rights, including by raising awareness on trafficking in persons. The working group comprised members of the OAG and the Office of the Special Prosecutor. Palau's 2014 criminal code amendments contain a labor trafficking law intended to strengthen employment protections and prevent the unlawful retention of travel documents. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not develop a national action plan against trafficking or provide anti-trafficking training for its diplomatic personnel. There were no reports of systematic efforts by the government to monitor its own anti-trafficking efforts. Palau is not a party to the 2000 UN TIP Protocol.

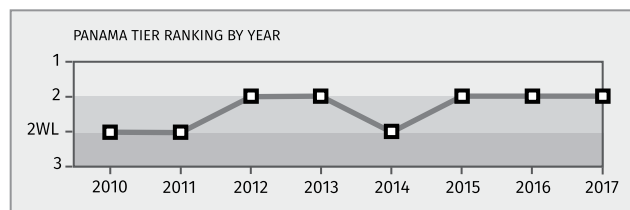
## TRAFFICKING PROFILE

As reported over the last five years, Palau is a destination country for women subjected to sex trafficking and for women and men subjected to forced labor. Palau's foreign population, about one-third of the country's population of 17,661, is the most vulnerable to trafficking. Filipino, Bangladeshi, Nepali, Chinese, and Korean men and women pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in

domestic service, agriculture, restaurants, or construction; upon arrival, some are forced to work in conditions substantially different from what had been presented in contracts or recruitment offers, and some become trafficking victims. Women from the Philippines and China are recruited to work in Palau as waitresses or clerks, but some are subsequently forced into prostitution in karaoke bars or massage parlors, many operated by Taiwanese, Filipino, or Palauan nationals. Foreign workers on fishing boats in Palauan waters experience conditions indicative of human trafficking. Official complicity plays a role in facilitating trafficking. Government officials—including labor, immigration, law enforcement, and elected officials—have been investigated for complicity during previous reporting periods.

## PANAMA: TIER 2

The Government of Panama does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Panama remained on Tier 2. The government demonstrated increasing efforts by identifying more trafficking victims and initiating more trafficking prosecutions than the previous reporting period, and funding anti-trafficking training for officials. However, the government did not meet the minimum standards in several key areas. The government did not allocate funding to its trafficking victim assistance fund, and the majority of identified victims did not receive services beyond an initial medical and psychological evaluation. There were no specialized shelters or services available for trafficking victims, with adult male or transgender victims most affected by this shortcoming. Resource and staffing constraints hampered the effectiveness of the national anti-trafficking commission.



## RECOMMENDATIONS FOR PANAMA

Significantly increase funding for specialized victim services, including by allocating funds to the dedicated victim assistance fund and civil society organizations; use authorities under Law 79 to adopt a broader practical definition of trafficking that does not rely on evidence of movement, but rather focuses on exploitation; eliminate the disparity in penalties between the trafficking in persons law and statutes concerning commercial sexual exploitation of children, including sex trafficking crimes; assist victims to seek restitution; allow adult victims to leave shelters at will; intensify law enforcement efforts to proactively investigate and prosecute labor trafficking crimes and trafficking of children, including cases involving Panamanian victims exploited within the country; train law enforcement officials on conviction and sentencing of traffickers under the new accusatory justice system; institute standardized protocols on victim identification, referral procedures, and reporting data to the national commission; train officials—including police, border and immigration officials—on victim identification and referral procedures, especially among populations vulnerable to trafficking including labor trafficking and trafficking of

children; develop and institutionalize government-provided anti-trafficking training for officials; make specialized services available to male victims; complete drafting the new action plan to begin in 2018 and allocate specific funds to the national commission to implement the plan; and amend the anti-trafficking law to adopt a definition of human trafficking consistent with the 2000 UN TIP Protocol.

## PROSECUTION

The government increased its anti-trafficking law enforcement efforts. Law 79 of 2011 criminalizes all forms of trafficking, prescribing sentences 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. This law also defines human trafficking as moving adults for the purposes of prostitution (without requiring the use of force, fraud, or coercion) and illegal adoption (without requiring evidence of exploitation), which are not considered forms of human trafficking under the 2000 UN TIP Protocol. In September 2016, the government issued an Executive Decree approving the issuance of implementing regulations for Law 79, which provides guidance on implementation of the law on prosecution, protection and prevention, including on drafting a new action plan, policy and governance of the National Commission against Human Trafficking, and the creation of technical units for prosecution, protection and prevention activities. Other provisions prohibit various crimes related to child sex trafficking. Article 180 of the penal code criminalizes the “prostitution of minors” with penalties of four to six years imprisonment and a 5,200 balboas (\$5,200) fine; these punishments are not sufficiently stringent and are not commensurate with those prescribed for other serious crimes, such as rape. Article 186 penalizes, with five to eight years imprisonment, purchasers of commercial sex acts involving a child. In addition to Law 79, article 89 of Law 3 establishes financial penalties of 1,000-5,000 balboas (\$1,000-\$5,000) for employers who confiscate foreign workers’ identity documents.

During the reporting period, Panama completed its transition from the inquisitorial justice system to the accusatory justice system in all jurisdictions, which temporarily slowed down processing of trafficking cases. In 2016, with technical assistance from a foreign government, authorities initiated seven sex trafficking investigations involving 13 suspects—as compared to 17 sex trafficking investigations involving 38 suspects during the previous reporting period. The government prosecuted the 13 suspects under the trafficking law, compared with three prosecutions the previous reporting period and obtained convictions for two sex traffickers from pending prosecutions, compared to one the previous reporting period. The government sentenced one of the sex traffickers to 18 years in prison, which was the country’s longest sentence for trafficking to date; it sentenced the other to six years under the child sexual exploitation law. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government continued to detain two suspected labor traffickers in a case from the previous reporting period, pending additional evidence. At least one sex trafficking investigation remained ongoing from the previous reporting period. The government identified five criminal organizations and a complex sex trafficking operation that exploited 52 men and women in a Panama City neighborhood. Although Law 79 does not define trafficking to require movement of the victim, Panamanian officials continued to investigate and prosecute



human trafficking cases that did not involve the displacement of individuals, usually across borders, as other crimes, such as commercial sexual exploitation. For example, the government charged some child sex traffickers with child sexual exploitation, which carries lighter sentences.

The Panamanian National Police (PNP) had 28 officers with specialized training in trafficking investigations and worked with the Attorney General's organized crime office to investigate trafficking cases. During the reporting period, the sex crimes unit of the PNP established a sub-unit dedicated to trafficking crimes. Panamanian authorities cooperated with Central and South American countries on seven sex trafficking operations, including requesting INTERPOL Red Notices on suspects wanted by Panamanian authorities. The government increased training on human trafficking for officials, utilizing a train-the-trainer model that reached more than two-dozen officials from eight ministries.

## PROTECTION

The government increased protection efforts, but it did not identify labor trafficking victims and victim services remained inadequate. The government identified 84 suspected adult sex trafficking victims—82 foreigners and two Panamanians—a significant increase from 56 victims identified the previous reporting period. Of these victims, 51 were women and 33 were transgender individuals reported as men. In nearly all cases, traffickers exploited victims in illegal brothels run out of apartment buildings and were often involved in organized criminal networks. Traffickers often promised victims from Colombia, Venezuela, Nicaragua, and the Dominican Republic high wages to work in various industries in Panama; upon arrival traffickers paid victims very little and subjected them to sex trafficking and debt bondage, by requiring them to pay back loans taken to cover transport, housing, food and clothing at exorbitant interest rates. Officials referred all victims to the Technical Unit for Attention and Protection of Victims and Witnesses (UPAVIT), which provides assistance and protection to victims, witnesses and experts, for psycho-social treatment, but the government did not provide or fund trafficking-specific shelters or services. Authorities placed a small number of victims in a government facility for female victims of domestic and sexual abuse. Officials did not permit victims to leave the shelter unescorted, reportedly due to safety concerns, and such departures were limited to official purposes, such as to assist with law enforcement investigations. Such strictures could re-traumatize victims and prevent victims from reintegrating and earning income. For this reason, many victims chose to return to their home countries or reside with family or friends rather than stay in the shelter, potentially inhibiting victim-witness support in pending trafficking cases. Authorities used government funds to house victims at hotels for several days when the number of victims strained the capacity of the shelters.

The government did not dedicate funds for anti-trafficking efforts and did not allocate sufficient resources for victim care. The government uses specially designed interview rooms that separate trafficking victims from the court room, allowing them to provide testimony privately in order to minimize the risk of re-victimization during the judicial process. In 2016, the government transferred to the Ministry of Public Security land outside the capital for construction of a shelter dedicated to trafficking victims, but did not begin construction or secure funding for the shelter's operation and maintenance. There were no government shelters or NGO shelters available for adult male or transgender victims, although the government placed some

male victims in hotels for short-term shelter. Specialized services remained lacking for all trafficking victims. The government provided neither long-term services nor permanent residency to any trafficking victims. Due to the lack of shelters and victim services, many victims requested repatriation, which limited the provision of follow-up assistance.

The UPAVIT units implemented protocols to protect victims during the judicial process. However, the government did not have systematic procedures to proactively identify victims among some vulnerable populations, such as people in prostitution and undocumented migrants in detention. The government did not implement guidelines for victim identification and protection developed by an international organization, although the recent regulations for the trafficking law included a provision for the implementation of these guidelines. Panamanian authorities encouraged, but did not require, victims to participate in the legal process; no victims assisted in the legal process during the reporting period. While victims could file civil suits against traffickers, no victim had ever done so. The government did not fully implement a 2013 law mandating any seized assets derived from human trafficking activities be allocated to services for trafficking victims, although it began efforts to do so through seized bank accounts. Panamanian law provides short-term alternatives to the removal of foreign victims to countries where they might face hardship or retribution, including provisional residency for between three and 12 months; the government provided temporary housing to one foreign victim, although she returned home shortly after. While there were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to trafficking, insufficient efforts to screen for indicators of trafficking may have led to some victims being penalized.

## PREVENTION

The government maintained prevention efforts. Government ministries continued to implement the 2012-2017 anti-trafficking national action plan; the September 2016 regulations for the trafficking law include a provision for drafting a new action plan, which the government had not begun. The national commission against human trafficking met at the director level one time and at the technical level twice during the reporting period, but lacked funding and dedicated staff, which hampered its overall effectiveness. Interagency coordination remained weak, due in large part to the lack of standardized protocols for conducting and reporting activities across agencies. Panama assumed the presidency of the regional coalition against human trafficking and smuggling and helped to coordinate regional anti-trafficking activities. The government worked with an international organization to update the multilateral Protocol for International Information Exchange at Border Areas, an information exchange mechanism for authorities in the region to share information on cases, to include trafficking information. Individual government institutions and international organizations used their own funds to conduct anti-trafficking activities. Several government ministries conducted awareness-raising events, primarily in conjunction with the government's anti-trafficking awareness month and with support from an international organization. Events included radio programs, concerts, marches, and press conferences to promote reporting of commercial sex trafficking by citizens; the government also targeted efforts toward the hospitality industry. The government made no new efforts to reduce the demand for forced labor and commercial sex acts. In response to a surge in irregular, undocumented migrants arriving from Colombia, officials used biometric information and data

sharing to attempt to identify and document migrants. There were no reports of child sex tourism during the reporting period, but the Panamanian Commission against Sexual Exploitation Crimes continued its campaign against the sexual exploitation of minors—including child sex trafficking—in collaboration with tourism authorities. The government provided anti-trafficking training for its diplomatic personnel.

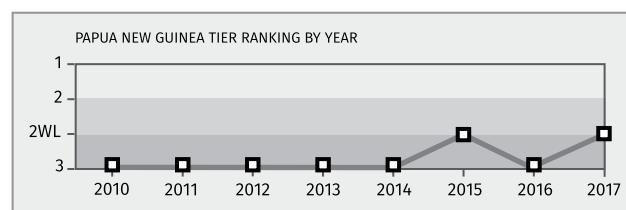
### TRAFFICKING PROFILE

As reported over the past five years, Panama is a source, transit, and destination country for men and women subjected to sex trafficking and forced labor. Child victims of trafficking are typically Panamanian nationals subjected to commercial sex acts inside Panama. Panamanian women are subjected to sex trafficking in other countries, including The Bahamas and Guyana. In Panama, most identified trafficking victims are foreign adults exploited in sex trafficking, especially women from Brazil, Colombia, Venezuela, Cuba, the Dominican Republic, Honduras, and Nicaragua. In 2016, the number of foreign transgender victims subjected to sex trafficking increased. Transgender individuals are discriminated against in Panama, making them more vulnerable to trafficking, especially given the high demand in Panama for sexual services from this population. Traffickers recruit female victims with promises of good jobs and high salaries in the housekeeping and restaurant industries, as well as for modeling and prostitution, but exploit them in sex trafficking or, to a lesser extent, domestic servitude. Nicaraguan and, to a lesser extent, Colombian, Venezuelan, and Chinese men are subjected to labor trafficking in construction, agriculture, mining, and other sectors; most labor trafficking victims come from Nicaragua via bus and enter Panama from Costa Rica. Colombian refugees are also vulnerable to trafficking due to their lack of knowledge of the refugee process and irregular status. In recent years, men and women from China have been subjected to debt bondage in supermarkets, laundries, and other small businesses operated by Chinese citizens; traffickers have subjected Colombian men to forced labor in restaurants; an international organization has identified cases of debt bondage among Indian men in door-to-door peddling; and authorities have identified potential sex trafficking victims among Eastern European women working in nightclubs. Men from the United States have been investigated as child sex tourists in Panama. Panamanian and European officials report some men and women from Central America who transit Panama en route to the Caribbean or Europe are subjected to sex or labor trafficking in their destination countries.

Traffickers often charge foreign victims exorbitant travel and lodging fees to keep them in debt bondage, often restricting victims' movement until they pay off such debts. Victims report traffickers threaten to harm family members in their countries of origin if they do not comply. Traffickers increasingly exploit sex trafficking victims in private residences, as opposed to brothels or bars, and recruit victims through websites, which makes such offenses harder to detect. Traffickers from Brazil, Colombia, Cuba, Ecuador, El Salvador, Venezuela, and Panama operated in Panama during the reporting period. In previous years, government officials reported more traffickers created legal businesses as facades to mask their income from trafficking. In addition, reports indicated that identified traffickers had links to international organized criminal groups. In a change from previous years, police reported that victims were forced to consume illegal drugs by their traffickers as a coercive measure.

## PAPUA NEW GUINEA: TIER 2 WATCH LIST

The Government of Papua New Guinea does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Papua New Guinea was upgraded to Tier 2 Watch List. These achievements included approving the long-awaited national action plan on combating human trafficking and standard operating procedures for the identification, referral, and protection of victims and initiating the first three prosecutions under the country's anti-trafficking law. Despite these achievements, the government did not begin implementation of the national action plan and standard operating procedures or allocate resources to do so. An acute lack of financial and human resources dedicated to trafficking, as well as very low awareness among government officials and the public, hindered progress. The government did not systematically implement its new victim identification procedures, nor did it provide or fund protective services to victims. Officials reportedly self-limited investigations into wealthy or influential suspects. Papua New Guinea has never convicted a trafficking offender.



### RECOMMENDATIONS FOR PAPUA NEW GUINEA

Train law enforcement officers, prosecutors, and judges on human trafficking and the criminal code's trafficking provisions; disseminate, implement, and widely train police, immigration, and customs enforcement officers on the standard operating procedures for victim identification, referral, and protection; investigate and prosecute trafficking offenses and convict and apply stringent sentences to traffickers, including family members and officials who facilitate or directly benefit from trafficking; in collaboration with civil society, screen for indicators of trafficking among fishermen apprehended for illegal fishing or immigration crimes; to protect victims from arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking, clarify who has the authority to designate an individual as a trafficking victim and simplify the process for doing so; allocate resources, including dedicated staff, to government agencies to implement the national action plan and standard operating procedures; increase collaboration with civil society, private sector, religious, and community leaders to raise awareness of and reduce demand for forced labor and commercial sex acts, especially of children; work with NGOs and international organizations to increase protective services for victims of trafficking; strengthen the National Human Trafficking Committee by designating senior officials to represent their agencies; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government increased law enforcement efforts. The Criminal Code Amendment of 2013 prohibits all forms of trafficking and prescribes penalties for adult sex and labor trafficking of up to

20 years imprisonment and for child sex and labor trafficking of up to 25 years imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The police initiated investigations into three individuals suspected of trafficking, compared with two investigations the previous year, and prosecuted three suspects (one from a case investigated in 2015). These were the first prosecutions under Papua New Guinea's anti-trafficking law. One suspect remained in pre-trial detention and one was out on bail, both awaiting commencement of court proceedings. The third prosecution moved to trial and was ongoing at the close of the reporting period. Authorities did not pursue charges against the third suspect, purportedly due to his wealth and influence, who was suspected of subjecting three sisters to sex and labor trafficking after they were forced to marry him. The government did not achieve any trafficking convictions, and officials often referred trafficking offenses to village courts rather than pursuing criminal investigations; village courts administer customary law and do not order imprisonment of offenders. Some victims or their families who received compensation from traffickers were reluctant to notify police to pursue criminal charges or were pressured to withdraw complaints already filed.

An international organization conducted trainings for government officials and NGOs with support from the Department of Justice and Attorney General. Provincial officials' limited understanding of trafficking hindered effective law enforcement activity. Many public officials, even within Port Moresby, remained unaware of the anti-trafficking law. Enforcement agencies and most government offices remained weak as a result of underfunding, corruption, cronyism, a lack of accountability, and a promotion system based on patronage. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained minimal efforts to protect trafficking victims. Authorities and civil society organizations identified six Papua New Guinean victims—two women, three girls, and one boy—compared with 31 victims identified in 2015 and none in 2014. NGOs and an international organization identified the majority of these individuals, although a police officer identified two of the girls—the first recorded instance of an official independently identifying trafficking victims. All six victims were subjected to domestic servitude, in some instances through forced marriage. Officials referred three cases of foreign vessels apprehended for illegal fishing to an international organization to screen for indicators of trafficking among the crew, but no trafficking victims were identified. Logging and mining sites primarily operated in remote regions with negligible government oversight, and authorities did not make efforts to identify sex or labor trafficking victims at these sites. The government finalized standard operating procedures for victim identification and referral. These were not fully implemented during the year, though some officials who received specialized training from civil society began conducting rapid screening procedures prior to referring suspected victims to an international organization. These measures led to the identification and referral of the two girl victims by a police officer. Civil society organizations provided medical and short-term shelter services to victims without financial or in-kind support from the government. Male victims received ad hoc services and female victims received services through gender-based violence programs; there were no services specifically tailored to the needs of trafficking victims.

A lack of long-term protective services or witness protection hindered law enforcement efforts, as victims who returned to their home communities often feared for their safety or faced pressure to withdraw criminal charges. Nine victims assisted in the case under prosecution, with support from civil society organizations to facilitate their testimonies. The new standard operating procedures included guidance for protecting foreign victims from punishment for immigration crimes committed as a result of trafficking, but some victims remained at risk of punishment for such crimes due to challenges in interagency coordination and a lack of clarity over who had the authority to verify an individual as a victim of trafficking. The law provides legal alternatives to the removal of foreign victims of trafficking to countries where they may face hardship or retribution, but no victim was afforded this protection in 2016. The government allowed "ongoing stay" for trafficking victims, but lacked provisions for victims to seek compensation through civil suits.

## PREVENTION

The government took few steps to prevent human trafficking. It formally endorsed a national plan of action to combat human trafficking, although it did not begin to implement its provisions. The National Human Trafficking Committee met quarterly in 2016, although its members lacked the authority to make decisions on behalf of respective agencies and an acute lack of coordination and resources across agencies hindered progress. The government did not conduct any awareness-raising campaigns or community outreach to educate the public about risks to trafficking. The government took no discernible actions to decrease the demand for forced labor or commercial sex acts, nor did it provide anti-trafficking training for its diplomatic personnel. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Papua New Guinea is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Foreign and local women and children are subjected to sex trafficking—including near logging, mining, and palm oil sites—domestic servitude, forced labor in the tourism sector, and forced begging or street vending. Foreign and local men are subjected to forced labor in logging and mining camps as well as on fishing vessels operating in Papua New Guinea's exclusive economic zone. "Mosko Girls"—young girls employed in bars to provide companionship to patrons and sell an alcoholic drink called *mosko*—are vulnerable to human trafficking, especially around major cities. Boys as young as 12 years old are exploited as "market taxis" in urban areas and the Highlands and required to carry extremely heavy loads for low pay; some may be victims of forced labor. Parents force children to beg or sell goods on the street as sources of income. Within the country, children and women from rural areas are deceived—often by relatives—with promises of legitimate work or education to travel to different provinces where they are subjected to sex trafficking or domestic servitude. NGOs report some parents receive money from traffickers who exploited their teenage daughters in prostitution, including near mining and logging sites. Children, including girls as young as 5 years old from remote rural areas, are reportedly subjected to sex trafficking or forced labor by members of their immediate family or tribe. Tribal leaders reportedly trade with each other the exploitative labor and service of girls and women for guns and to forge political alliances.

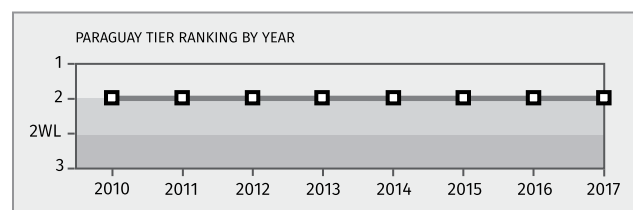


Parents sometimes sell or force their daughters into marriages—often to wealthy men and politicians—to settle debts or as peace offerings, leaving the girls vulnerable to domestic servitude. Marriages in Papua New Guinea commonly involve a “bride price” of money or chattel paid to the wife’s family by the husband’s family; this is sometimes used as a debt to compel women to remain in abusive or servile marriages when their families are unable to pay back the bride price. Young girls sold into polygamous marriages may be forced into domestic service for their husbands’ extended families or exploited in prostitution. “Informal adoption” arrangements, in which children are sent to live with relatives, sometimes result in domestic servitude. In urban areas, parents reportedly exploit their children in sex trafficking directly or in brothels as a means to support their families or to pay for school fees. Government officials reportedly facilitate trafficking by accepting bribes to allow undocumented migrants to enter the country or ignore trafficking situations, and some may exploit sex trafficking victims or procure victims for other individuals in return for political favors or votes.

Malaysian and Chinese logging companies arrange for some foreign women to enter the country voluntarily with fraudulently issued tourist or business visas. After their arrival, many of these women—from countries including Indonesia, Malaysia, Thailand, China, and the Philippines—are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites, and exploit them in forced prostitution and domestic servitude. Chinese, Malaysian, and local men are subjected to forced labor at commercial mines and logging camps, where some receive little pay and are compelled to continue working for the company indefinitely through debt bondage. Employers exacerbate workers’ indebtedness by paying extremely low wages, which limits workers’ freedom of movement and compels them to purchase food and other necessities from the employers at usurious interest rates. Vietnamese, Burmese, Cambodian, and local men and boys are subjected to forced labor on fishing vessels; they face little to no pay, harsh working conditions, and debt bondage, and many are compelled to fish illegally, making them vulnerable to arrest.

## PARAGUAY: TIER 2

The Government of Paraguay does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Paraguay remained on Tier 2. The government demonstrated increased efforts by vigorously investigating cases under the 2012 comprehensive anti-trafficking law and continuing its cooperation with foreign governments. Despite these efforts, the government provided limited protective services to female adult and child victims and no services for male victims. The government did not provide adequate funding for anti-trafficking efforts and did not begin any new public awareness efforts.



## RECOMMENDATIONS FOR PARAGUAY

Develop formal procedures for the proactive identification of trafficking victims and establish a referral mechanism to ensure victims receive care services; intensify efforts to investigate, prosecute and convict traffickers and complicit officials, including for forced labor; provide adequate funding to the anti-trafficking secretariat to enhance comprehensive services and shelter for victims of sex and labor trafficking, including male victims; increase training for police, labor inspectors, judges, prosecutors, and social workers; approve the 2014-2018 national action plan; fund awareness campaigns; and improve data collection and research on human trafficking.

## PROSECUTION

The government maintained prosecution efforts. The Comprehensive Anti-Trafficking Law 4788 of 2012 prohibits all forms of trafficking and prescribes penalties of up to eight years imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, law 4788/12 establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime. Articles 129b and 129c of law 3440/08 criminalize international trafficking for the purpose of sexual exploitation and forced labor, respectively. Law 3440/08 also criminalizes pandering, profiting from prostitution, and child pornography, and prescribes penalties of up to eight years imprisonment.

The Anti-Trafficking Unit (ATU) is the lead agency responsible for investigating and prosecuting traffickers. In 2016, the ATU initiated 77 investigations under law 4788/12, compared with 68 in 2015 and 80 in 2014. Authorities reported 71 prosecutions for trafficking crimes—15 for forced labor and 56 for sex trafficking under Law 4788/12, an increase from 17 prosecutions in 2015 and 10 in 2014. In 2016, authorities reported 25 convictions for trafficking in persons, (18 for sex trafficking and seven for labor trafficking) and five for pimping, compared with nine convictions for trafficking in persons and five for pimping in 2015. Sentences ranged from seven months suspended to 10 years, with an average criminal sentence of two years. In 2016, the ATU cooperated with Argentina, Chile, France, Germany, EUROPOL, and Interpol in approximately 50 international investigations. In November 2016, the ATU and representatives of indigenous organizations raided a ranch in the Chaco region after receiving reports of the forced labor of indigenous adults and children in a rudimentary charcoal factory; one person was detained during the operation; the case was pending at the end of the reporting period. The ATU conducted 10 anti-trafficking trainings reaching 400 government officials, including judges, prosecutors, and police officers. Although the government did not report investigating any cases of official complicity, several observers reported some local police chiefs received bribes from massage parlors and brothels under their jurisdiction to allow the exploitation of trafficking victims.

## PROTECTION

The government decreased protection efforts. The government provided a total of approximately 5.3 billion guaranies (\$920,940) for the efforts of the ATU, the Ministry of Women Affairs (MWA), and the Secretariat for Children and Adolescents (SNNA). Authorities reported the budget provided was insufficient and the government relied heavily on international partners for financial support. The ATU had three teams to support and assist trafficking victims; these teams provided psychological, social, and legal assistance. The overall quality

of care for victims was insufficient due to limited resources and the lack of qualified personnel. In 2016, the government identified 82 trafficking victims. Of the identified victims, 47 received assistance, 32 received medical and psychological care (41 in 2015), and 12 victims who received shelter (24 in 2015). SNNA reported providing shelter for three child victims in 2016, compared with 50 in 2015. The 35 victims identified in the Chaco ranch case did not receive any assistance. Although the government did not have written procedures to guide officials on the proactive identification of trafficking victims, the municipality of Asuncion proactively screened for potential victims at the bus terminal in the capital city, which was the principal hub for domestic and international land transportation. There were two shelters in the country, both located in Asuncion, dedicated to helping female trafficking victims. One was managed by the MWA and the other co-managed by SNNA and an NGO.

Authorities encouraged victims to participate in the investigation and prosecution of their traffickers by offering protection through a witness protection program. However, because victims often doubted the government's ability to protect them and feared reprisal against themselves and their families, they often had minimal participation in legal proceedings. During the reporting period, two victims applied for the witness protection program. There were no reports that victims were detained, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. The government entered into a formal agreement with Argentina through which victims in each country can obtain restitution from civil lawsuits filed against traffickers in the other country. The government helped repatriate trafficking victims and referred them to care facilities to receive medical, psychological, and legal services. The MWA conducted six trainings on trafficking prevention and protection for 328 public sector officials.

## PREVENTION

The government maintained prevention efforts. The Directorate for the Assistance for Paraguayan Communities in the Exterior (DACPE) is the government agency responsible for coordinating anti-trafficking programs, including the activities of an interagency roundtable that consisted of subcommittees on prevention, prosecution, assistance, and legislation and included representatives from 16 government agencies. The roundtable was effective in fostering dialogue and coordination among government agencies; however, it continued to face challenges in collecting and reporting statistics. Some NGOs reported they had not been notified when the roundtable meetings would take place and their input was not valued when they attended. The MWA facilitated five trainings through the anti-trafficking roundtable for 261 public officials, including social service providers, municipal and department employees and lawyers. The MWA coordinated regional anti-trafficking meetings in 11 departments in addition to four municipal anti-trafficking roundtables. During the reporting period, some municipalities continued to issue certifications allowing ongoing operations of brothels where the ATU had previously discovered victims. The 2014-2018 National Action Plan remained pending presidential approval. The government did not start any new prevention campaigns, but continued to post brochures and posters in bus terminals, airports, and border crossings. The government did not make efforts to reduce the demand for commercial sex or forced labor. Authorities did not identify children purchased for sex by foreigners in Ciudad Del Este and the Tri-Border area as victims of child sex tourism or trafficking. The government did not provide anti-trafficking training to its diplomatic personnel.

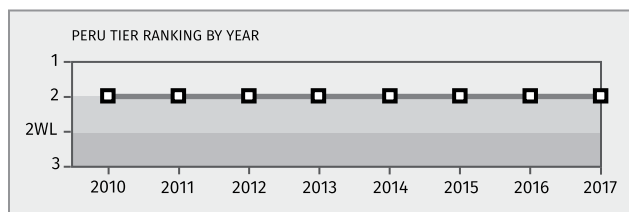
The government provided all peacekeepers with UN-approved training on trafficking in persons prior to their deployment on international peacekeeping missions.

## TRAFFICKING PROFILE

Paraguay is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Paraguayan women and girls are subjected to sex trafficking within the country, and transgender Paraguayans are vulnerable to sex trafficking. An estimated 46,000 Paraguayan children work as domestic servants in exchange for food, board, and occasionally education or a small stipend in a system called *criadazgo*; many of these children are subjected to domestic servitude and are highly vulnerable to sex trafficking. Indigenous persons are particularly at risk for forced labor and sex trafficking. Children engaged in street vending and begging and working in agriculture, mining, brick making, and ranching are vulnerable to human trafficking. International trafficking rings often rely on local traffickers to recruit victims. Traffickers offer victims their freedom or pardon of debts if they recruit other victims and often rely on social media outlets as recruiting tools. Foreign victims of sex and labor trafficking in Paraguay are mostly from other South American countries. Paraguayan victims of sex trafficking and forced labor are found in Argentina, Spain, Brazil, Chile, Mexico, China, Colombia, and other countries. Paraguayan women are recruited as couriers of illicit narcotics to Europe and Africa, where they are often subjected to forced prostitution. Paraguayan children are reportedly subjected to forced labor in the cultivation and sale of illicit drugs in Brazil. NGOs and authorities reported government officials—including police, border guards, judges, and public registry employees—facilitated human trafficking, including by taking bribes from brothel owners in exchange for protection, extorting suspected traffickers in order to prevent arrest, and producing fraudulent identity documents. Reports indicated isolated instances of the Paraguayan People's Army (EPP) and the Armed Peasant Association (ACA) forcibly recruiting children and adolescents from San Pedro, Concepcion, and Amambay to participate in military operations and serve in logistical and communication support roles. There were also reports of isolated instances in which female child soldiers entered into informal marriages with older EPP and ACA members.

## PERU: TIER 2

The Government of Peru does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Peru remained on Tier 2. The government demonstrated increasing efforts by investigating and convicting more traffickers, providing assistance to more victims, and increasing funding for victim protection. However, the government did not meet the minimum standards in several key areas. The government did not report comprehensive data on its anti-trafficking law enforcement efforts. Government officials reported the lack of adequate victim protection services impeded their ability to successfully prosecute traffickers and address victims' needs. Complicity of some government officials undermined efforts to combat trafficking, but the government did not investigate, prosecute, or convict any complicit officials in 2016.



## RECOMMENDATIONS FOR PERU

Increase funding for, and access to, specialized, comprehensive services for all victims, including for adults and those exploited outside the capital; investigate and prosecute trafficking-related complicity, and convict and punish complicit officials for these crimes; increase efforts to prosecute trafficking offenses and convict and punish traffickers, especially for forced labor; consistently implement protocols for interagency coordination and victim-centered investigations and prosecutions; establish systematic training for government officials to improve victim identification; ensure police and prosecutors conduct intelligence-based raids and employ effective victim screening and referrals; cease holding victims in police stations; train police, prosecutors, and judges to apply anti-trafficking laws effectively and issue stringent dissuasive sentences for convicted traffickers, including in cases involving psychological coercion; harmonize anti-trafficking laws, including through amending laws to remove the legal basis for inadequate sentencing; improve efforts to collect and report comprehensive, disaggregated data on anti-trafficking law enforcement and victim protection efforts; dedicate adequate funding in ministry and regional government budgets to carry out anti-trafficking responsibilities; and enforce laws against crimes that facilitate trafficking, such as fraudulent job recruitment.

## PROSECUTION

The government slightly increased prosecution efforts, although the lack of comprehensive law enforcement data made it difficult to assess progress. Article 153 of the penal code prohibits all forms of trafficking in persons, prescribing penalties of eight to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law defines exploitation more broadly than the international definition by including all forms of labor exploitation. In January 2017, the government issued an executive decree that amended the penal code and prescribed a six year minimum sentence for forced labor. Under the decree, a victim's age is an aggravating factor, with a minimum sentence of 12 years if the victim is aged 14-18 years old and a 15-year minimum sentence if the victim is younger than 14. Other laws criminalize elements of sex trafficking: i) profiting from sex trafficking carries penalties of three to 10 years imprisonment (or a minimum of 20 years imprisonment if the victim is a child younger than 14, 15 years if the victim is aged 14-17, or 20 years if the victim is the spouse or child of the perpetrator); and (ii) pimping carries penalties of two to five years imprisonment (increased to four to five years imprisonment if the victim is younger than 18, the offender uses violence, is a relative of the victim, or forcibly displaces the victim from home). These penalties are sufficiently stringent but the penalties for crimes committed against adult victims are not commensurate with those prescribed for other serious crimes, such as rape. Peruvian law also criminalizes child sex tourism and prescribes penalties ranging from four to eight years imprisonment or eight to 10 years imprisonment under aggravating circumstances. Peru's overlapping legal framework on human trafficking and related crimes causes law enforcement and prosecutors to charge lesser,

more readily provable offenses such as pimping and enabling prostitution that do not carry penalties commensurate to the seriousness of the crime, and increases the challenge of collecting data on cases that would be defined as human trafficking under international law.

The government lacked standard data collection systems for anti-trafficking law enforcement efforts, making it difficult for authorities to assess efforts and identify trends. Although the Ministry of Interior and the public ministry conducted a pilot program to integrate their data collection systems for trafficking cases during the year, the government did not report any data on prosecutions and reported only isolated statistics on convictions. Police reported conducting 764 "anti-trafficking operations" for all units in 2016 (85 reported for specialized anti-trafficking units only in 2015) and arresting 427 suspected traffickers (206 in 2015). The government did not provide specific details about the nature of these operations or the number of victims who were formally identified and received protective services as a result. Raids on commercial sex establishments were often conducted with limited intelligence-gathering and ineffective victim identification procedures. The public ministry reported receiving 1,144 trafficking-related complaints in 2016, but did not specify how many cases remained under investigation. The government did not report the total number of prosecutions initiated for trafficking offenses or provide updates on the 259 cases opened by the attorney general's office in 2015. However, the judiciary reported it issued decisions in 80 trafficking cases in 2016. Forty-two of these cases resulted in convictions, 27 were suspended for insufficient evidence with the possibility of future prosecution, and 11 were dismissed. The judiciary also reported 254 cases remained ongoing at the end of the year. The government did not report the type of trafficking, age of victims, or sentences imposed in these cases. Peruvian authorities worked with United States law enforcement to investigate a case of suspected child sex tourism. In a separate case—in which Peruvian authorities had previously cooperated—a court in the United States sentenced an American citizen to 14 years imprisonment for child sex tourism crimes in Peru. An additional offender in this case was awaiting sentencing. One U.S. citizen, arrested for suspected sex tourism in the previous year, remained in custody awaiting trial in Peru, along with five Peruvian individuals charged with trafficking crimes.

Peruvian officials reported that judges often reduced trafficking charges to lesser charges related to promoting prostitution and frequently failed to sentence traffickers for aggravated trafficking in cases involving child victims, as required by law. The government opened an investigation into a judge's decision to absolve a bar owner of sex trafficking charges in a case involving a 14-year-old girl, following a public outcry that the judge had not applied the law appropriately. Prosecutors reported challenges obtaining convictions in cases involving psychological coercion, rather than physical force or confinement, to compel victims into sex or labor exploitation.

The government operated eight specialized anti-trafficking regional prosecutor offices, in Callao, Cusco, Lima, Loreto, Puno, Tacna, and Tumbes. It expanded the number of specialized anti-trafficking police from 110 officers in 2015 to 143 in 2016, although the Ministry of Interior's anti-trafficking budget decreased overall. Poor communication and coordination between police and prosecutors sometimes compromised efforts to identify and assist victims and investigate cases. Inadequate budgets for personnel and logistical support hindered law enforcement efforts; this was particularly acute in regions where trafficking occurred in remote locales with



limited government presence. In partnership with NGOs and an international organization, officials trained police, prosecutors, and other officials on trafficking, including how to differentiate between sex trafficking and other prostitution-related crimes. Authorities coordinated with foreign governments on trafficking investigations; in one example, police and prosecutors conducted a joint operation with the Governments of Colombia and Brazil that led to the arrest of 12 suspected traffickers.

NGOs and government officials reported that widespread corruption in Peruvian law enforcement and judicial systems severely hampered anti-trafficking law enforcement efforts. Government officials, NGOs, and victims reported police were engaged in extortion and made money by threatening nightclub and brothel owners with sex trafficking charges; they also falsely charged victims trying to escape bars or brothels with crimes such as theft or trafficking and accepted money to close investigations, drop charges, or exonerate traffickers, including by compelling victims to sign declarations absolving their traffickers. Some officials' involvement in the mining industry posed a conflict of interest that impeded law enforcement action against trafficking in mining areas. A former member of congress remained under investigation for allegedly operating a hotel where child sex trafficking occurred. The government did not report any new investigations, or any prosecutions or convictions of government officials complicit in human trafficking.

## PROTECTION

The government maintained weak victim protection efforts, but reported providing services to more victims than in the previous year. Most victims continued to lack access to specialized services. The anti-trafficking law (law 28950) required the government to assist and protect victims by providing temporary lodging, transportation, medical and psychological care, legal assistance, and re-integration assistance, although the government did not fulfill this mandate. Police reported identifying 1,134 suspected victims in 2016, compared with 699 identified in 2015, though this number could not be verified. The Ministry of Women and Vulnerable Populations (MIMP) reported identifying 216 child victims, including 106 subjected to labor trafficking, 96 subjected to sex trafficking, and 14 subjected to both forms of exploitation. The government did not provide additional data on victims' ages, genders, or type of trafficking experienced. Most victims did not receive sufficient protective services, leaving them at high risk of re-trafficking. Officials cited the lack of adequate protective services as a key impediment to their ability to effectively combat human trafficking in the country as victims' needs and safety concerns were not addressed sufficiently.

Peru's anti-trafficking law assigned responsibility to several ministries for identifying suspected victims among the high-risk populations they served and referring them to appropriate authorities, but the government did not report whether any such victims were referred to the police or protective services during the year. Protocols for identifying adult sex trafficking victim among individuals in prostitution were inadequate, as authorities often made such determinations based on whether an individual had access to identity documents and a required public health certificate. The government had both inter- and intra-ministerial protocols for providing protection to trafficking victims, but implemented them unevenly due to insufficient resources and poor interagency coordination.

MIMP was responsible for coordinating and providing services

to victims in partnership with regional governments; in 2016 it provided psychological, legal, and social work services to 557 victims (505 victims in 2015) in coordination with prosecutors. MIMP dedicated 3,803,270 soles (\$1,132,940) to serving trafficking victims in 2016, an increase from 2,764,900 soles (\$823,620) in 2015. The prosecutorial program for victims and witnesses spent 3,123,600 soles (\$930,470) to assist 437 trafficking victims, 27 witnesses, and 12 family members during the first half of 2016, compared with 505 trafficking victims assisted in 2015. The government operated two shelters, in Lima and Mazuko, exclusively for trafficking victims, with a total capacity of 28 beds. These facilities assisted 28 victims during the reporting period, compared with 119 victims assisted during the previous period. While the government operated 48 residential centers for children and adolescents, which provided some services to 122 child trafficking victims, staff in these shelters lacked the expertise and resources to provide adequate protection services to trafficking victims. Many civil society organizations operated shelters that assisted an unknown number of victims during the year without government support, although few offered trafficking-specific services. There were no facilities that could accommodate adult male victims and no specialized services for LGBTI victims. Authorities reported government shelters were often full and services for victims were often unavailable immediately following law enforcement operations. At times, the government placed child victims in police stations among children apprehended for crimes, where they sometimes remained for extended periods. Shelter and specialized psychological, employment, and other services remained unavailable in most areas and for most adults and labor trafficking victims.

The law requires the government to provide a public defender for trafficking victims to safeguard victims' legal rights and to use a single-interview process, utilizing specialized equipment where available. The Ministry of Justice reported it provided legal assistance to 293 trafficking victims in 2016. Some anti-trafficking operations were conducted without adequate resources, such as safe places to screen potential victims and provide them immediate care. Peruvian law grants victims the ability to receive restitution, but the government did not report any victims receiving restitution in 2016.

According to an international organization, the government treats foreign national trafficking victims as refugees, referring them first to the UN which then assists them in filing a complaint and seeking government services. It was not clear whether all foreign victims went through this process or how many foreign victims were identified during the reporting period. Foreign victims were eligible for temporary and permanent residency status under Peruvian refugee law, but the government did not report if any victims received this status in 2016. The government did not report whether it assisted in the repatriation of any Peruvian victims exploited abroad.

Due to inadequate victim identification procedures, some sex trafficking victims may have remained unidentified and been arrested, detained, or otherwise punished for unlawful acts committed as a direct result of being subjected to human trafficking. Child victims who were housed in police stations faced conditions similar to detention, though they were not charged with crimes.

## PREVENTION

The government maintained prevention efforts. The interagency commission, which also included NGOs and international

organizations, met regularly. The commission continued to implement the 2011-2016 national anti-trafficking action plan and drafted a new five-year plan that had not been finalized by the close of the reporting period. Twenty-four regional governments maintained anti-trafficking working groups, which varied in effectiveness. The national government provided technical support and training to some of these groups. The government did not allocate adequate funding for ministries to implement their duties as outlined in the national anti-trafficking action plan. The government had a separate commission, inter-ministerial protocol, and plan for combating forced labor and child labor. Among other things, this plan established policies allowing for greater oversight of employment agencies and strengthened response mechanisms to suspected forced or child labor. The government did not report whether these efforts led to the identification of any individuals at risk of trafficking or resulted in any agencies being punished for illegal practices that contribute to trafficking. Various ministries conducted awareness-raising efforts, often in partnership with international organizations and NGOs and with foreign donor funding. Some of these efforts focused on preventing child sex tourism and providing information for reporting suspected abuses. The transportation authority reported inspecting more than one million vehicles for indicators of trafficking among passengers, but these efforts were not effective in identifying any victims. The government made efforts to reduce the demand for commercial sex acts involving children by investigating and assisting in prosecutions of child sex tourists, but did not report efforts to reduce the demand for forced labor. The government signed a MOU with the United States to reduce illegal gold mining and associated crimes, including human trafficking, in February 2017; however, it did not make significant efforts to end impunity for the illegal mining and logging that fuels the demand for trafficking. The government provided anti-trafficking training for its diplomatic personnel and for Peruvian peacekeepers prior to their deployment abroad on international peacekeeping missions.

### TRAFFICKING PROFILE

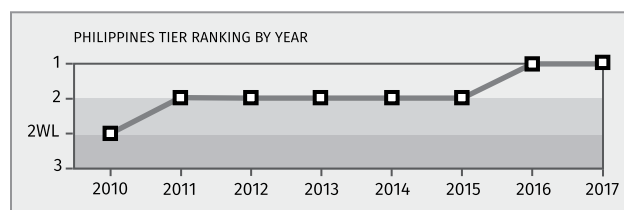
As reported over the past five years, Peru is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Indigenous Peruvians are particularly vulnerable to trafficking. Peruvian women and girls, and to a lesser extent boys, are exploited in sex trafficking within the country, often recruited through false employment offers. Women and girls exploited in sex trafficking near mining communities are often indebted due to the cost of transportation and unable to leave due to the remoteness of camps. Peruvian women and children are exploited in sex trafficking in other countries, particularly within South America, and women and girls from neighboring countries are subjected to sex trafficking in Peru. LGBTI Peruvians, especially transgender women, are vulnerable to sex trafficking. Tourists from the United States and Europe purchase sex from child trafficking victims in areas such as Cuzco, Lima, and the Peruvian Amazon. In the Loreto region, criminal groups facilitate transportation of foreign tourists by boat to remote locations where women and children are exploited in sex trafficking in venues on the Amazon River.

Peruvian men, women, and children are exploited in forced labor in the country, principally in illegal and legal gold mining and related services, logging, agriculture, brick-making, unregistered factories, organized street begging, and domestic service. Peruvians working in artisanal gold mines and nearby makeshift camps that provide services to miners are subjected to forced labor, including through deceptive recruitment, debt

bondage, restricted freedom of movement, withholding of or non-payment of wages, and threats and use of physical violence. Forced child labor occurs in begging, street vending, cocaine production and transportation, and other criminal activities. The terrorist group Shining Path recruits children using force and coercion to serve as combatants or guards, and uses force and coercion to subject children and adults to forced labor in agriculture, cultivating or transporting illicit narcotics, and domestic servitude. Peruvian men, women, and children are subjected to forced labor in other South American countries, the United States, and other countries. Migrants from South America, China, and Senegal transiting Peru to Brazil were reportedly vulnerable to sex and labor trafficking.

## PHILIPPINES: TIER 1

The Government of the Philippines fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, the Philippines remained on Tier 1. The government demonstrated serious and sustained efforts by convicting and punishing more traffickers, identifying more victims through proactive screening procedures, and expanding its efforts to prevent trafficking of Filipino migrant workers. Although the government meets the minimum standards, it did not expand the availability and quality of protection and assistance services for trafficking victims, particularly mental health care and services for male victims. Further, the government did not vigorously investigate and prosecute officials allegedly involved in trafficking crimes or expand its pilot program to address the backlog of trafficking cases in the courts.



### RECOMMENDATIONS FOR THE PHILIPPINES

Increase the availability of specialized comprehensive services that address the specific needs of trafficking victims, with a particular focus on expanding access to mental health care and services for male victims; increase efforts to achieve expedited victim-centered prosecution of trafficking cases, especially in cases involving child victims; increase efforts to investigate and prosecute officials for trafficking and trafficking-related offenses; increase efforts to identify internal labor trafficking victims, especially children, and prosecute labor trafficking cases; expand the victim and witness protection program to cover an increased percentage of trafficking victims throughout criminal justice proceedings; develop and implement programs aimed at reducing the demand for commercial sex acts, including child sex tourism and online child sexual exploitation; expand government support for long-term specialized services for trafficking victims that may be provided by the government or NGOs; expand efforts to prevent re-traumatization caused by multiple interviews and facilitate timely reintegration of child victim witnesses with community-based follow-up services; increase training for community members and military and

law enforcement personnel on appropriate methods to protect children officially disengaged from armed groups and vigorously investigate allegations of abuse by officials; and develop and implement a data collection system across Interagency Council Against Trafficking (IACAT) agencies to facilitate monitoring, analysis, and reporting of government-wide anti-trafficking activities, including victim identification, services provided, investigations, prosecutions, and convictions disaggregated by common data elements such as type of trafficking and age and sex of identified victims.

## PROSECUTION

The government maintained law enforcement efforts. The 2003 and 2012 anti-trafficking acts criminalize sex and labor trafficking and prescribe penalties of six years to life imprisonment plus fines of up to 5 million pesos (\$100,820), which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law defines purchasing commercial sex acts from a child as a trafficking offense. From April 1 to December 31, 2016, the National Bureau of Investigation Anti-Human Trafficking Division (AHTRAD), the Philippine National Police Women and Children's Protection Center (WCPC), which has responsibility for police investigations of trafficking cases, and IACAT Taskforces investigated 553 suspected trafficking cases, including conducting 109 surveillance operations and 55 raids, compared with 329 cases investigated in 2015. These actions led to the arrest of 272 suspects, an increase from 151 in 2015. During the reporting period, the government initiated prosecution of 441 alleged traffickers (569 in 2015) and secured convictions of 55 traffickers (42 traffickers in 2015). These cases involved 131 victims, 78 of whom were children. Of the 20 labor trafficking cases prosecuted, none resulted in a conviction. Sentences imposed ranged from 15 years to life imprisonment, with most offenders sentenced to life imprisonment. The government filed no criminal cases to punish the recruitment and use of child soldiers by armed groups operating in areas affected by the ongoing insurgency.

At the close of the reporting period, more than 1,100 trafficking cases filed in court in 2016 or in previous years remained pending in the judicial system due to endemic inefficiencies such as non-continuous trials, large caseloads, limited resources, and in some cases, corruption. In addition, delays in allocating funds to IACAT taskforces reportedly reduced the number of raids during the reporting period. Although the government convicted four perpetrators of online sexual exploitation of children, police and prosecutors reported challenges with these cases, including difficulty in obtaining search warrants, insufficient personnel, inadequate resources for operations logistics and computer evidence analysis, and the need for training on presenting digital evidence in court. During the reporting period, the government's investigation and prosecution of these cases relied substantially on the support and cooperation of foreign law enforcement and NGOs. Although the government regularly collected data on law enforcement investigation and cases filed with prosecutors' offices and the courts, a lack of case-specific information impeded analysis of anti-trafficking enforcement efforts.

The government increased its efforts to provide anti-trafficking training to its officials. IACAT taskforces conducted 269 trainings in 2016, including 20 online seminars, reaching more than 6,800 government officials, including investigators, prosecutors, labor officers, and social service personnel, and more than 14,000 civil society representatives. In addition, the IACAT

Secretariat, the WCPC, the Bureau of Immigration (BI), the Philippine Judicial Academy, and the Department of Labor and Employment conducted specialized training on anti-trafficking topics relevant for judges, prosecutors, law enforcers, social workers, and labor focal persons; more than 3,400 individuals attended these sessions, the majority of whom were government officials. The government also partnered with NGOs and international organizations on the delivery of numerous training sessions on human trafficking enforcement and protection in Manila, Cebu, and in Typhoon Haiyan-affected areas. Philippine officials continued to cooperate with six other governments to pursue international law enforcement action against suspected foreign traffickers in 12 cases, most of which involved sexual exploitation of children.

During the reporting period, the government charged two police officers with sex trafficking in a case involving online sexual exploitation of minors; the trial of a Department of Foreign Affairs (DFA) official charged with trafficking was pending. The BI investigated 31 potential trafficking cases involving allegedly complicit immigration officers; four BI officers were relieved of their duties and two officers were under preliminary investigation before the prosecutor's office.

## PROTECTION

The government maintained protection efforts. Although the government did not report comprehensive statistics for the total number of victims identified and assistance provided, the Department of Social Welfare and Development (DSWD) reported serving 1,713 possible trafficking victims, of whom 1,434 were female, compared with 1,465 victims in 2015. DSWD reported assisting 530 victims of illegal recruitment, 465 victims of sex trafficking and 232 victims of labor trafficking. DFA, in collaboration with host governments, NGOs, and international organizations, assisted 348 Filipino potential victims in the Middle East, Asia, Africa, Europe, and the Americas. DFA disbursed 1.6 million pesos (\$33,160) from its Assistance to Nationals Fund exclusively for trafficking victim protection and assistance and expended 209,700 pesos (\$4,230) for legal assistance to trafficking victims. Through its hotline, the Commission of Filipinos Overseas (CFO) assisted 20 possible trafficking victims, of whom 15 were female and five minors. CFO allocated 800,000 pesos (\$16,130) for direct assistance to trafficking victims and their families. The Philippine Overseas Employment Administration (POEA) reported identifying 140 adult trafficking victims, all but two of whom were victims of domestic servitude, but did not report information about services provided to these victims. The government continued to implement formal procedures to identify victims in the Philippines and overseas and to refer them to official agencies or NGO facilities for care. Philippine officials identified victims through law enforcement operations, border screenings, reports to embassies abroad, and calls to the national anti-trafficking help line.

The government, through its recovery and reintegration program and in partnership with NGOs, provided victims with temporary shelter, psycho-social support, medical services, legal assistance, livelihood assistance, and skills training. It sustained an allocation of approximately 23 million pesos (\$463,790) to implement this program. DSWD continued to operate 44 residential care facilities and two halfway houses at border entry points, which provided services to victims of trafficking and other forms of exploitation, but it did not report the number of trafficking victims who received temporary shelter. No DSWD shelter is designated solely for the specialized



care of for trafficking victims. Available shelter and other assistance services remained inadequate to address the specific needs of victims, including child victims of online sexual exploitation and male victims. Budget constraints continued to limit victim access to mental health services. Child sex trafficking victims who resided in a shelter and participated as witnesses in prosecutions were often interviewed multiple times and remained in the shelter through the time required for the court case, which may have added additional trauma and delayed reintegration. Adult victims residing in shelters were permitted to leave unchaperoned, provided there were no threats to their personal security or psychological care issues. During the reporting period, Philippine officials maintained a temporary shelter for male Filipino trafficking victims in Saudi Arabia. NGOs delivered the vast majority of specialized services to trafficking victims, although the government provided an unknown funding amount to one NGO-run shelter. The lack of long-term care, absence of mental health services, and familial involvement in facilitating exploitation continued to leave many victims vulnerable to re-trafficking.

In Mindanao, where protracted armed conflict and reports of recruitment and use of child soldiers by armed groups continued, the government, in collaboration with international organizations, established a hotline and conducted three Monitoring, Reporting, and Response System (MRRS) workshops for 83 lawyers, investigators, and human rights advocates to facilitate reporting of grave human rights violations, including child soldiering. The national government issued a circular to local government units, instructing them to adopt the MRRS, and the military issued a circular on child protection. The Armed Forces of the Philippines (AFP) reported the rescue or surrender of 19 children from the New People's Army between January and August 2016, but it did not report information about services to them. Through an action plan developed by the UN and the Moro Islamic Liberation Front (MILF), approximately 178 children were disengaged from armed groups during the reporting period and, in consultation with national and regional governments, an international organization initiated a program to assist children disengaged from armed groups. There were reports soldiers of the AFP detained and interrogated children, and in one instance tortured a child, suspected of associating with armed groups. The Commission on Human Rights is investigating the case of alleged torture. Also during the reporting period, municipal authorities worked to reintegrate a child who has been working at an AFP camp for three years in a non-combat role.

Under its witness protection program, justice officials protected witnesses from reprisals by providing security, immunity from criminal prosecution, housing, livelihood and travel expenses, medical benefits, education, and vocational placement. During the reporting period this program assisted nine additional victims of trafficking and continued to provide services to 98 victims enrolled in previous years. Judicial officials used restitution provisions and awarded damages to victims; however, these monetary penalties imposed upon offenders often went unpaid due to perpetrators' financial incapacity or the complex legal process required when a convicted trafficker is able to pay. NGOs confirmed government officials did not punish victims for unlawful acts committed as a result of being subjected to trafficking. While the government did not identify foreign victims in the Philippines during the reporting period, it had long-term alternatives to deportation of victims to countries where victims may face hardship or retribution.

## PREVENTION

The government maintained its robust efforts to prevent trafficking. The government conducted a multi-stakeholder assessment of implementation of its 2012-2016 strategic plan to combat trafficking and drafted, but did not release, its third strategic plan covering 2017-2021. The IACAT, which includes three NGO members, and other government anti-trafficking taskforces met regularly during the reporting period to share information and coordinate interagency policies. The IACAT's budget increased slightly from 93.2 million pesos (\$1.88 million) in 2015 to 93.9 million pesos (\$1.89 million) in 2016. The CFO continued its anti-trafficking national prevention campaign and reached 9,400 individuals in 18 provinces. The POEA launched a social media campaign to educate people about illegal recruitment that reached 1,736,818 social media users and expanded access to its pre-employment orientation seminars, required for workers hired by licensed recruitment agencies, by offering them online. During the reporting period, 851,170 individuals completed seminars that provided information about worker protection, legal modes of recruitment, employment procedures for overseas work, and government services available to overseas foreign workers.

POEA officials investigated 108 cases, involving 245 complainants, of illegal recruitment in 2016; four of 35 cases referred for prosecution resulted in a conviction, compared with six illegal recruitment convictions in 2015. AHTRAD separately reported investigating 248 illegal recruitment cases. The POEA filed 2,137 administrative charges against licensed agencies for fraudulent employment offers or collecting exorbitant fees resulting in the cancellation of 49 agencies' licenses. The BI Travel Control and Enforcement Unit continued to screen departing passengers in accordance with departure requirements and reported 667 potential cases of human trafficking for further investigation and identified 601 possible victims of illegal recruitment. Despite stopping 118 foreign registered sex offenders from entering the country, local and foreign demand for the country's vast commercial sex trade remained high and the government's efforts to reduce the demand for commercial sex acts were negligible. The government provided anti-trafficking training to Philippine troops and law enforcement officers prior to their deployment abroad on international peacekeeping missions. During the reporting period, the DFA provided training on human trafficking for its diplomatic personnel prior to overseas deployment, formally launched its handbook on trafficking, and issued new guidelines to its foreign service personnel about employment of personal staff.

## TRAFFICKING PROFILE

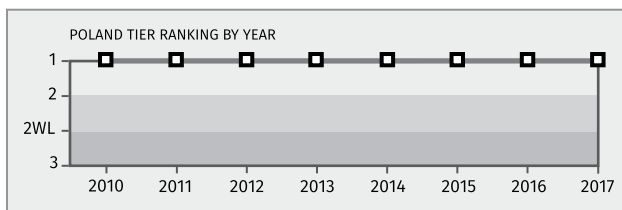
As reported over the past five years, the Philippines is a source country and, to a lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. An estimated 10 million Filipinos work abroad, and a significant number of these migrant workers are subjected to sex and labor trafficking—predominantly via debt bondage—in the fishing, shipping, construction, education, home health care, and agricultural industries, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly across the Middle East, Asia, and North America. Traffickers, typically in partnership with small local networks, engage in unscrupulous recruitment practices that leave migrant workers vulnerable to trafficking, such as charging excessive fees and confiscating identity documents. Illicit recruiters use student, intern, and exchange program visas to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers.

Forced labor and sex trafficking of men, women, and children within the country remains a significant problem. Women and children from indigenous communities and remote areas of the Philippines are the most vulnerable to sex trafficking, and some are vulnerable to domestic servitude and other forms of forced labor. Men are subjected to forced labor and debt bondage in the agricultural, fishing, and maritime industries. Many people from impoverished families and conflict areas in Mindanao, Filipinos returning from abroad without documents, and internally displaced persons in typhoon-affected communities are subjected to domestic servitude, forced begging, forced labor in small factories, and sex trafficking in Metro Manila, Metro Cebu, central and northern Luzon, and urban areas in Mindanao. Trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations. Although the availability of child sex trafficking victims in commercial establishments declined in some urban areas, young Filipino girls, boys, and sibling groups are increasingly coerced to perform sex acts for live internet broadcast to paying foreigners; this typically occurs in private residences or small internet cafes, and may be facilitated by victims' family members and neighbors. NGOs report high numbers of child sex tourists in the Philippines, many of whom are citizens of Australia, Japan, the United States, Canada, and countries in Europe; Filipino men also purchase commercial sex acts from child trafficking victims. Organized crime syndicates allegedly transport sex trafficking victims from China through the Philippines en route to other countries. The UN reports armed groups operating in the Philippines, including the MILF, New People's Army, Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, continue to recruit and use children, at times through force, for combat and noncombat roles.

Officials, including those in diplomatic missions, law enforcement agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials, particularly those working in immigration, allegedly accept bribes to facilitate illegal departures for overseas workers, reduce trafficking charges, or overlook unscrupulous labor recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services.

## POLAND: TIER 1

The Government of Poland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Poland remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations, prosecutions, and convictions, and issuing more severe sentences for convicted traffickers than in past years. The government also approved a national action plan and increased funding for its implementation. Although the government meets the minimum standards, it still had challenges identifying forced labor and child trafficking victims and prosecuting labor trafficking cases.



## RECOMMENDATIONS FOR POLAND

Sentence convicted traffickers to penalties proportionate with the severity of the crime and increase training for prosecutors and judges; vigorously investigate and prosecute trafficking crimes, particularly forced labor cases; increase training to law enforcement on investigating and prosecuting labor trafficking cases and consider creating specialized prosecution units for trafficking crimes; improve training and efforts to identify victims proactively, particularly among unaccompanied children, migrants, and children exploited in prostitution; improve measures to identify child victims; educate and incentivize foreign victims to enroll in the witness protection program and assist prosecution; facilitate victims' access to compensation by encouraging prosecutors to request compensation during criminal cases and systematically informing victims of their right to pursue civil suits against their traffickers; and improve central operational coordination and data collection for anti-trafficking activities.

## PROSECUTION

The government increased law enforcement efforts, but did not issue consistently stringent sentences for convicted traffickers to reflect the heinous nature of the crime and deter future exploitation. Poland's penal code defines a trafficking crime in article 115.22, while article 189a prohibits all forms of trafficking and prescribes punishments of three to 15 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In addition, article 203 prohibits inducing an adult into prostitution through force, fraud, or coercion, and article 204.3 prohibits inducing a child into prostitution; both articles prescribe punishments of one to 10 years imprisonment.

The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics, and it only considered convictions and sentences issued after appeals to be final. Authorities reportedly launched 31 investigations under article 189a in 2016, compared with 30 in 2015, and 28 in 2014. Authorities reported prosecuting 30 suspected traffickers under article 189a in 2016 (23 in 2015 and 28 in 2014). In 2016, 12 prosecutorial investigations conducted involved forced labor (17 in 2015 and eight in 2014). First-level courts issued 33 convictions under article 189a in 2016 (36 in 2015 and 17 in 2014). In addition, first-level courts issued 15 convictions under article 203 and six convictions under article 253, which criminalized trafficking prior to article 189a. In 2015, the most recent year for which post-appeal judgments were available, judges issued a total of 58 final convictions (37 in 2014 and 41 in 2013). Courts upheld 30 convictions under articles 189a and 253 (nine in 2014 and 13 in 2013). Courts also upheld 12 convictions under article 204.3 (16 in 2014). In addition, there were 16 upheld convictions for forced prostitution under article 203 (12 in 2014). Prison terms imposed ranged from one year to five years; 58 percent of sentences were for two years or less, which was a high percentage but an improvement from 2014 when 78 percent of sentences did not exceed two years. Authorities suspended a smaller proportion of prison

sentences for trafficking convictions, decreasing to 45 percent in 2015 from 62 percent in 2014 and 41 percent in 2013. The government began drafting new legislation to reduce the number of suspended sentences on trafficking cases.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities collaborated on investigations with counterparts in several foreign countries. The government increased trafficking-specific training for the border guard and national, regional, and district police. During 2016, authorities held trafficking training sessions for 236 prosecutors and judges; during 2015-2016, a total of 670 legal professionals were trained in prosecuting trafficking cases. Authorities reported there were very few prosecutions for forced labor for several reasons: the police had difficulty identifying this type of crime, there is not a good definition of forced labor in the Polish criminal code, prosecutors and judges often lacked expertise in labor trafficking cases, and victims are often unwilling to testify against their trafficker. This is despite NGOs assisting more than 88 victims of forced labor, forced begging, and forced criminality during the reporting period.

## PROTECTION

The government maintained protection measures, but did not improve screening of unaccompanied children, obtaining victim cooperation with prosecutions, and assisting victims' efforts to seek compensation. Authorities trained police, border guards, 189 consular officers, 99 labor inspectors, 79 employees of crisis intervention centers, and 11 officials who interview asylum-seekers on trafficking victim identification. Also, the border guard organized training for 2,065 officers on standard operating procedures for assisting child victims of trafficking. With the help of an international organization, the border guard developed and implemented a new e-learning platform for border officials on methods to identify trafficking victims and the national referral mechanism. In September 2016, the national police commander issued an updated regulation on combating human trafficking that included a new identification tool for police officers. Police and prosecutors, however, acknowledged authorities lacked the expertise to identify forced labor victims. Observers considered victim identification, especially in the cases of children and labor exploitation, to be a challenge for the government.

In 2016, the government allocated 1.1 million zloty (\$262,843) to two NGOs that run the National Intervention-Consultation Center for Victims of Trafficking (KCIK), which covered the majority of operating expenses; this is same amount allocated in 2015. The government identified 144 potential trafficking victims during the reporting period. KCIK provided assistance to 200 potential victims in 2016, compared with 229 in 2015 and 207 in 2014. KCIK offered victims medical and psychological care, legal counseling, shelter referrals, and welfare support. KCIK included two shelters for adult female victims. KCIK was responsible for finding safe accommodations for male trafficking victims and used crisis centers, hotels, and hostels for this purpose. The national system of victim assistance did not always address the needs of unaccompanied children, as there was no standardized system of screening unaccompanied children as potential trafficking victims. The government could place child victims in orphanages, with foster families, or in child assistance centers based on their needs. In 2016, the Children Empowerment Foundation launched a campaign to build the first children's assistance center for child victims of sexual exploitation, physical violence, and other serious crimes.

Observers reported some unaccompanied children, who may have been trafficking victims, ran away from orphanages and were not recovered. Local governments also funded and operated crisis intervention centers; 18 were designated specifically for trafficking victims in 2015.

The government's witness protection program provided foreign victims with a temporary residence permit, medical and psychological care, legal assistance, and shelter for those who cooperated with a prosecution; this program also provided for a victim's repatriation. The government enrolled 39 trafficking victims into this program in 2016, compared with 38 in 2015; in 2012 to 2014, the government enrolled at least 56 victims each year. Foreign victims were entitled to a three-month reflection period, during which they could stay legally in Poland to decide whether to assist in the criminal process; 23 victims used this reflection period in 2016 (33 in 2015). Foreign victims were eligible for a residency permit valid for up to three years and were entitled to work; victims could also apply for permanent residency and were protected against deportation. Foreign victims were eligible for repatriation and may receive assistance upon return to their country of origin; the assistance did not depend on cooperation with law enforcement. In 2016, the government, in cooperation with an international organization assisted seven trafficking victims to return to their home countries. In 2016, 23 foreign victims who joined the witness protection program agreed to participate in the prosecution of their traffickers (27 in 2015). Polish law permits victims to provide testimony via video or written statements; however, judges in these cases often request additional testimony which results in a longer and more complicated legal process.

Although victims could file civil suits against traffickers and judges could order compensation for victims in criminal cases, observers reported very few trafficking victims have ever received compensation from their traffickers. In 2016, no victims received court ordered restitution in criminal cases. In October 2016, Poland ratified the 2014 Protocol to the 1930 ILO Forced Labor Convention, which obligates the government to create effective measures to combat forced labor, provide protection and support for labor trafficking victims, allow victims to receive compensation, and allow sanctions against traffickers.

## PREVENTION

The government increased prevention efforts. In 2016, the government approved the 2016-2018 action plan and allocated 235,000 zloty (\$56,153) for its implementation, a 74 percent increase from 135,000 zloty (\$32,258) allocated in 2015 for the 2013-2015 plan. The interior ministry continued to lead the inter-ministerial anti-trafficking team, as well as a working-level group of experts and NGOs, which met regularly to coordinate efforts and develop national anti-trafficking policies. During the reporting period, provincial-level interagency anti-trafficking teams in all 16 regions of the country became fully operational; these units were designed to improve cooperation and coordination among relevant stakeholders. In 2016, the interior ministry held an anti-trafficking conference for leaders of all provincial interagency teams. The interior ministry published and made publicly available an assessment of the government's anti-trafficking activities for three consecutive years; the 2016 report will be published in September 2017. The government lacked a central mechanism to cross-reference and consolidate trafficking-related statistics, hindering officials' ability to assess the scope of trafficking in Poland and the efficacy of law enforcement efforts.



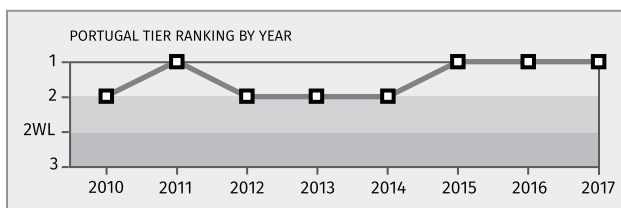
The government-sponsored information campaigns on human trafficking, several of which focused on forced labor, and targeted students, migrant workers in Poland, at-risk Polish communities, and Poles seeking work abroad. The government, in partnership with an NGO, also provided anti-trafficking training to labor recruitment agencies. A government-funded NGO operated a 24-hour hotline for trafficking victims and witnesses and trained 50 hotline operators on trafficking. The labor inspectorate pursued investigations into suspected labor violations. The government provided anti-trafficking training for its diplomatic and consular personnel. In July 2016, the government strengthened its law on public procurement to exclude any entity convicted of human trafficking from public procurement procedures. To help address experts' concerns that Poland may become a destination country for child sex tourism, the government continued to operate an NGO-designed internet platform for reporting cases of child sex trafficking.

### TRAFFICKING PROFILE

Poland is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking is increasing in Poland; victims originate from Europe, Asia, and Africa. There is an increasing vulnerability to labor trafficking among Poland's growing Ukrainian migrant population and North Korean migrant workers. Children, particularly Roma, are recruited for forced begging in Poland. Men and women from Poland are subjected to forced labor in Europe, primarily Western and Northern Europe. Women and children from Poland are subjected to sex trafficking within the country and also in other European countries. Women and children from Eastern Europe, particularly Bulgaria, Romania, and Ukraine, are subjected to sex trafficking in Poland. A growing number of Vietnamese victims transit Poland en route to Western Europe after being subjected to labor trafficking in Russia.

## PORTUGAL: TIER 1

The Government of Portugal fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Portugal remained on Tier 1. The government demonstrated serious and sustained efforts by increasing the number of investigations, prosecutions, convictions, and victims identified. The government amended the labor code to expand responsibility for upholding worker protections and liability for violating such protections to employment agencies and firms that hire temporary workers. The government added a fifth interdisciplinary regional anti-trafficking team to assist victims and continued to fund three NGO-operated shelters. Although the government meets the minimum standards, penalties for convicted traffickers were less severe as compared to prior years, and in some cases sentences were suspended. While authorities identified significantly more potential trafficking victims, they identified few sex trafficking victims. The government did not make discernable efforts to reduce the demand for commercial sex.



### RECOMMENDATIONS FOR PORTUGAL

Increase identification of adult and child sex trafficking victims; amend article 175 to clarify that all prostitution of children is child sex trafficking, regardless of force, fraud, or coercion, to ensure these crimes are identified and prosecuted under appropriate statutes; vigorously investigate and prosecute trafficking offenses and convict traffickers, issuing sufficiently dissuasive sentences; amend relevant anti-trafficking laws to include specific provisions to shield victims from prosecution for unlawful acts committed as a result of being subjected to trafficking; expand authority beyond police and prosecutors to confirm whether an individual is a victim of trafficking; continue training for all police, prosecutors, and judges to increase trafficking investigations and to encourage the use of trafficking laws for convictions with dissuasive sentences; continue to increase and document use of victim services, such as shelters and residence permits, and ensure availability of a sufficient number of places to accommodate all victims in need of shelter; provide specialized shelter and assistance for child trafficking victims, including Portuguese child sex trafficking victims; continue to train immigration and social workers, law enforcement, labor inspectors, and NGOs on victim identification and referral; strengthen monitoring and regulation of temporary employment agencies, including employing and recruiting domestic workers; and increase efforts to reduce the demand for commercial sex and forced labor, including in supply chains and government procurement policy.

### PROSECUTION

The government increased law enforcement efforts. Article 160 of the penal code prohibits all forms of trafficking and prescribes penalties of three to 10 years imprisonment (up to 16 years if there are aggravating circumstances), which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 160 also encompasses illegal adoption and organ removal, crimes that fall outside the U.S. definition of trafficking in persons. Article 159 prohibits slavery and prescribes penalties of five to 15 years imprisonment. Article 175 prohibits child sex trafficking, with penalties of one to 10 years imprisonment, although it classifies these crimes as pimping rather than trafficking. Amendments to the labor code entered into force in September 2016 and extended liability for violations of labor code worker protections to employment agencies and subcontractors, including owners of companies, companies that hire temporary workers, and contractors supplying workers to companies.

In 2016, the government investigated 83 potential trafficking cases, compared with 68 total cases in 2015. Authorities did not report how many cases involved labor or sex trafficking, but noted the majority of the cases involved labor trafficking in agriculture. In 2016, authorities prosecuted 77 defendants in nine cases, a significant increase from the six defendants prosecuted in 2015. Courts convicted and sentenced 15 traffickers in 2016 (including at least four sex trafficking, one forced labor, and two domestic servitude cases), compared

with four total convictions in 2015. Sentences for convicted traffickers in 2016 ranged from 18 months to eight years imprisonment, compared with eight to 20 years imprisonment in 2015. Authorities suspended five of the sentences; in three of those cases they ordered the traffickers to make payments to an NGO working to address sexual exploitation. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The national police provided training in investigations and victim identification to 107 officers across four regions, as well as additional trainings for police, judges, and prosecutors. The national rapporteur developed training programs for first responders in districts vulnerable to labor trafficking, including police, social workers, and health professionals. In October 2016, the government organized a training and technical assistance workshop for judges, prosecutors, and law enforcement personnel in cooperation with a foreign government.

## PROTECTION

The government increased protection efforts. The government's national referral system guided victim identification procedures, and its anti-trafficking agency provided a checklist to law enforcement and other front-line responders on identifying trafficking victims. First responders and social service providers could refer potential victims to services, but only police or prosecutors could officially "confirm" an individual a victim of trafficking. GRETA noted, however, the process of confirming the status of a presumed victim depended on the duration of the related prosecution, thus making victims' status in practice dependent on cooperation with law enforcement. In 2016, authorities identified 261 potential victims—118 of which were confirmed victims and 33 of which were Portuguese nationals exploited abroad—compared with 193 potential and confirmed victims in 2015. Ninety-three percent of the confirmed victims exploited in Portugal were victims of forced labor; 32 of the confirmed and potential victims were children. The government conducted three large-scale anti-trafficking operations that resulted in the identification of 81 victims. The government reported it provided approximately €1 million (\$1.05 million) in 2016 for prosecution and protection activities, including funding for shelters, repatriation assistance, and support for its interdisciplinary regional teams' efforts to identify and assist victims; the government added a fifth team in 2016. Victims and their minor children had the right to shelter, health, psycho-social, legal, and language services, as well as education and employment training. The government-funded three NGO-operated shelters exclusively for trafficking victims—two for female victims and their minor children and one for adult male victims. The government reported it referred 62 victims to these shelters in 2016. GRETA reported the shelters could each accommodate a limited number of victims and noted a growing need for additional shelter places as the number of victims identified annually increased. Adult victims could leave the shelters at will unless authorities determined victims' safety was at risk. There were no specialized services for child trafficking victims; child victims instead received care under Portugal's child protection system and were placed in institutions if they could not be placed with family members. The government, working through its five regional anti-trafficking teams, conducted 220 training and awareness sessions for 8,159 first responders, including health, security, legal, and social services professionals.

Authorities encouraged victims to assist with investigations and prosecutions and informed victims of their right to protection, assistance, and return to their country of origin.

The government provided comprehensive witness protection to victims participating in trials; victims could testify by deposition or videoconference and had access to medical and psychological services to prevent re-traumatization. The government offered victims a reflection period of 30 to 60 days, during which they could recover before deciding whether to cooperate with law enforcement. The law also provides for a one-year residence permit for victims cooperating with law enforcement or based on a personal situation; this permit can be renewed for one year if authorities determine it is necessary to protect the victim. Authorities issued 31 residence permits in 2016, compared with two permits in 2015. The government reported it provided 25 victims with assistance to return to either their countries of origin or to the country where their immediate family was located. Portuguese law allows victims to seek compensation from and file criminal proceedings against their traffickers; victims may seek compensation from the government if the convicted trafficker is unable to pay the awarded restitution. The government did not report whether any victims received compensation from their traffickers or the government. There were no reports the government penalized victims for unlawful acts committed as a result of being subjected to trafficking; however, GRETA reported the lack of a specific provision in Portuguese law protecting victims from prosecution for acts they were coerced to commit could leave victims vulnerable to individual prosecutors' decisions to bring charges.

## PREVENTION

The government maintained prevention efforts. The government maintained a multi-stakeholder anti-trafficking network, including a national rapporteur, representatives from various government agencies, and three NGOs. The national rapporteur, who served as the national anti-trafficking coordinator, issued an annual report on the government's progress in implementing the 2014-2017 national action plan. The government's anti-trafficking agency also published an annual and three quarterly reports detailing the trafficking situation in the country. The government launched a national awareness campaign in October 2016 that focused on child trafficking and included a hotline to report suspected trafficking, which resulted in 62 victim identifications during the year. Labor authorities conducted inspections of employers and working conditions in an effort to prevent labor exploitation. The government screened visa applicants traveling to Portugal for employment to ensure their job offers were legitimate by vetting work contracts and travel documents. GRETA noted, however, a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. The government also conducted a corporate social responsibility campaign to address labor exploitation and provided training and capacity building assistance to foreign governments. The government did not make efforts to reduce the demand for commercial sex but did make efforts to reduce the demand for forced labor. Laws prohibiting sexual crimes against children have extraterritorial reach, allowing the prosecution of suspected child sex tourists for offenses committed abroad; there were no reports of Portuguese citizens engaging in child sex tourism abroad during the year. The government provided anti-trafficking training to its diplomatic personnel. In 2016, in preparation for Portuguese troops' deployment abroad as part of international peacekeeping missions in 2017, the government developed anti-trafficking training for peacekeepers.

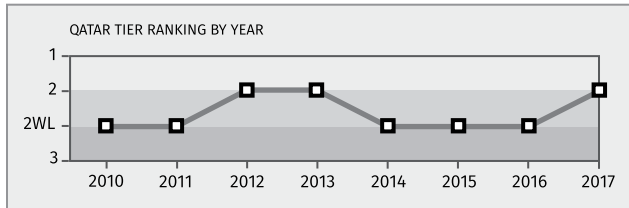
## TRAFFICKING PROFILE

As reported over the past five years, Portugal is a destination and,

to a lesser extent, transit and source country for men, women, and children subjected to forced labor and sex trafficking. Trafficking victims primarily originate from West Africa, Eastern Europe, Asia, and, to a lesser extent, Latin America. Most victims are subjected to forced labor, with seasonal migrant workers especially vulnerable. Foreign labor trafficking victims are exploited in agriculture, construction, and domestic service, while Portuguese victims are exploited in restaurants, agriculture, and domestic service, primarily in Portugal and Spain. Poor and uneducated Portuguese in the country's rural interior are especially vulnerable to forced labor networks in Spain, which may extend into Northern and Eastern Europe. Authorities noted an increase in the number of labor trafficking victims from Bangladesh, India, Nepal, and Pakistan in 2016. Foreign women and children, mostly from Africa and Eastern Europe, and Portuguese women and children are subjected to sex trafficking within the country. Portuguese victims have also been subjected to sex trafficking in other countries, mostly in Europe. Children from Eastern Europe, including those of Roma descent, are subjected to forced begging and forced criminal activity in Portugal. Organized criminal networks operate trafficking rings in the country; some recruit victims abroad to exploit in Portugal, while others recruit domestically to exploit both within Portugal and abroad. Authorities report traffickers bring women and children, many from West Africa, to Portugal to claim asylum and obtain false documents before bringing them to other European countries to be exploited in sex trafficking.

## QATAR: TIER 2

The Government of Qatar does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Qatar was upgraded to Tier 2. The government demonstrated increasing efforts during the reporting period by establishing a coordinating body to oversee and facilitate anti-trafficking initiatives and enacting a law that reforms the sponsorship system to significantly reduce vulnerability to forced labor. The Wage Protection System (WPS) now covers over two million workers and substantial progress has been made towards implementing a new electronic contracting system and new labor dispute panels designed to greatly accelerate resolution of labor cases. The government gave Cabinet approval for new legislation—still awaiting final signature—to better protect domestic workers and strengthened enforcement against passport retention. It also increased the number of prosecutions and convictions for trafficking-related offenses. However, the government did not meet the minimum standards in several key areas. It did not prosecute any Qatari employers or recruitment agencies for forced labor. The government often did not investigate for trafficking cases that manifest indicators such as passport retention, labor violations, and complaints of abuse, and authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations or for fleeing their employers or sponsors. The government did not provide data on the number of victims it identified or assisted, and it did not hold complicit officials criminally accountable.



## RECOMMENDATIONS FOR QATAR

Significantly increase efforts to investigate indicators of trafficking, prosecute trafficking offenses, and convict and punish traffickers, particularly for forced labor crimes, under the anti-trafficking law; continue to implement reforms to the sponsorship system so it does not provide excessive power to sponsors or employers in granting and maintaining the legal status of migrant workers, adopt reforms to protect migrant workers from abusive practices and working conditions that may amount to forced labor; fully implement the electronic contracting system to reduce instances of contract substitution; enact and fully implement the new domestic worker law, that conforms with international standards, and extend labor law protection to domestic workers; strengthen enforcement of the law criminalizing passport retention; ensure employers do not exploit workers using the WPS by collecting money from them before depositing their salary electronically; implement the WPS for all companies, including small and medium-sized companies, joint ventures, and foreign-owned companies; enforce the law requiring that migrant workers receive residence cards within one week of arrival; consistently apply formal procedures to identify victims of all forms of trafficking proactively among vulnerable groups, such as those arrested for immigration violations or prostitution or who flee abusive employers; provide victims comprehensive protection services; implement the mandate of the newly formed intragovernmental anti-trafficking committee; collect and report data pertaining to the number of victims identified and the services provided to them; provide anti-trafficking training to government officials, targeting the judicial sector; and continue to conduct anti-trafficking public awareness campaigns.

## PROSECUTION

The government expanded anti-trafficking law enforcement efforts. The 2011 anti-trafficking law prohibits all forms of sex and labor trafficking and prescribes penalties of up to 15 years imprisonment and/or up to 300,000 Qatari riyal (\$82,390) in fines; heads of recruiting agencies found guilty of trafficking face up to five years imprisonment and a fine of up to 200,000 Qatari riyal (\$54,930). These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. By allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. Under the 2015 sponsorship reform law, the government criminalizes the confiscation of workers' passports, punishable by a maximum fine of 25,000 Qatari riyal (\$6,870).

During the reporting period, the government reported investigating 93 potential trafficking cases, compared to 24 investigated in 2015, some of which likely involved other crimes often conflated with trafficking, including smuggling. The government prosecuted and convicted one suspected trafficker under the 2011 anti-trafficking law. In addition, the government achieved 28 trafficking-related convictions, including facilitating prostitution and unscrupulous employment practices. In



2016, officials did not prosecute any Qatari employers or recruitment agencies for forced labor under the anti-trafficking law, as compared to its conviction of two private companies in 2015. Under various sections of the labor code, the Public Prosecutor's Office convicted up to 19 companies for labor law contraventions, including failure to comply with work hour limitations, grant a mandatory rest day, or pay overtime. Labor courts handed down 2,039 judgments in 2016, including 1,201 cases of forced payments of denied or delayed wages and benefits, in addition to fines, which reached as high as 100,000 Qatari riyal (\$27,460), according to news reports. During the reporting period, a government-run media source reported that Qatar's higher criminal court upheld a 2015 trafficking conviction of a non-Qatari national; however, for another foreigner, it reduced a sentence for involuntary manslaughter of a domestic worker and involvement in human trafficking crimes from eight years imprisonment and a fine of 350,000 Qatari riyal (\$96,130) to one year and a 100,000 Qatari riyal (\$27,460) fine. The government increased enforcement of its law prohibiting passport retention by prosecuting 48 cases and administering fines to the perpetrators of passport retention, some of which likely occurred outside of the current reporting year; however, it did not investigate these and other potential trafficking indicators for trafficking crimes related to these cases.

Qatari labor protections remained biased in favor of the employer. Several government agencies did not categorize forced labor or exploitation of domestic workers as human trafficking, but rather as assault, immigration, or labor law violations. The government's primary solution for resolving labor violations continued to be a transfer of employer sponsorship, mandated back payment of wages and fines, and blacklisting of companies without efforts to investigate whether the violations constituted forced labor. The government did not report investigations, prosecutions, or convictions of government officials for complicity in human trafficking offenses. Some Qatari diplomats were implicated in alleged forced labor of their domestic workers. In October 2016, two domestic workers filed a civil suit against a former Qatari diplomat posted in the United States alleging the official withheld their wages, forced them to work excessive hours, and threatened deportation and blacklisting, among other accusations indicative of forced labor; a ruling on the case remained pending at the close of the reporting period. In early 2017, a Qatari official formerly posted to the United States as a diplomat agreed to a confidential settlement after a federal court in Virginia issued a default judgment in a civil suit in May 2014 in the amount of nearly \$500,000 for claims the official subjected a domestic worker to forced labor. After the parties agreed to the settlement, the court set aside the default judgment. In another case, a Qatari military official and his spouse were indicted by a federal court in Texas and pled guilty to visa fraud related to the alleged forced labor of two domestic workers they had employed when in the United States on temporary duty. As part of their February 2016 sentence, the couple was ordered to pay the workers restitution in the amount of \$120,000, which they did. Soon thereafter the couple departed the United States. The government of Qatar did not report taking any action to hold the official accountable. During the year, the government coordinated with several international organizations and civil society stakeholders to improve training programs for federal employees. The police training institute of the Ministry of Interior (MOI) conducted courses and workshops for an unknown number of officers and staff who investigate and work on trafficking cases. Judges, inspectors, and police officers continued participation in a multi-year training program with an international organization on combating trafficking.

## PROTECTION

The government did not report the number of trafficking victims it identified, referred for care, or assisted during the reporting period, and many victims of forced labor likely remained unidentified and unprotected. The Protection and Social Rehabilitation Center shelter, to which the government funded approximately 90 million Qatari riyal (\$24.7 million), provided basic medical care and housing for female workers who fled their sponsors as well as female and child victims of violence; shelter officials did not use established protocols to proactively screen vulnerable individuals for trafficking indicators. Officials and law enforcement personnel did not report proactively screening for any trafficking indicators among domestic workers, a vulnerable population typically isolated and excluded from protections under labor laws. During the reporting period, the Cabinet approved legislation governing the employment of domestic workers. While the text is not public, the government reported it would enroll domestic workers in the WPS and require adequate employer-provided food and accommodation, medical benefits, one day off per week, limited working hours, guaranteed overtime pay, sick leave, full end-of-service payments, and use of the formal contract system. However, at the close of the reporting period, the legislation awaited the emir's signature to become law. The government donated 364,000 Qatari riyal (\$99,970) to an international organization's trust fund to support trafficking victims. The government continued to use its national victim referral system to coordinate victim identification and referral efforts between government authorities and NGOs. The referral system included the provision of shelter, health care, and legal assistance to trafficking victims. During the reporting period, victims were able to access the shelter even if their employers filed charges against them and maintained the right to leave the shelter without supervision.

Systemic hurdles limited victim protection and access to justice. In 2016, there were no reports of trafficking victims being prosecuted for unlawful acts committed as a direct result of being subjected to trafficking; however, authorities arrested, detained, and deported potential trafficking victims for immigration violations and fleeing their employers or sponsors. For four months in 2016, the government offered an amnesty period during which workers facing charges in Qatar could apply for repatriation without penalty—13,579 workers utilized this opportunity. The government occasionally held some victims in detention centers due to debts allegedly owed or false charges of theft filed by their employers. The government encouraged victims to testify against their traffickers by providing free legal counseling and allowing them to pursue financial compensation; it was unclear how many victims testified or received these benefits during the reporting period. The Qatari legal system lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. Victims who lodged complaints were sometimes the subject of spurious counter-charges by their respective employers that resulted in administrative deportation proceedings. While more than 4,000 victims filed official complaints against their employers for restitution of wages during the year, domestic workers—who were not covered under the labor law—continued to face difficulties seeking legal redress for abuses through civil court action. In practice, victims were only able to change employers or return to their respective countries of origin with sponsor permission at the end of their contract, or with assistance from the MOI or Ministry of Labor. The government is required to assist workers who wish to prematurely terminate their contracts

and transfer employers in the event of employment malfeasance. The government reported the transference of 1,784 workers over the objections of their employers to new companies, compared to 1,762 in 2015. MOI's Search and Follow Up and Human Rights departments coordinated with embassies to assist in the repatriation of migrant workers, including an unknown number of domestic workers. MOI reported providing 7,506 complimentary repatriation tickets in 2016, compared to 10,086 tickets in 2015. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

## PREVENTION

The government increased its efforts to prevent trafficking in persons. The government formally enacted Law No. 21 of 2015 Regulating the Entry, Exit, and Residence of Foreigners and developed a new employer contract system applicable to all expatriate workers in Qatar, including domestic workers. The new e-contract system could reduce vulnerabilities to forced labor if fully implemented. Workers still require exit permits to depart the country. In accordance with Law No. 21, the government established a formal "Grievance Committee" that reviews within 72 hours rejected requests for exit permits to depart the country. In operation since December 2016, this committee addressed 498 denied exit permits, of which it upheld five—all of which involved unresolved legal issues. Although the government offers complimentary legal and translation assistance during court proceedings, it did not report how many workers who submitted a grievance received such services. Also in accordance with the law, the government initiated the process of converting all contracts into duplicative e-contracts in order for one contract to be on file in Qatar and the other in the respective source country. This new contract system includes standardized language, including in local languages of major labor-sending countries, and online instructional guidance in Arabic and English. In addition, under the new law employees are not required to have a "no objection certificate" to seek alternate employers upon conclusion of their contracts, although workers are still required to have this certificate to change jobs in the midst of an existing contract, which can be up to five years. Migrant workers are no longer required to leave the country for two years before seeking new employment in Qatar, thereby reducing the imperative for laborers seeking long-term employment in Qatar to reengage in potentially exploitative recruitment relationships. Since implementation of Law No. 21, the government has transferred approximately 5,200 workers to new employers. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated this sometimes did not happen; the lack of a residence card essentially restricts their ability to access health care or lodge complaints with authorities. In advance of the December 2016 launch of Law 21 of 2015, officials conducted at least five lectures and town hall meetings reaching an unknown number of foreign diplomats, community leaders, business executives, and employers, and produced media publications to explain the new reforms and how workers could use these legal changes to more easily change employers or leave the country.

For most of the reporting period, the government did not appoint a lead for anti-trafficking efforts after the previous oversight body was dissolved. Nonetheless, the government continued to pursue various goals established in the 2016 written plan to combat trafficking. A new anti-trafficking committee, which includes representatives of both government offices and NGOs, was approved in October 2016 and members met unofficially to draft a new strategy for 2017-2022, which

prioritizes prevention, protection, judicial pursuits, and regional and international cooperation. The government allocated approximately 7.2 million Qatari riyal (\$1.97 million) for the development and implementation of the draft strategy. The government-funded Protection and Social Rehabilitation Center promoted awareness campaigns on various forms of abuse, including trafficking, and outlined where to receive help; these campaigns targeted women, domestic workers, and exploitative employers. In addition, the government sought to raise awareness among the local population through a new slavery exhibit as part of a museum consortium in Doha that showcased information on human trafficking trends in Qatar. The government published manuals for expatriates in Arabic, English, and several source country languages on proactive victim identification, domestic worker rights, and ways to combat trafficking in Qatar. It continued to publish and disseminate "worker rights" pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws, in addition to the number for the complaint hotline, which received more than 4,200 calls during the year. The quasi-government Qatar Foundation and the Qatar 2022 Supreme Committee co-published mandatory standards documents, which included workers' rights and contractual incentives for contractors to adhere to Qatari labor laws.

In 2016, the government employed 397 labor inspectors, up from 350 in 2015, who conducted more than 44,500 labor inspections and filed 1,142 labor violation reports, though the government did not provide an exact figure on the total amount of fines placed on companies or how many fines it administered, and many of the inspections fell outside of the reporting period. The government canceled the licenses of 93 recruitment agencies, issued 78 warnings, wrote seven infringement reports, and revoked the licenses of 24 companies, compared to 15 in 2015, that MOI's routine inspection and monitoring found to be noncompliant with the labor law; however, it did not report if it referred any companies, or their owners or staff, for further prosecution or whether it achieved any convictions for those suspected of illegal recruitment activities. Officials blacklisted more than 5,500 companies and 2,000 individuals in 2016 for unscrupulous practices, such as nonpayment of workers' wages, exceeding the blacklisting of 2,417 companies the previous reporting period. In total, the government of Qatar took 34,662 decisions against companies for violations of either the labor law or the WPS. The government continued its rollout of the WPS, which requires employers to pay workers electronically and increases penalties for violating the labor code. In 2016, the system included bank accounts for over two million migrant workers and allowed for the tracking of unpaid wages; labor sending embassies reported a decline in unpaid or delayed wage cases by nearly 60 percent. The WPS detected more than 600 companies for labor violations; however, it remained unclear whether the system flagged any potential trafficking cases for criminal investigation. Allegations of employees forced to pay employers a certain amount of money before having their wages transferred electronically continued to exist, though improved access to ATMs, online banking mechanisms, and awareness campaigns reduced reported instances of this potential loophole in the system. The government continued to address recruitment issues and worker rights through 36 bilateral agreements and five MOUs with labor-sending countries. The government did not report efforts to reduce the demand for commercial sex acts. The government did not regularly provide anti-trafficking training for its international peacekeepers or diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Qatar is a destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Sri Lanka, Sudan, Thailand, Egypt, Syria, Jordan, Morocco, Tunisia, Kenya, Nigeria, Cameroon, Togo, and China voluntarily migrate to Qatar as unskilled laborers and domestic workers, often paying illegal and exorbitant fees to unscrupulous recruiters in the labor-sending countries, thereby increasing their vulnerability to debt bondage. Some workers subsequently face conditions indicative of involuntary servitude, to include restricted movement, passport confiscation, exit permit retention, and threats of deportation or abuse. Over 90 percent of the country's workforce is comprised of men and women from South and Southeast Asia, Africa, and the Middle East, who work primarily in construction, oil and gas, the service industry, transportation, and domestic work sectors; some are subjected to forced labor. Female domestic workers are particularly vulnerable to trafficking, because they are not protected under Qatari labor laws and because officials lack authority to enter private residences. Some foreign women in prostitution, including some former domestic workers, are subjected to sex trafficking in Qatar.

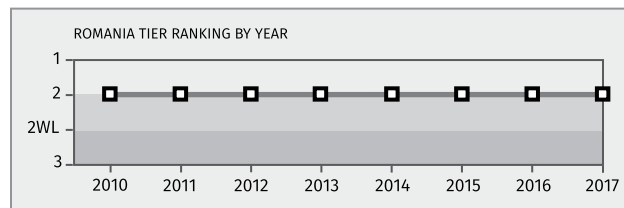
Qatar's low-skilled migrant workers continue to comprise the largest group at risk of trafficking. Many migrant workers arriving in Qatar pay exorbitant fees to recruiters in their home countries, and some recruitment agencies in labor-sending countries lure foreign workers with fraudulent employment contracts. Individuals in Qatar sell visas to migrants, enabling migrant workers to work illegally and without legal recourse against their respective sponsors; the sale of such visas may also lead to debt bondage. Businesses and individuals in Qatar reportedly falsely promise migrants employment opportunities.

Qatar's sponsorship system places significant power in the hands of employers, who have unilateral power to cancel residence permits, prevent workers from changing employers, and deny permission to leave the country. Debt-laden migrants who face abuse or are misled often avoid reporting their exploitation out of fear of reprisal or deportation, the protracted recourse process, or lack of knowledge of their legal rights, making them more vulnerable to forced labor, including debt bondage. Instances of delayed or unpaid salaries are a leading driver of forced labor in Qatar. Many migrant workers often live in confined, unsanitary conditions, and many complain of excessive working hours and hazardous working conditions; threats of deportation and physical or financial harm; and physical, mental, or sexual abuse. According to a 2014 study by Qatar University's Social and Economic Survey Research Institute, 76 percent of expatriate workers' passports were in their employers' possession, despite laws against passport confiscation.

## ROMANIA: TIER 2

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Romania remained on Tier 2. The government demonstrated increasing efforts in law enforcement, including sentencing two complicit officials, as well as its work with NGOs to identify a large number of victims during the reporting period. The government began to develop mechanisms to provide

financial support to NGOs but did not finalize this mechanism during the reporting period. The government did not meet the minimum standards in several key areas. Judges continued to lack specialized training on working with trafficking cases and victims, which had detrimental effects on witness protection, restitution for victims, and sentencing for perpetrators. The government's victim assistance remained limited, leaving most victims unprotected, susceptible to re-traumatization or without services, and vulnerable to re-trafficking.



## RECOMMENDATIONS FOR ROMANIA

Increase services for victims, including by allocating public funding for NGOs to provide services; investigate, prosecute, and convict traffickers, including complicit officials, and seek and obtain sentences that are sufficiently stringent and commensurate with the severity of the crime; significantly increase training on working with victims for police, judges, state attorneys, and other relevant officials; increase efforts to identify potential victims proactively among vulnerable populations, such as undocumented migrants, foreign workers, Roma, and children involved in begging, including by training labor inspectors; improve victim access to medical assistance and increase quality of psychological counseling; exempt victims from prosecution for crimes committed as a direct result of being subjected to human trafficking; exempt all trafficking victims who testify in trials from the online disclosure of their names to incentivize greater victim participation in prosecutions and protect participating witnesses from retaliation and stigma; finalize and adopt the 2018-2022 national action plan; improve the victim application process for social insurance coverage, which requires victims to obtain identification documents from their home districts, presenting subsequent logistical and financial hurdles; and revise the restitution mechanism to include consistently informing victims of their rights to apply for compensation, minimizing victim fees, and increasing efforts to ensure victims receive compensation.

## PROSECUTION

The government increased efforts to prosecute and convict complicit officials, but otherwise maintained law enforcement efforts. Articles 210, 211, and 367 of the penal code prohibit all forms of trafficking and prescribe penalties of three to 10 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities opened 864 new trafficking cases in 2016 (858 in 2015), and prosecutors indicted 358 suspected traffickers in 2016 (480 in 2015). Courts convicted 472 traffickers in 2016 (331 in 2015). Seventy-eight percent of convicted traffickers were sentenced to time in prison—as opposed to suspended jail sentences or educational measures—compared with 68 percent in 2015. Most prison terms in 2016 ranged from one to more than 23 years imprisonment. Courts levied approximately 200,000 lei (\$46,460) against traffickers in 2016, compared with none in 2015. Authorities continued to participate in joint investigative teams with several European counterparts. The government provided training to



police officers on trafficking detection and referrals, but NGOs reported a large portion of the police as well as judges lacked specialized training and sensitivity toward sex trafficking cases and trafficking issues. Judges typically did not differentiate between prostitution and sex trafficking as distinct crimes, which had detrimental effects on compensation for victims and sentencing for perpetrators. Observers frequently criticized police for being unaware of the exploitation potential in prostitution, leading to a failure to check for indicators of force, fraud, or coercion when encountering individuals in prostitution. The government reported two cases of official complicity in 2016. In one case, a police officer was sentenced to two years imprisonment for repeated trafficking of minors and nine months for establishing a criminal enterprise. In the other case, a judge received eight months for using the services of an exploited person and 16 months imprisonment for blackmail.

## PROTECTION

The government maintained minimal efforts in victim protection, although identification efforts remained sufficient. Public officials and NGOs identified 757 victims in 2016, compared with 880 in 2015 and 757 in 2014; these statistics included victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 47 percent were children, 78 percent were female, and 68 percent were subject to sex trafficking. Police used the government's national victim identification and referral mechanism, although observers noted inconsistencies in its use across the country. The government relied on NGOs to assist victims, but did not provide any financial support due to a legal preclusion of direct funding for NGOs. In 2016, an effort to change the law to permit funding to NGOs stalled; however, the government continued to pursue the change at the end of the reporting period. Additionally, the government pursued a program to channel a Swiss-funded grant (approximately \$2 million) with the Romanian government co-financing 15 percent to NGOs for victim assistance efforts. Nearly 42 percent (314) of registered victims, including 47 repatriated victims, benefited from rehabilitative assistance provided by public institutions and NGOs. Officials referred victims to government-run domestic violence or homeless shelters when NGO-run trafficking shelters were full. Local governments financed and operated emergency assistance and transit centers that could assist repatriated victims. Child trafficking victims were placed in general child facilities or in facilities for children with disabilities run by the governmental child protection service, which generally did not offer specialized assistance and frequently re-traumatized children. The law entitled all victims to medical and psychological care, legal aid, and reintegration support; however, observers noted the law did not necessarily provide for more than one mental health counseling session. In addition, access to medical care was impeded by the process for obtaining identity documents, which required Romanian victims to return to their home districts, despite the logistical and financial hurdles this presented for many trafficking victims. For Romanian victims abroad, Romanian embassies issued free travel documents and the government, NGOs, or an international organization paid for transport costs; 47 victims benefited from these services in 2016.

The law permitted foreign victims who cooperate with authorities to receive a renewable, six-month temporary residence permit. The law also permitted foreign victims to request asylum and granted asylum-seekers the right to work after three months. In 2016, authorities identified one foreign victim from Italy, and an NGO identified one foreign victim from Armenia. An independent expert reported there were

many unidentified foreign victims in Romania. Labor inspectors were neither trained in detecting trafficking indicators nor allowed to conduct unannounced worksite inspections. In 2016, 923 victims—identified during the reporting period and in prior years—participating in criminal prosecutions accessed services available to victims assisting law enforcement; these services included a police escort to the court or prosecutor's office, information on trial procedures, and facilitation of remote testimony. Some victims reportedly chose not to testify because the justice ministry published the names of all trial witnesses, including children, on its public website, putting victim-witnesses at risk of retaliation and societal or familial ostracization. Observers reported courtrooms were sometimes hostile environments in which traffickers and their supporters in the audience took photos of those pressing charges and verbalized death threats. The law permitted victims to provide testimony from a separate room, although this was rarely done in practice due to judges' general preference for live testimony, state-provided lawyers' lack of experience with traumatized victims, and a general bias against victims exploited in prostitution. The law entitled victims to restitution from their traffickers; however, victims generally could not afford the fees necessary to initiate civil trials or, in cases in which judges ordered restitution, pay court officers to collect the money owed from traffickers. Additionally, NGOs reported victims rarely received restitution money because when ordered by courts to pay restitution, traffickers did not do so, noting one NGO had not received any of the €40,000 (\$42,150) it won from cases finalized in 2016. Prosecutors typically dropped charges and fines against victims for crimes committed as a direct result of being subject to human trafficking, but they still charged with theft some victims forced to steal for traffickers.

## PREVENTION

The government maintained prevention efforts. The National Agency against Trafficking in Persons (ANITP) continued to publish monitoring reports, research reports, and statistics on the techniques traffickers used to manage victims, trafficking routes, profiles of traffickers, and the effectiveness of anti-trafficking measures. ANITP implemented three large-scale national prevention campaigns, a separate awareness campaign targeting the Romanian community in the United Kingdom, and several other educational prevention campaigns and projects, including a short film competition in which filmmakers could promote messages for combating trafficking. ANITP was in the process of developing a 2018-2022 national action plan at the close of the reporting period; however, a 2017 action plan was not developed. The government has never reported punishing a recruitment company for trafficking-related crimes, despite a 2006 amendment to the criminal code that prohibits Romania-based recruitment companies from facilitating the exploitation of citizens abroad. The government continued to operate a hotline during regular business hours that primarily focused on informing Romanians about working abroad safely. The government took steps to reduce demand for commercial sex acts and forced labor. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad as part of international peacekeeping missions.

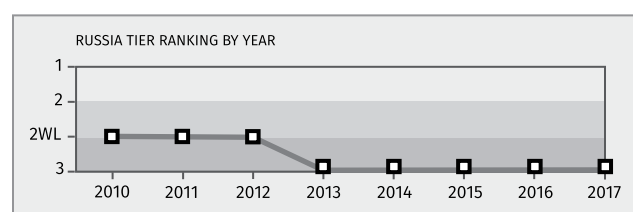
## TRAFFICKING PROFILE

As reported over the past five years, 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. Romania is a significant source of sex and labor

trafficking victims throughout Europe. Romanian men, women, and children are subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing, as well as forced begging and theft in Romania and other European countries. Romanian women and children are victims of sex trafficking in Romania and other European countries. Romani children are particularly vulnerable to forced begging and sex trafficking. Romania is a destination country for a limited number of foreign trafficking victims, including sex trafficking victims from Italy and Armenia. Romanians living in privately run institutions for the mentally disabled were vulnerable to forced labor. Government officials have been convicted of human trafficking crimes, and there have been reports of local officials obstructing trafficking investigations.

## RUSSIA: TIER 3

The Government of Russia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Russia remained on Tier 3. Despite the lack of significant efforts, there were reports some authorities took steps to address trafficking, including the Moscow police issuing informal permits to allow three victims to stay in Russia while police investigated their cases and easing the acquisition of work permits for citizens from select countries to reduce vulnerability to trafficking. However, the government maintained, and recently expanded, bilateral contracts with the Democratic People's Republic of Korea (DPRK or North Korea) under which the DPRK operated labor camps on Russian soil and subjected thousands of North Korean workers to forced labor. Authorities routinely detained and deported potential forced labor victims without screening for signs of exploitation, and prosecuted victims forced into prostitution for prostitution offenses. The government offered no funding or programs for trafficking victims' rehabilitation, while several privately run shelters remained closed due to lack of funding and the government's crackdown on civil society. Authorities did not report identifying or assisting any victims and lacked a process for the identification of victims and their referral to care. The government did not consistently provide comprehensive information on prosecution efforts, but the limited available data and media reports indicate prosecutions remained low compared with the scope of Russia's trafficking problem. As in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies.



## RECOMMENDATIONS FOR RUSSIA

Allocate funding to state bodies and anti-trafficking NGOs to provide specialized assistance and rehabilitative care to trafficking victims; develop formal national procedures to guide law enforcement, labor inspectors, and other government officials in identifying and referring victims to service providers, particularly among labor migrants and individuals in prostitution; investigate allegations and prevent the use of forced labor in construction projects and North Korean-

operated labor camps; create a national anti-trafficking action plan and establish a central coordinator for government efforts; increase efforts to investigate and prosecute trafficking offenses and convict traffickers including complicit officials, respecting due process; implement a formal policy to ensure identified trafficking victims are not punished or detained in deportation centers for acts committed as a direct result of being subjected to trafficking; provide victims access to legal alternatives to deportation to countries where they face hardship or retribution; create a central repository for publicly available information on investigation, prosecution, conviction, and sentencing data for trafficking cases; and increase efforts to raise public awareness of both sex and labor trafficking.

## PROSECUTION

The government maintained minimal law enforcement efforts. It did not consistently collect and share information on trafficking cases or maintain comprehensive statistics about criminal cases, making it difficult to assess the adequacy or effectiveness of law enforcement efforts. Media reports and publicly available data reveal some details on trafficking cases investigated and prosecuted during the reporting period, although the limited number of cases reported did not appear to constitute an adequate law enforcement response compared to the estimated prevalence of trafficking in Russia. From the limited available information, authorities prosecuted trafficking suspects through articles 127.1 and 127.2 of the criminal code, which criminalizes "trade in people" and "use of slave labor." These articles prescribe punishments of up to 10 years imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape.

In April 2016, the government disbanded the federal migration service and transferred most of its responsibilities, including maintaining statistics, to the Ministry of Internal Affairs. In 2016 Russia's federal-level investigative committee publicly reported seven investigations, six under article 127.1 and one under 127.2 in 2016. The government did not report initiating any prosecutions. The Supreme Court released statistics showing authorities convicted 28 traffickers, 24 under article 127.1 and four convictions under article 127.2. Twenty of these convictions resulted in a prison sentence, although eight served no prison time due to suspended sentences or parole. Russian prosecutors may have charged some sex trafficking cases under articles 240 and 241, which criminalizes the inducement to and organization of prostitution, and charged some cases under article 322.1, which criminalizes organized illegal migration, but the government provided no public information on whether any of these cases involved force, fraud, or coercion.

As in the previous reporting period, the government met with NGOs to discuss an amendment to article 151 (Involvement of a Minor in the Commission of Antisocial Actions) to close a loophole that allowed adults to avoid criminal liability for exploiting children for begging—a common practice in many parts of Russia—but the law was not amended. Law enforcement training centers provided lectures and courses on trafficking for investigators and prosecutors. Due to insufficient funding, NGOs based in St. Petersburg did not conduct trafficking training for officials; there was no information suggesting NGOs elsewhere conducted such training. Russian authorities cooperated in some international investigations involving foreign nationals trafficked in Russia. The DPRK government continued to send workers to Russia under bilateral contracts with Russia and other foreign governments. Despite credible reports of slave-like conditions of North Koreans working in

Russia, the Russian government did not report any investigations into those conditions. Additionally, as of January 1, 2017, compulsory labor within Russian correctional centers was reintroduced—as written into the Russian criminal codex in December 2011. The Russian labor code does not include an article which states that labor performed as part of a judicial sentence is considered to be forced labor—which is banned under Russia’s constitution—and therefore could provide a possible loophole for authorities to use forced labor as an alternative punishment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government generally did not undertake efforts to protect human trafficking victims and did not publicly report having identified or assisted victims. The government did not provide funding or programs for protective services dedicated to trafficking victims. Without specific legislation differentiating trafficking victims from victims of other crimes, government agencies claimed they had neither the means nor authority to provide assistance programs specifically for trafficking victims. Two dedicated trafficking shelters that provided protective services to trafficking victims and operated between 2011 and 2014 remained closed. In Moscow, a shelter run by the Russian Orthodox Church and an international organization remained closed due to lack of funding; the shelter cared for dozens of foreign trafficking victims between 2012 and 2015. During the reporting period, a homeless shelter run by the Russian Orthodox Church in Kitezh began accepting trafficking victims and offered them food and housing, though not medical or psychological care; the government did not provide financial support for the shelter. Additionally, an eight-bed shelter for trafficking victims, run by the Russian Red Cross with foreign funding in a space granted by the St. Petersburg municipal government, did not serve any identified victims of trafficking after it suspended many of its operations in the previous reporting period. The Red Cross continued to run a hotline, which primarily served labor migrants and did not identify any victims of trafficking amongst its callers. A similar shelter established by an international organization in cooperation with Vladivostok authorities remained closed following its loss of funding in the reporting period. Similar to the previous reporting period, the government took steps to limit or ban the activities of other civil society groups, including some dedicated to anti-trafficking activities. Further, the government’s efforts to exert pressure on NGOs through the implementation of restrictive laws also targeted those providing protective services for trafficking victims and at least two locally registered NGOs working on trafficking issues were designated as “foreign agents.”

The government did not report identifying or assisting any victims. Experts estimated more than 5,000 cases of trafficking in 2015. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services. An international organization received 157 referrals, from both government and NGOs, for trafficking victims in 2016, of which 32 were sex trafficking victims and 77 were victims of forced labor or begging. A second NGO assisted 25 victims, who were primarily subjected to sex trafficking. According to media reports, authorities provided assistance to at least one Russian national victim who had been repatriated with the assistance of the Russian embassy. Repatriation costs were reportedly covered by authorities on a case by case basis. An NGO reported Russian authorities occasionally prosecuted sex trafficking victims for prostitution

offenses. Authorities routinely detained and deported possible foreign victims with no effort to screen them as victims or refer them to care providers. However, during the reporting period, observers found Moscow city police had informally begun providing “permit letters” with a validity of one year to individuals the police determined were trafficking victims; there were three known beneficiaries as of January 2017. While the letters offered no official status to the migrants, they allowed victims to remain in the Moscow region without risk of deportation or prosecution while police investigated their trafficking case. A February 2016 agreement between Russia and DPRK enabled Russian authorities to deport North Koreans residing “illegally” in Russia, possibly even for those with refugee status. By potentially removing the protections associated with refugee status, the new agreement may increase the risk of labor trafficking for North Koreans working under the state-to-state agreement. Civil society observers reported some working-level officials within Russia’s investigative agencies referred victims to protective services on an ad hoc basis. Police regularly avoided registering victims in criminal cases that were unlikely to be solved in order not to risk lower conviction rates. Authorities did not screen vulnerable populations, such as migrant workers, DPRK workers, or foreign women entering Russia on student visas despite evidence of their intention to work or other vulnerabilities to trafficking.

## PREVENTION

The government maintained limited efforts to prevent trafficking. In 2016, the government continued to issue work permits for citizens of select countries who can travel to Russia without a visa. By legalizing migrant labor, the system may reduce the vulnerability of some migrant workers; however, the permits contained large upfront fees and obtaining them sometimes required multiple time-consuming trips to the migrant processing center. Legislation implemented in January 2016 limited the amount of time an employer can send employees to work for other firms and required these outsourced employees to earn the same amount as permanent employees. These regulations may reduce the vulnerability of temporary workers loaned to other companies, a practice known as “outstaffing” in Russia. Authorities conducted scheduled and unannounced audits of firms employing foreign laborers to check for violations of immigration and labor laws—with penalties in the form of having foreign worker permits revoked. Despite these efforts, the government made no efforts to develop public awareness of forced labor or sex trafficking. Russia did not have a national action plan, nor is there a designated lead agency to coordinate anti-trafficking measures; legislation that would implement such a framework has been stalled at the highest levels within the presidential administration. The government did not have a body to monitor its anti-trafficking activities or make periodic assessments measuring its performance. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government reported providing anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Russia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking remains the predominant human trafficking problem within Russia. Workers from Russia and other countries in Europe, Central Asia, and Southeast Asia—including Vietnam and DPRK—are subjected to forced labor in Russia. Instances of labor trafficking have been reported in the construction,



manufacturing, logging, agricultural, brick factories, textile, grocery store, maritime, and domestic service industries, as well as in forced begging, waste sorting, and street sweeping. Official and unofficial statistics estimate there are between five and 12 million foreign workers in Russia, of which the government estimates 1.5 million are irregular migrants. Foreign laborers work primarily in construction, housing, and utilities, and as public transport drivers, seasonal agricultural workers, tailors and garment workers in underground garment factories, and vendors at marketplaces and shops. Many of these migrant workers experience exploitative labor conditions characteristic of trafficking cases, such as withholding of identity documents, non-payment for services rendered, physical abuse, lack of safety measures, or extremely poor living conditions. Subcontracting practices in Russia's construction industry result in cases of non-payment or slow payment of wages, which leave workers at risk of labor trafficking. Organized crime syndicates from Russia sometimes play a role in exploiting labor migrants, and corruption among some government officials and within some state agencies creates an environment enabling some trafficking crimes. There are reports of Russian citizens facing forced labor abroad. There are also reports of increased vulnerability of children from state and municipal orphanages being lured via the internet and social networks, to forced criminality, child pornography, sexual exploitation, and use by armed groups in the Middle East.

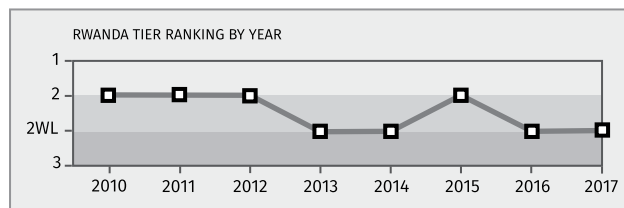
Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily Vietnam), Africa (particularly Nigeria), and Central Asia are reportedly victims of sex trafficking in Russia. Forced prostitution occurs in brothels, hotels, and saunas, among other locations; certain traffickers advertised the sexual services of children over the internet. Some children on the streets are exploited in child sex trafficking. Russian women and children are reportedly victims of sex trafficking in Russia and abroad, including in Northeast Asia, Europe, Central Asia, Africa, the United States, and the Middle East.

In recent years, criminal cases have involved Russian officials suspected of allegedly facilitating trafficking in Russia by facilitating victims' entry into Russia, providing protection to traffickers, and returning victims to their exploiters. Employers sometimes bribe Russian officials to avoid enforcement of penalties for engaging illegal workers. As previously mentioned, the DPRK sends approximately 20,000 North Korean citizens to Russia annually for work in a variety of sectors, including logging in Russia's Far East—with approximately 30,000 North Korean citizens officially registered in Russia; reportedly many of these North Korean citizens are subjected to conditions of forced labor. A February 2016 agreement between Russia and DPRK may exacerbate these conditions by enabling Russian authorities to repatriate North Koreans residing "illegally" in Russia, potentially even for those with refugee status, despite reports that DPRK authorities arrest, imprison, subject to forced labor, torture, and sometimes execute repatriated trafficking victims.

## RWANDA: TIER 2 WATCH LIST

The Government of Rwanda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by prosecuting

and convicting perpetrators of cross-border trafficking crimes, identifying and referring trafficking victims to some protection services, providing assistance to some former child combatants, and continuing to implement anti-trafficking awareness campaigns and other prevention measures. The government also issued new ministerial guidelines on the civilian nature of all refugee camps in close collaboration with an international organization, which clarify criminal penalties for trafficking and recruitment in the camps. In contrast to the previous year, there were no credible reports of Rwandan government involvement in either the recruitment into armed groups or sexual exploitation of refugees. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not investigate, prosecute, or convict any trafficking offenders for internal trafficking crimes, despite the presence of sex trafficking and forced labor within the country. The government did not investigate credible allegations in 2015 that some Rwandan security and military officials were complicit in facilitating the recruitment of Burundian refugees, including children, into armed groups, and it did not hold criminally accountable Rwandan defense forces (RDF) soldiers and refugee camp staff for allegedly facilitating the sexual exploitation of Congolese child refugees in 2015. Refugee whistleblowers from 2015 reported ongoing harassment by officials from the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) in retaliation for reporting protection concerns in camps. The government did not adequately screen for trafficking victims among individuals at government centers that serve vulnerable populations, and observers stated these centers, which the government claimed were for rehabilitation, functioned as de facto detention facilities. Therefore, Rwanda remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR RWANDA

Proactively investigate, prosecute, and convict perpetrators of forced labor and sex trafficking, including officials and individuals involved in sex trafficking and recruitment and use of refugees into armed groups; implement protection measures for Rwanda's refugee population, and effectively train all MIDIMAR and security officials to identify, screen for, and protect trafficking victims among refugees; systematically identify trafficking victims among vulnerable populations, and ensure potential and identified victims are not arrested, detained, or punished for unlawful acts committed as a direct result of being subjected to human trafficking; provide appropriate long-term protection services, including shelter and psychosocial care, for all trafficking victims, both foreign and domestic; cooperate with NGOs and international organizations to proactively identify and refer victims to adequate protection services; continue training of law enforcement, judicial officials, labor inspectors, and social workers on the implementation of trafficking laws and victim identification procedures; and continue to implement anti-trafficking awareness campaigns.

## PROSECUTION

The government maintained law enforcement efforts. It continued to combat cross-border trafficking crimes, but did not investigate internal trafficking crimes nor did it hold criminally accountable government officials who were allegedly complicit in 2015 of sex trafficking and the recruitment of Burundian refugees, including children, into armed groups. Rwanda's penal code criminalizes human trafficking under a variety of articles, mostly in chapter 8. This chapter, in combination with forced labor articles and other provisions of law, covers almost all forms of trafficking, but also includes crimes that are not defined as trafficking under the UN Palermo Protocol. Chapter 8 prescribes penalties of seven to 10 years imprisonment and financial penalties for internal trafficking, and up to 15 years imprisonment for transnational trafficking. Child trafficking convictions are subject to a minimum five-year prison term, while slavery convictions carry three- to 12-year prison terms. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Law Relating to the Rights and Protection of the Child outlaws child sex and labor trafficking and slavery under article 51.

During the reporting period, the government initiated an unknown number of trafficking investigations of alleged perpetrators from Burundi, Uganda, Germany, and Kenya. The national public prosecution authority (NPPA) reported initiating 44 cases of cross-border trafficking between July 2015 and October 2016—a 15-month timeframe of which only five months are in the reporting period; of these cases, it prosecuted 16, while 16 cases were dismissed and 12 remained pending at the end of this reporting period. The government convicted seven traffickers during the specified timeframe, but it did not report the sentences or the laws under which these offenders were convicted. During the previous 12-month reporting period, the government reported 19 potential cases of human trafficking and three convictions under anti-trafficking provisions. In 2016, the government did not prosecute or convict any perpetrators of internal sex trafficking or forced labor, despite the prevalence of trafficking within the country. For example, in August 2016 the Rwandan national police (RNP) arrested and investigated a hotel owner for allegedly forcing four female employees to provide commercial sex to the hotel's customers; however, authorities dropped the case due to insufficient corroborating evidence and released the alleged perpetrator in September 2016 despite the four victims proactively pursuing criminal charges. The government admitted difficulty prosecuting and convicting trafficking offenders due to a lack of investigative and prosecutorial anti-trafficking knowledge, extensive trafficking networks, and lack of victim testimony.

The government did not hold complicit officials accountable for alleged trafficking offenses that occurred in 2015, despite credible allegations of such complicity. During the reporting period, the government continued to deny credible allegations that security and military officials were complicit in facilitating the coerced recruitment of Burundian refugees, including children, in 2015. Moreover, the government did not hold criminally accountable RDF soldiers and refugee camp staff for allegedly facilitating the sexual exploitation of Congolese child refugees in 2015; after conducting an internal investigation, the government relieved two RDF soldiers and other camp staff officials of their duties, but did not prosecute or adequately punish any civilian or military officials for these alleged crimes. The government continued the investigation of three RNP officers serving as peacekeepers in Haiti, who were cited in the UN Secretary-General's 2016 report on sexual exploitation and abuse of civilians by international peacekeepers. All three

were paternity cases arising from inappropriate relationships with adult victims. The officers were placed on administrative duty and not allowed to perform police duties while under investigation. The RNP fully cooperated with the UN-led investigation, which was pending confirmation of paternity by the UN at the end of the reporting period.

As in the previous reporting period, the RNP continued to operate a 15-officer anti-trafficking unit within its INTERPOL directorate. The RNP directorate for anti-gender-based violence (GBV) also continued to designate three officers in each of the country's 78 police stations to serve as points of contact for domestic trafficking victims; six judicial police officers specialized in victim identification remained in each of Rwanda's police stations. The government continued to provide anti-trafficking training as a part of standard training and professional development for immigration officers, police, labor inspectors, judicial officials, and social workers. The NPPA also trained 60 prosecutors and judicial police on investigation and prosecuting trafficking crimes.

## PROTECTION

The government maintained protection efforts. It continued to identify and refer to services some trafficking victims; however, it did not provide protection services specifically catered to the needs of trafficking victims as distinct from victims of other crimes, nor did it protect vulnerable populations from punishment for crimes committed as a result of being subjected to trafficking. During the reporting period, MIDIMAR and RNP continued efforts to ensure security at refugee camps and better register the arrival and departure of refugees, in response to allegations of the recruitment of child and adult refugees to fight for Burundian armed groups. Despite this effort, MIDIMAR officials continued to discourage Burundian refugees from reporting protection concerns in the camp; some whistleblower refugees from 2015 reported ongoing harassment by MIDIMAR staff throughout the reporting period in reprisal for reporting their concerns. The government continued to operate transit and vocational training centers intended to rehabilitate street children, women in prostitution, and individuals detained for crimes committed as a direct result of trafficking. Following NGO reports of abuse at the centers, the government adopted guidelines for improving conditions at the centers. However, advocacy groups continued to report that the centers operated without judicial oversight and functioned as de facto detention facilities in which individuals held were not adequately screened for trafficking, were held for arbitrary periods of time, and were at times subjected to physical or sexual abuse.

Law enforcement and immigration officials identified approximately 60 trafficking victims in 2016, which included 28 Rwandan victims repatriated from Burundi and 15 female Burundian trafficking victims identified at a border-crossing. This compares to 25 victims identified in 2015. The government continued to provide victim identification guidelines to law enforcement and immigration officials, and social workers in victim centers also used guidelines to identify and assist trafficking victims. NGOs reported insufficient coordination among ministries and lack of collaboration with civil society hindered the government's ability to identify and assist trafficking victims. In one case, the government did not refer to protective services four potential sex trafficking victims after the RNP arrested a hotel owner for allegedly forcing these women to engage in commercial sex with hotel clients. The government's 28 "one-stop" centers located in hospitals and district capitals provided various psychosocial services

to GBV and trafficking victims. According to international organizations, the provision of these services was insufficient due to funding shortfalls. The government referred the 28 Rwandan trafficking victims to these centers in 2016 for assistance and local authorities worked with victims to reintegrate them into their communities. The RNP also operated four additional safe houses where foreign trafficking victims could be temporarily housed prior to repatriation, and the RNP housed 15 Burundian victims at these facilities during the reporting period. The NPPA continued to operate four safe houses for witnesses in criminal cases, which could include trafficking victims; however, in 2016—as in 2014 and 2015—the government did not place trafficking victims in these safe houses. The national commission for children (NCC) reported it removed 2,000 children from exploitative labor in agriculture and construction sectors during the reporting period, but it did not report screening them for indicators of trafficking or what assistance—if any—the children received after removal. In 2016, the government assisted approximately 30 children in a rehabilitation center for former child combatants associated with armed groups in the Democratic Republic of the Congo (DRC), which provided psycho-social support, education, and reintegration services. The government reportedly encouraged victims to testify against perpetrators, but officials noted participation of victims in the investigation and prosecution of traffickers continued to be a challenge. Rwandan law does not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution; however, in practice, the government made efforts not to deport foreign victims who faced retribution in their home country.

## PREVENTION

The government maintained efforts to prevent trafficking. In response to 2015 allegations that some officials were complicit in facilitating the coerced recruitment of Burundian adult and child refugees out of camps, the government—in collaboration with UNHCR—adopted ministerial guidelines in June 2016 that prohibit refugees from participating in military training and outline punishments for perpetrators of GBV, organized prostitution, and human trafficking crimes in refugee camps. MIDIMAR also partnered with the UN to carry out a gender assessment in all refugee camps to identify measures to mitigate the risks of trafficking and GBV. International organizations and NGOs reported that insufficient coordination among government agencies and resource constraints continued to hinder the government's anti-trafficking efforts. The government continued to implement its 2014-2017 national anti-trafficking action plan, and in June 2016 parliament held a public consultative meeting to address human trafficking and other crimes and adopt future measures to prevent trafficking. The government's interagency anti-trafficking working group met quarterly in 2016. Throughout the reporting period, the government conducted multiple national and local awareness raising anti-trafficking campaigns in schools and community events, as well as on television and radio. Despite these awareness-raising efforts, these campaigns focused primarily on transnational trafficking and did not adequately address domestic sex trafficking, child sex trafficking, and forced child labor. RNP continued to operate a national GBV hotline, which was staffed by social workers trained to identify and refer trafficking cases, which reportedly identified an unspecified number of victims in 2016.

The government made efforts to reduce the demand for forced labor, commercial sex acts, and child sex tourism. The government continued an awareness campaign to discourage

men from paying for commercial sex and requiring men who were arrested for buying commercial sex acts to perform community service and receive education on women's rights. The government reported closing two labor recruitment agencies in 2016, but it reported that it had difficulty prosecuting and convicting recruiters who fraudulently recruited workers. The government continued to train labor inspectors on identifying and handling child labor cases, including forced child labor. The government continued to work in partnership with an international NGO to remove children from child labor, including exploitative child labor, in the agriculture and construction sectors. During the reporting period, the government partnered with an international organization to train a corps of approximately 30,000 village-level community volunteers to address child protection issues, including child labor. The government trained all Rwandan troops on gender sensitivity, human rights, and trafficking prior to their deployment to UN peacekeeping missions abroad. The government provided anti-trafficking training for all its diplomatic personnel; diplomats were also required to identify and assist the repatriation of Rwandan trafficking victims abroad.

## TRAFFICKING PROFILE

As reported over the past five years, Rwanda is a source, transit, and to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. Rwandan girls and boys are exploited in domestic service through extended family networks; some of these children experience physical or sexual abuse and non-payment of wages. Rwandan girls and some boys, some of whom are secondary school students between the ages of 13 to 18, are exploited in commercial sex in hotels, at times through the facilitation of hotel owners. Local human rights groups reported in 2016 that some Rwandan girls in domestic work, who become pregnant and thereby terminated by their employers and unable to return to their home villages, are subsequently exploited in sex trafficking. Some Rwandan men, women, and children are subjected to sex trafficking and forced labor in domestic work and agricultural and industrial sectors in destinations around the world; the primary destinations for Rwandan victims are Uganda, the DRC, and other parts of East Africa. Rwandan victims are also reportedly exploited in domestic servitude in the Middle East and sex trafficking in China. In previous years, Rwandan victims were exploited in South Africa, Malaysia, the United States, and Europe. In 2016, some Rwandan girls were forced into marriages with men in Tanzania and may have experienced commercial sexual exploitation through these marriages. Reporting in 2013 indicated Kampala- and Nairobi-based labor recruiters and brokers recruited Rwandan workers through fraudulent offers of employment abroad and subjected them to sex trafficking and forced labor in agriculture and domestic work.

Refugees fleeing conflict and political violence in Burundi and the DRC remained highly vulnerable to trafficking in Rwanda or are subjected to exploitation in third countries after transiting Rwanda. According to an international organization, there has been an increase in sex trafficking of Burundian male and female teenagers through Rwanda to third countries since 2015. Since April 2015, approximately 85,000 Burundian refugees fled to Rwanda. In 2015, Burundian refugee girls transited through Rwanda and were exploited in sex trafficking in Uganda; some of these girls may also be subjected to domestic servitude in Uganda. Separately, female child refugees in a Congolese refugee camp were reportedly subjected to sex trafficking in nearby towns in 2015, allegedly facilitated by one civilian and

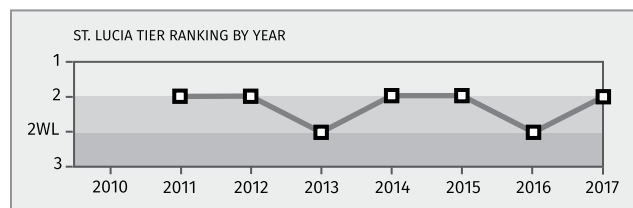


three RDF soldiers assigned to the camp.

Between May and September 2015, Burundian refugees residing in Mahama refugee camp in Rwanda were recruited into non-state armed groups supporting the Burundian opposition; Rwandan security forces charged to protect the camp population reportedly facilitated or tolerated the recruitment activity. Whistleblower refugees in 2015 alleged that recruiters—including both Rwandan officials and other refugees—threatened, intimidated, harassed, and physically assaulted those who refused recruitment attempts. Most recruits were adult males, but in three verified cases, Burundian refugee children were also identified as recruits from Mahama refugee camp. Refugees reported Burundian recruits, including women and children, were trained in weaponry by Rwandan military personnel at a training camp in southwestern Rwanda. There were no reports of forcible or coerced recruitment out of Mahama refugee camp by Rwandan government officials in 2016.

## ST. LUCIA: TIER 2

The Government of St. Lucia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, St. Lucia was upgraded to Tier 2. The government demonstrated increasing efforts by investigating three cases of potential trafficking and approving a national action plan for anti-trafficking efforts. The government provided assistance and restitution to victims in a labor trafficking case. However, the government did not meet the minimum standards in several key areas. The government did not approve or implement standard operating procedures for victim identification and referral. The government did not initiate new trafficking prosecutions.



## RECOMMENDATIONS FOR ST. LUCIA

Prosecute, convict, and punish perpetrators of forced labor and sex trafficking; increase efforts to identify and provide assistance to victims; fully implement the 2015-2018 national action plan; adopt standard operating procedures on a victim-centered approach to guide police, immigration, labor, child protection, judicial and social welfare officials on victim identification, referral, and participation in legal proceedings; train government officials to implement procedures to proactively identify labor and sex trafficking victims among vulnerable populations, such as migrant workers in domestic service and children exploited in sex trafficking, and refer them to appropriate services; take measures, respective of due process, to expedite prosecution of trafficking cases; amend shortcomings in the law so penalties for trafficking are commensurate with penalties for other serious crimes, such as rape; and implement a national public awareness campaign about forced labor and sex trafficking.

## PROSECUTION

The government increased law enforcement efforts. The 2010 Counter-Trafficking Act prohibits all forms of trafficking, punishable by up to five years imprisonment or fines of up to 100,000 Eastern Caribbean dollars (\$37,040), or both. These penalties are sufficiently stringent for labor trafficking, but with regard to sex trafficking, inadequate because they were not commensurate with penalties for other serious crimes, such as rape. The anti-trafficking act also criminalizes the unlawful holding of identity documents and allows for asset forfeiture of persons convicted of trafficking. The government initiated three trafficking investigations during the reporting period, an increase from one in 2015. The police closed all three investigations due to a lack of evidence. The police lacked personnel trained to identify trafficking.

The government did not initiate any prosecutions in the reporting period, compared to four in 2015 and none from 2011 to 2014. The director of public prosecutions retired in March 2016, and this position was empty until a new director was appointed in October 2016; this gap prevented any movement forward on existing cases during this time period. The government took steps to improve the efficiency of the justice system by creating a new position for a second high court judge to hear criminal trials; previously there was only one high court judge to hear all criminal trials.

The government continued to prosecute a March 2015 labor trafficking case, in which 70 students from Nepal, India, and the Philippines each paid an estimated \$9,000 to attend a hospitality training school. Upon arrival, students found the academy closed, and nine students were forced to provide labor under the guise of hospitality internships. The government arrested and indicted four men (three men from India and one from Bangladesh) for labor trafficking. The prosecution remained in process at the end of the reporting period. The government had yet to convict a trafficker.

The government had never reported investigating, prosecuting, or convicting a public official complicit in trafficking. The police reported cooperation with the United States and other Caribbean countries to exchange information on trafficking cases. The government, in collaboration with an international organization and Interpol, trained immigration and police officers in investigative techniques and victim identification, referral, and assistance. The government provided a separate training for judicial authorities.

## PROTECTION

The government increased protection efforts. The government did not identify any trafficking victims in the reporting period, compared with 10 in 2015. However, the government conducted proactive investigations to identify victims. Police raided one night club suspected of trafficking or prostitution; however, the police did not identify any victims in this raid. The government did not have written procedures to guide officials on the proactive identification of victims. Starting in 2014, an international organization assisted the government with drafting formal procedures to guide law enforcement, health, and other officials on victim identification and referral to available protection and assistance services; however, the government had not finalized them at the close of this reporting period. The government reported it allocated 371,334 Eastern Caribbean dollars (\$137,530) for victim care during the reporting period, including the provision of long-term housing, meals, health care, counseling, and personal care items for up to 20 victims

and witnesses related to an ongoing labor trafficking case. An international organization also provided airfare for those who wanted to return home. Notably, a separate court decision in the labor trafficking case provided funds from the perpetrators to the victims and their dependents. The amount of restitution paid to the students was 1 million Eastern Caribbean Dollars (\$370,370).

Although there was no dedicated shelter for trafficking victims, the government had six different facilities available to house victims. Through the Office of Gender Relations, trafficking victims could be referred to various organizations to provide legal, health, advocacy, and crisis services. Authorities referred victims on an ad hoc basis to legal, advocacy, and crisis services. Adult victims were able to leave at will, but were not allowed to work or receive formal residency status because the government considered victims wards of the state. However, several witnesses involved in the pending labor trafficking case worked during the reporting period.

The 2010 anti-trafficking act contains victim protection provisions, such as privacy and witness protection, to encourage victims to participate in the investigation and prosecution of traffickers. The director of public prosecutions met with victims and witnesses to prepare and encourage them to participate in a trial. The anti-trafficking act protects trafficking victims from prosecution for unlawful acts committed as a direct result of being subjected to trafficking and protects foreign victims from deportation. The police reported no trafficking victims were detained or fined as a result of their being subjected to trafficking. The act also provides for restitution to all victims and immigration relief to foreign national victims. Students in the labor trafficking case received restitution from the perpetrators related to the charge of “obtaining property by deception.”

## PREVENTION

The government maintained minimal efforts to prevent trafficking. The home affairs and national security ministry led an anti-trafficking taskforce, consisting of relevant agencies and NGOs, in implementing the national action plan. In September 2016, the government approved a national action plan and a national framework for combating trafficking in persons; the national plan was in force and covered 2015-2018. The government, however, did not provide financial assistance to the taskforce to implement the plan, and the taskforce made little progress in implementing the plan. The government, in partnership with an international organization and local NGO, finalized a public education campaign, but it did not print and distribute the fliers due to a lack of funding. The gender office conducted awareness campaigns at secondary schools. The interagency taskforce met six times during the reporting period. The immigration department presented recommendations for improving visa documentation based on the mistakes made in the labor trafficking case. The government-funded an NGO to run a hotline for victims of violence, including trafficking victims, but it received zero human trafficking calls during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel, although the Ministry of External Affairs and the anti-trafficking taskforce began developing a training curriculum. To help raise public awareness, on October 2016, the home affairs minister gave a press conference highlighting the problem of mothers

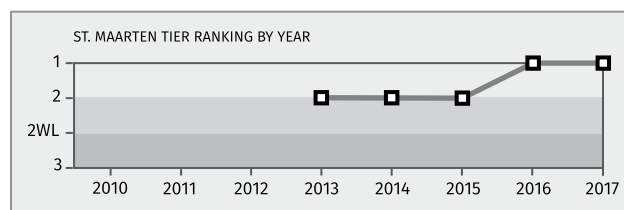
subjecting their children to trafficking. The government did not take measures to reduce the demand for commercial sex or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, St. Lucia is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Documented and undocumented immigrants from the Caribbean and South Asia, including domestic workers, are the groups most vulnerable to human trafficking. Local and foreign children are subjected to sex trafficking. Foreign women who work in strip clubs and in prostitution are also vulnerable to sex trafficking. NGOs report disadvantaged young women from rural areas are vulnerable to sex trafficking. According to the government, business owners from St. Lucia, India, China, Cuba, and Russia are the most likely trafficking perpetrators in the country. Civil society has also reported women, or in some cases older teenagers, recruiting younger adolescents to provide transactional sex with adults at street parties.

## ST. MAARTEN: TIER 1<sup>†</sup>

The Government of St. Maarten fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, St. Maarten remained on Tier 1. The government demonstrated serious and sustained efforts by identifying more victims of trafficking and investigating alleged traffickers, and holding preliminary hearings in its largest human trafficking case that was initiated during the previous reporting period. Although the government meets the minimum standards, for the second consecutive year it did not initiate new prosecutions or secure any convictions, and did not allocate specific funds for anti-trafficking efforts among government agencies.



## RECOMMENDATIONS FOR ST. MAARTEN

Increase efforts to prosecute and convict trafficking offenders; implement formal standard operating procedures to guide officials, including health workers, on how to identify and assist victims among vulnerable populations and refer them to care; allocate funding to the National Reporting Bureau on Human Trafficking to improve anti-trafficking efforts; conduct outreach to all incoming migrants, including domestic workers and foreign women on temporary entertainment visas, to ensure they are informed of their rights, the anti-trafficking hotline, and ways to seek assistance; raise awareness among the general public and vulnerable groups about trafficking in St. Maarten; and amend the anti-trafficking penal code to eliminate the

<sup>†</sup> St. Maarten is an autonomous entity within the Kingdom of the Netherlands. For the purpose of this report, St. Maarten is not a “country” to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how St. Maarten would be assessed if it were a separate, independent country.

possibility of sentences that result in a trafficker paying a fine in lieu of serving a prison sentence.

## PROSECUTION

The government maintained its law enforcement efforts. The penal code prohibits forced labor and forced prostitution, prescribing penalties ranging from 12 to 24 years imprisonment or a fine. These terms of imprisonment are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape; however, penalties of a fine in lieu of imprisonment are inadequate to deter trafficking and are disproportionately low compared to the seriousness of the crime. The code defines as trafficking fraudulent labor recruitment for the purpose of subjecting workers to forced labor or prostitution. The code also criminalizes unregulated prostitution.

The public prosecutor and the Human Trafficking and Human Smuggling Unit worked closely with authorities in the Dominican Republic towards finalizing its largest trafficking case, which was initiated in the previous reporting period. In April 2016, a preliminary court heard arguments in that case against four defendants on charges of exploitation of women and trafficking in persons; the case remained pending trial with the suspects in detention. An additional suspect in this case also remained in jail awaiting trial. The government initiated the investigation of five alleged traffickers (six in 2015) involved in one forced labor and two sex trafficking cases; all three cases remained under investigation at the close of the reporting period. The government did not initiate new prosecutions or secure any convictions for the second consecutive year. The government did not report any new investigations or prosecutions of officials for complicity in trafficking. At the annual Dutch Visa Conference, the public prosecutor's office presented on the legal framework to address human trafficking and the risks faced by vulnerable populations, including a case study.

## PROTECTION

The government increased efforts to identify and assist trafficking victims. The government identified 96 foreign victims of forced labor and sex trafficking, provided shelter and care for five victims, and funded the repatriation of 44 victims. These efforts represent an increase from the government's identification of 50 victims and assistance or repatriation support for eight victims in 2015. While the government did not have standard operating procedures for the identification or referral of victims, informal agreements between government agencies were in place and immigration officials and other stakeholders continued to use an NGO-developed checklist of trafficking indicators. Officials routinely screened for trafficking victimization among adult entertainment workers during immigration procedures, labor inspections, and required medical screenings. The National Reporting Bureau on Human Trafficking (NRB)—the lead agency for coordinating the government's efforts to combat trafficking and emergency response to cases—periodically conducted outreach with immigrant communities, businesses, health officials, and the tourism sector on how to identify potential victims and report trafficking crimes; and conducted quarterly inspections of all brothels and dance clubs. Victims received shelter through the Red Cross and local NGOs. The government provided one NGO with a subsidy to assist in providing a wide range of victim services and support, including food, clothing, shelter, medical and psychological services, assistance in repatriation, and obtaining residence and work permits. The temporary residence program serves to encourage victim

assistance in the investigation and prosecution of traffickers; however, the government did not report granting such benefits during the year. The government has a formal policy to protect identified victims from being punished for unlawful acts committed as a direct result of being subjected to human trafficking. The anti-trafficking law allows trafficking victims to request restitution as part of criminal cases or file a civil suit against traffickers.

## PREVENTION

The government maintained efforts to prevent trafficking. The NRB continued its prevention and outreach campaigns, reaching brothels and dance clubs, potential purchasers of commercial sex, work permit applicants, the business community, front-line responders, community-based organizations and immigrant communities. The government sustained its ongoing awareness campaign, publishing anti-trafficking brochures, posters, and fliers, making public service announcements, generating social media and news releases, and by participating in radio and television shows. The military police conducted trainings on verifying the authenticity of documents for an unknown number of border protection officials and employed a specialist in fraudulent documents in St. Maarten. Authorities continued to implement the 2013-2018 national action plan on trafficking, in coordination with local NGOs. The government continued to implement its policy requiring foreign women to apply for adult entertainment work permits on their own, ending the practice of brothel owners applying for permits, often with misleading and fraudulent work agreements. In August 2016, the government finalized a related policy to prevent brothel and club owners from providing them monetary loans with the purpose of creating financial dependency, requiring all personal documentation be in their possession, and requiring they be informed of their rights and resources to provide better protection to individuals in prostitution. This decree also required all persons in prostitution be at least 21 years of age, have valid medical insurance for the duration of their stay, and submit a labor agreement along with the application. In 2016, the Ministry of Foreign Affairs implemented a policy that prohibited visa issuance for individuals in prostitution of an establishment under investigation. The government also informed employers of migrant workers about applicable laws and the national hotline, accessible by phone and email. There were no known reports of child sex tourism in St. Maarten.

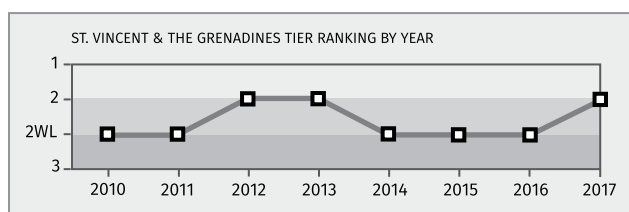
## TRAFFICKING PROFILE

As reported over the past five years, St. Maarten is a source, transit, and destination country for women, children, and men subjected to sex trafficking and forced labor. Women and girls from Latin America, the Caribbean, Eastern Europe, and Russia are the most vulnerable to sex trafficking, including women working in regulated and unregulated brothels and dance clubs. There are indications some foreign women in St. Maarten's commercial sex industry are subjected to debt bondage. Government officials' reports indicate a significant number of migrant workers are vulnerable to forced domestic service or forced labor in construction, Chinese-owned markets, retail shops, landscaping, and housekeeping. Government officials report workers from Asia and the Caribbean are subjected to exploitative conditions indicative of forced labor. Migrants transiting St. Maarten en route to the United States and Canada may also be vulnerable to human trafficking, specifically Cuban and Brazilian nationals. There are indicators Colombian and Venezuelan women may travel to the islands under false pretenses and are subjected to human trafficking.



## ST. VINCENT AND THE GRENADINES: TIER 2

The Government of St. Vincent and the Grenadines does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, St. Vincent and the Grenadines was upgraded to Tier 2. The government demonstrated increasing efforts by providing assistance to trafficking victims; increasing anti-trafficking training to relevant government officials and NGOs; improving public awareness campaigns; and conducting a baseline assessment of its overall efforts in order to provide recommendations for improvement. However, the government did not meet the minimum standards in several key areas. There remained deficiencies in its national action plan, investigations, and victim care. The guidelines for the referral of victims continued to lack the necessary details to make them effective. The government needed more specialized services for victims of human trafficking.



### RECOMMENDATIONS FOR ST. VINCENT AND THE GRENADINES

Investigate suspected sex and labor trafficking cases; prosecute and convict traffickers; expand the national action plan to better articulate the roles for responsible government officials and NGOs, and timelines for actions; increase trainings for relevant government officials and NGOs on the 2011 anti-trafficking act, trafficking indicators, and proper case investigation and management techniques; develop MOUs between relevant government ministries and NGOs to improve coordination and cooperation; raise awareness about forced labor and sex trafficking; and provide specialized services for trafficking victims.

### PROSECUTION

The government improved anti-trafficking law enforcement efforts. The Prevention of Trafficking in Persons Act of 2011 prohibits sex trafficking and forced labor, including bonded labor, and prescribes punishments of up to 20 years imprisonment and fines. These penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. The government cooperated with investigations of three trafficking cases in 2016 involving Vincentians exploited in foreign countries; this compares with investigations of three potential trafficking cases in 2015 and three in 2014. The government cooperated with Trinbagonian law enforcement to investigate one case. There were no prosecutions during the reporting period and the government had never convicted a trafficker. The government did not report any investigations or prosecutions of government employees complicit in human trafficking offenses. With foreign government and NGO assistance, the government sent two investigators to a trafficking-

specific training seminar. The government also conducted anti-trafficking training for 30 law enforcement officials.

### PROTECTION

The government increased victim protection efforts. Officials reported working on three cases in 2016 and the government increased victim assistance compared to previous years. Officials assisted one victim, a Vincentian man, who travelled to Trinidad and Tobago to work as a security guard and was subjected to forced labor. The government aided in the repatriation of the victim, provided victim care services, and assisted the Trinbagonian authorities with the investigation. There were no other identified victims who required services. The government did not identify any trafficking victims during the year. Additionally, no victims were identified by NGOs, local activists, or other officials. The anti-trafficking police unit conducted combating human trafficking training for officers screening airline passengers, park rangers, faith-based organizations, and NGOs.

Immigration and labor department officials had developed and implemented victim identification guidelines to identify trafficking victims, which was an improvement from the last reporting period when there were no detailed guidelines in operation. The national anti-trafficking action plan provides guidelines for the referral of victims to appropriate shelter and services, but those guidelines continued to lack sufficient detail. The government had mechanisms to assist in the repatriation of victims, and the government repatriated one victim. The government did not fund any trafficking-specific assistance programs, but its domestic violence shelter could accommodate adult women and child trafficking victims. There were three faith-based NGOs that could house children subjected to trafficking; these NGOs received a small amount of government support. Some shelters had policies prohibiting residents from leaving at will. The government did not have the capacity to provide psychological care. The anti-trafficking law provided foreign victims with the possibility of temporary and permanent residence permits. Foreign victims who remain in country are allowed to work. There were provisions for witness protection programs and facilities for the victims to testify via video. There were no reports the government penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. Victims could obtain restitution via civil suits from traffickers, however, there were no reported cases of restitution during the reporting period.

### PREVENTION

The government maintained efforts to prevent trafficking. The government launched an anti-trafficking awareness campaign for 454 students and 44 teachers at primary and secondary schools; this is a decrease from 1,496 students and 113 teachers in 2015, but overall remains at a high level compared to previous reporting periods. The government conducted sensitization campaigns on human trafficking for the public via civil society groups, communities, summer camps (reaching 306 children), radio, churches, and television. The anti-trafficking unit increased surveillance at the airport in attempts to detect transnational human trafficking. The government instituted training for and reached over 90 percent of its diplomatic and consular staff at its overseas missions on matters related to human trafficking. With EU funding, the government commissioned a baseline assessment report from an independent consultant to assess its anti-trafficking efforts. The report recommended more specific articulation of the tasks

and responsibilities among relevant government ministries, NGOs, and service providers, and timelines for actions under the national action plan for effective implementation, as well as more public awareness campaigns developed and targeted to specific audiences. The assessment recommended training and reinforcement of training to relevant government officials and NGOs in the definitions and indicators of trafficking (particularly related to forced prostitution of adults and child sex trafficking) and victim-centered investigations. The government monitored its anti-trafficking efforts through quarterly and annual reports, submitted to its national taskforce on trafficking and to the minister of national security. The annual report is submitted to the House of Assembly and made available to the public. The government made modest efforts to reduce the demand for commercial sex acts or forced labor, by conducting public awareness campaigns on these issues.

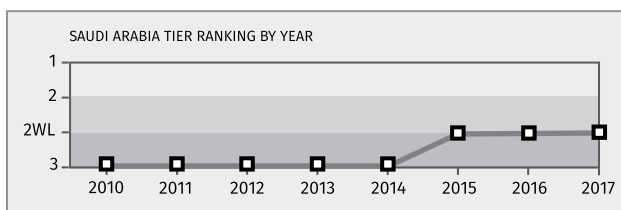
### TRAFFICKING PROFILE

As reported over the past five years, St. Vincent and the Grenadines is a source and possibly transit country for men, women, and children subjected to forced labor and sex trafficking. Foreign women engaged in prostitution may have been subjected to sex trafficking in the country and foreign workers from South America and the Caribbean may have been subjected to trafficking for forced labor both in the country and while in transit. Foreign workers employed by small, foreign-owned companies may be vulnerable to labor trafficking. Men, women, and children are vulnerable to forced labor, primarily in agriculture; government officials and civil society suspect drug traffickers subject workers to forced labor in the production of marijuana. NGOs and government officials have reported Vincentians have been subjected to both forced labor and sex trafficking in foreign countries.

## SAUDI ARABIA: TIER 2 WATCH LIST

The Government of Saudi Arabia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by adopting a written national anti-trafficking action plan for 2017-2020, and substantially increasing the budget for the permanent committee on combating trafficking in persons. The government convicted an increased number of traffickers compared to the previous reporting period, and it continued efforts to prevent trafficking. The government also continued to operate an anti-trafficking hotline, opened an improved “guest house” for female domestic workers to replace the previous facility in Riyadh, and conducted labor inspections across the country. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although the government identified at least 264 victims during the course of investigations in 2016, a decrease from the previous reporting period, capturing victim identification data continued to be a challenge for the government. While the government continued to operate shelters for some vulnerable populations, its efforts to proactively identify and protect victims among illegal foreign migrants, female and male domestic workers, and women in prostitution remained uneven. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Saudi Arabia was granted a waiver per the Trafficking Victims Protection Act from an otherwise

required downgrade to Tier 3. Therefore, Saudi Arabia remained on the Tier 2 Watch List for a third consecutive year.



### RECOMMENDATIONS FOR SAUDI ARABIA

Continue efforts to prosecute, convict, punish, and stringently sentence trafficking offenders, including abusive employers, under the anti-trafficking law; reform the sponsorship system and ensure trafficking victims are able to pursue criminal cases against their employers in practice; vigorously investigate for potential trafficking crimes employers who withhold workers' passports and wages and restrict workers' movement, and adequately punish these employers under the anti-trafficking law; significantly improve efforts to ensure victims among vulnerable populations, including domestic workers, illegal foreign migrants, male victims, and persons in prostitution, are not punished for acts committed as a direct result of being subjected to human trafficking; ensure victims of all forms of trafficking can seek assistance and protection services; implement an expanded formal victim identification mechanism to proactively identify trafficking victims among vulnerable populations; amend the law to provide extraterritorial authority to prosecute Saudi citizens engaged in sex tourism abroad; train government officials on identifying cases of sex trafficking; investigate, prosecute, and convict those who purchase commercial sex from children; and conduct country-wide public awareness campaigns on all forms of trafficking.

### PROSECUTION

The government maintained its law enforcement efforts. The 2009 Anti-Trafficking in Persons Law establishes a system for combating human trafficking by defining and criminalizing all forms of human trafficking. The act prescribes punishments of up to 15 years imprisonment and financial penalties of up to one million Saudi Arabian riyal (SAR) (\$266,670), which may be increased under certain circumstances, including trafficking committed by an organized criminal group or against a woman, child, or person with disabilities. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Council of Ministers' Decision 166, adopted in 2000, prohibits withholding workers' passports as a separate, lesser offense.

During the reporting period, the government reported investigating through the bureau of investigations and public prosecution 264 human trafficking cases in 2016, which involved forced labor, practices “similar to slavery,” sexual exploitation, and forced begging. Of these, it convicted 254 defendants under the anti-trafficking law, compared to 243 prosecutions and convictions in the previous reporting period. The government did not report the penalties imposed on the convicted traffickers or how many received prison sentences. The government did not report investigating potential trafficking crimes involving employers or recruiters withholding foreign workers' wages or passports; however, anecdotal evidence suggested the government investigated and prosecuted allegations of such crimes as labor violations. The government did not report any

investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Because Saudi jurisprudence limits the jurisdiction of sharia law to Saudi Arabian territory, authorities did not investigate, prosecute, or convict Saudi nationals for crimes of commercial sex acts committed abroad, or report cooperating with law enforcement officials in countries, where alleged sexual exploitation occurred in 2016. The public security administration conducted several anti-trafficking trainings for officials in 2016.

## PROTECTION

The government maintained its protection efforts, but implementation of victim identification and protection measures remained uneven; some unidentified victims may have remained vulnerable to punishment for unlawful acts committed, as a direct result of being subjected to human trafficking. The government continued to distribute victim identification criteria to officials and provided training on their implementation. Although the government did not provide aggregate information on victims identified during the reporting period, it identified at least 264 victims during the course of investigations. In comparison, the government identified 658 trafficking victims in 2015. The government reported challenges capturing aggregate-level victim identification data. Government officials continued to arrest, deport, imprison, and penalize some domestic workers who fled their employers and undocumented foreign workers, some of whom could be potential trafficking victims. In mid-2016, the media reported a Senegalese domestic worker faced the death penalty for allegedly killing her employer in self-defense; prior to the incident, the woman complained to her family of abuse and little rest, indicators of forced labor. Authorities reportedly did not provide the woman with legal assistance, as required by law, and there was no evidence that the government took into consideration the possible element of forced labor in this case, or recognized the worker as a potential trafficking victim. In January 2017, the media reported the government arrested and sentenced an unknown number of migrant construction workers to four months imprisonment and flogging for protesting about not receiving their wages from their employer; there was no evidence the government took into consideration that the workers' withheld wages could be an element of forced labor in this case. The government did not provide legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship.

The government provided protection services to domestic workers and child beggars, but it did not provide specialized shelters for victims of other forms of forced labor or sex trafficking. The government did not report what types of protection services—if any—it provided to the 264 victims identified in 2016. The Ministry of Labor and Social Development (MOLSD) continued to operate shelters for child beggars, some of whom may have been trafficking victims, as well as 10 welfare centers for female domestic workers, some of whom may have been trafficking victims. The government continued to operate a welfare center for male domestic workers, but it did not report if any male trafficking victims received assistance at this facility during the reporting period. These centers generally provided shelter and psycho-social, health, and educational services; however, the condition and quality of victim care services varied across the Kingdom. The welfare center in Riyadh—which has a capacity of 230—operated as a full-service facility for female domestic workers, providing residents with legal assistance, immigration and passport services, translation, and rehabilitative care by seven female social workers, as well as trained psychologists and

other medical professionals. The center had a separate living area for trafficking victims, but it did not report how many victims received assistance at the center during the reporting period. Labor source-country diplomatic officials had regular access to their nationals residing in this center. Many victims continued to seek refuge at their embassies; source-country diplomatic missions continued to report complaints by their citizens of unpaid wages, withholding of passports, physical or sexual abuse, and poor working conditions.

Although the government reportedly encouraged victims to assist in the investigation and prosecution of trafficking offenders, there were few known and public cases of victims successfully pursuing criminal cases against abusive employers, in part due to lengthy delays in the immigration and justice system. During judicial proceedings, trafficking victims reportedly had the option to remain in the country—predominately in welfare centers or working for a new employer—or they could request an immediate exit visa; however, the government did not report if any victims received these benefits during the reporting period. The law entitles identified trafficking victims to legal assistance, translation services, and immediate repatriation upon the victim's request; the government did not report providing any of these benefits to trafficking victims in 2016. The government reportedly provided protection to witnesses involved in trafficking cases, but the government did not report any such cases in this reporting period. In December 2016, the government signed a MOU with an international organization to provide technical assistance and expertise to the government's human rights commission (HRC) on protection and assistance to trafficking victims, funded by the HRC.

## PREVENTION

The government increased efforts to prevent trafficking. The government continued to allocate substantial resources for its interagency anti-trafficking working group, and in January 2017, the government finalized a national anti-trafficking action plan, which outlined several anti-trafficking activities from 2017-2020. The government allocated 36 million SAR (\$9.6 million) to implement the action plan, a substantial increase from four million SAR (\$1.07 million) in 2015. The government continued to implement the wage protection system, which required employers to pay foreign workers through bank transfers, thereby allowing the MOLSD to ensure workers were paid appropriately. The MOLSD did not, however, effectively use this system to flag potential trafficking cases among foreign workers. The government did not take action to reduce the demand for commercial sex acts, but it made efforts to reduce the demand for forced labor. MOLSD continued to employ 1,000 labor inspectors, and during the reporting period, it canceled the licenses of seven recruitment companies, did not renew the licenses of six, and ordered 126 recruitment offices to cease the recruitment of domestic workers. MOLSD imposed fines on 829 work places violating the government's mid-day work ban during the summer months. The police continued to operate an emergency number, which could refer potential trafficking victims to protection services. The government reported that from September 2015 to September 2016, the hotline received 2,151 complaints; 1,411 of the complaints were resolved through mediation, investigation, or prosecution, and 740 were still in process in September 2016. MOLSD continued to operate a hotline to receive labor dispute complaints with operators that spoke a variety of migrant worker languages. The government did not report if any trafficking victims were identified through this hotline. MOLSD continued to distribute a guidebook to all migrant workers entering the country, which



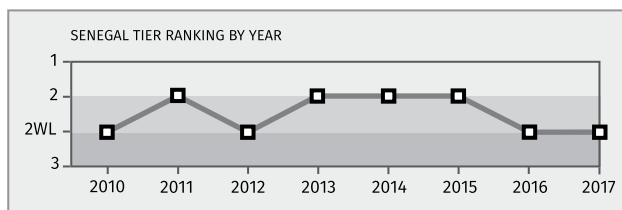
contained MOLSD's hotline number. The government continued to operate an online portal providing domestic workers and employers with information about their legal rights. During the reporting period, the government finalized domestic worker agreements with several countries, which aimed to protect workers' contracts with their employers. The government conducted multiple anti-trafficking public awareness campaigns in 2016. The government provided anti-trafficking training for its diplomatic personnel. The government did not have extraterritorial authority to prosecute Saudi citizens engaged in sex tourism abroad, and the government did not make efforts to discourage their citizens from engaging in child sex tourism.

## TRAFFICKING PROFILE

As reported over the past five years, Saudi Arabia is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women—primarily from South and Southeast Asia and Africa—voluntarily migrate to Saudi Arabia to work in a variety of sectors, such as construction and domestic work, including men who work in private residences as gardeners, handymen, and cleaners, or low-skilled laborers; some of these workers are subjected to forced labor. Some migrants are illegally recruited to work in Saudi Arabia and subsequently forced into domestic servitude and debt bondage. The foreign worker population is the most vulnerable to trafficking in Saudi Arabia, particularly female domestic workers, due to their isolation inside private residences. An international organization estimated in 2013 that Saudi Arabia is one of the largest employers of domestic workers in the world, a sector with the highest average working hours. Some domestic workers experience severe mental, physical, and sexual abuse by their employers. Some foreign citizens, who have experienced indicators of trafficking, have been prosecuted for crimes and placed on death row. Non-payment of wages is the most common complaint from foreign workers in the Kingdom, while employers withholding workers' passports remains a significant problem. Due to Saudi Arabia's requirement under its sponsorship, or *kafala*, system that foreign workers obtain permission from their employers for an exit visa to leave the country legally, some are forced to work for months or years beyond their contract term because their employers will not grant them permission for the visa. Although many migrant workers sign contracts with their employers, some report work conditions substantially different from those described in the contract; other workers never see a work contract at all. Some migrant workers voluntarily enter into illegal arrangements and pay a Saudi citizen to sponsor their residence permit while they seek freelance work, thus becoming vulnerable to possible extortion by their sponsors. In previous years, criminal gangs subjected children from Yemen to forced labor as beggars and street vendors. Some migrants from Yemen and the Horn of Africa entering Saudi Arabia illegally—sometimes with the help of smugglers—via the Yemeni border may be trafficking victims. Some Saudi citizens reportedly engaged in sex tourism abroad, and there were media reports that some Saudi men traveled abroad to engage in “summer” or “temporary marriages,” which include payment for short-term sexual access to children and others who the purchaser then abandons. For example, the Jordanian government reported a case in 2016 involving a Syrian girl who was forced by her father into a “temporary marriage”—for the purpose of sexual exploitation—for six months with a Saudi Arabian national.

## SENEGAL: TIER 2 WATCH LIST

The Government of Senegal does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by convicting at least five sex traffickers; identifying and providing short-term services to an increased number of trafficking victims; allocating funding to its trafficking-specific victim shelter; and disbursing some funding to the Ministry of Women, Family, and Childhood (MFFE) to remove vulnerable children, including forced begging victims, from the streets and refer them to services. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Despite identifying more than 1,547 child potential forced begging victims, the government returned many victims to their exploitative *marabouts* (teachers at Quranic schools, known as *daaras*) after identification without appropriate monitoring or follow-up plans to prevent recidivism. Some government officials' lack of understanding of human trafficking and others' lack of political will to address forced begging by *marabouts* systematically prevented such cases from moving forward in the law enforcement and judiciary systems, and the government did not report investigating, prosecuting, or convicting any *marabouts* for forced begging offenses. MFFE's funding was insufficient to assist victims in Dakar, let alone nationwide, and the government did not provide sufficient protections for workers employed in the informal economy, including children in mining, rendering such workers vulnerable to trafficking. Therefore, Senegal remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR SENEGAL

Significantly increase efforts to investigate and prosecute trafficking offenses and convict and punish traffickers, including those who exploit children in forced begging, with sufficiently stringent sentences; hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged trafficking offenses; ensure law enforcement, including the *gendarmerie* criminal research brigade, investigate forced child begging cases brought to its attention; expand funding or in-kind support to government- and NGO-run shelters to increase care options for victims, especially for adults and long-term care; develop a mechanism for the MFFE to monitor all identified trafficking victims who are returned to formerly exploitative *marabouts* to ensure *marabouts* receiving government support do not force children to beg; train law enforcement, labor, and social welfare officials to adequately identify trafficking victims, investigate cases, and refer victims to services; train government officials and sensitize NGOs to the standardized procedures for referring trafficking victims to care, and apply the procedures consistently; increase collaboration with NGOs, community groups, and religious leaders on anti-trafficking programs and raising awareness; expand workplace regulations to include labor inspections and labor trafficking investigations in the informal sectors of

the economy, including mining, agriculture, and fishing; fully implement the national action plan on forced child labor and the 2015-2017 anti-trafficking national action plan, including by allocating sufficient funding to the taskforce; improve efforts to collect law enforcement data on trafficking, including trafficking-related offenses prosecuted under provisions other than the 2005 law; expand the *daara* mapping project across the country to provide baseline information for the national database and the anti-trafficking taskforce to increase coordination of country-wide government efforts to combat and prevent forced begging; ensure *daaras* that force children to beg do not receive government funding or subsidies; and broaden efforts to raise public awareness of trafficking, including of adults and forced child begging.

## PROSECUTION

The government made minimal anti-trafficking law enforcement efforts. 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, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The law has rarely been used to prosecute alleged traffickers; in the last five years, the government convicted only two *marabouts* for forced begging under the 2005 law, despite a government estimate that at least 30,000 *talibes* are forced to beg in Dakar alone. In addition, the lack of government action to regulate *daaras* and prosecute those who engaged in or abetted forced child begging allowed the problem to continue. After more than two years of negotiations, the government, in collaboration with religious leaders, finalized the draft text of a bill to modernize *daaras*; if passed, the bill would outline requirements that *daaras* must meet in order to be declared "modern" and thus eligible to receive government subsidies. It remained in draft form at the end of the reporting period. According to the law's drafters, *daaras* that use forced begging will not be eligible to receive subsidies; however, the text of the law itself does not explicitly exclude such *daaras* from receiving government assistance. Furthermore, participation in the program to become a "modern *daara*" and receive subsidies will be voluntary, so it is unclear if the draft bill, once passed, would adequately address child forced begging.

For the fifth consecutive year, the government did not maintain or publish comprehensive anti-trafficking law enforcement statistics. From data collected from three of Senegal's 14 regions, the government reported 16 trafficking investigations, eight prosecutions and five convictions, compared with one investigation, prosecution, and conviction for forced begging in the previous reporting period. Judges convicted four sex traffickers under the pimping statute, acquitted one alleged sex trafficker, and convicted a fifth trafficker for an unknown type of exploitation. Sentences upon conviction ranged from two to three years imprisonment and fines; all sentences imposed were below the minimum of five years imprisonment provided in the law. A presidential decree issued in June 2016 (2016 decree) ordered the removal of all children from the streets, including students, known as *talibes*, forced to beg by *marabouts*. Although the government removed more than 1,500 children, authorities did not launch any investigations into *marabouts* or other suspected traffickers identified through the decree for forced begging offenses, and authorities restricted enforcement of the decree to Dakar. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, allegations of government inaction to prosecute *marabouts*

remained a serious concern. Authorities from MFFE and the government-run Ginddi Center for trafficking victims reported to law enforcement *marabouts* suspected of repeatedly violating the 2005 law, but law enforcement did not adequately investigate those individuals or refer the cases for prosecution.

The government, in collaboration with international organizations and donors, developed and partially funded five training programs on organized crime and trafficking, identifying and investigating human trafficking cases, and using data collection systems for human trafficking cases. A total of 124 policemen, labor inspectors, and judicial staff attended the trainings. Many law enforcement and judicial personnel remained unaware of the 2005 law, which, coupled with limited institutional capacity, inhibited efforts to prosecute and convict traffickers under the law and collect data on such efforts. Although the taskforce had created a national trafficking database during the previous reporting period and trained law enforcement on its usage, the government did not fully implement it during the reporting period.

## PROTECTION

The government maintained modest efforts to identify and provide initial services to trafficking victims, but it returned some identified victims to their traffickers. Law enforcement, immigration, and social services personnel had formal written procedures to proactively identify trafficking victims among high-risk populations; however, they made limited efforts to implement those procedures, especially among gold-mining communities and children in begging. The 2016 decree that led to the removal of children from the streets of Dakar resulted in a significant increase in victims identified. The government and NGOs identified and removed 1,547 potential child trafficking victims from the streets of Dakar, including 394 children from Guinea-Bissau—a significant increase from 142 child trafficking victims identified and assisted by the government in the previous reporting period. The majority of these victims were *talibes* exploited in forced begging. At least 440 of the children were found begging with their families, so it was unclear how many were trafficking victims.

Authorities referred all victims to either NGOs or the government-run Ginddi Center for care, although they subsequently returned many of the children to their exploitative *marabouts*, significantly increasing their risk of re-trafficking. The Ginddi Center provided temporary shelter and basic care to both foreign and domestic victims; the government provided 85.7 million FCFA (\$137,089) to the center for shelter and basic meals, the same amount allocated in the previous year. The shelter also provided clothing to 1,545 children and medical assistance to 777 children. The center lacked sufficient staff, resources, and specialized training for social workers and volunteers who counseled and referred potential trafficking victims to the shelter; the center only had one volunteer doctor to provide basic medical treatment. Two NGOs reported identifying and providing services to an additional 198 victims and potential victims, including at least 156 *talibes* primarily from Guinea-Bissau. The Ministry of Justice operated three shelters for child victims of crime, witnesses, and children in emergency situations, which trafficking victims could access, and at least three NGOs operated trafficking victim shelters throughout the country. At the end of the reporting period, 91 of the 1,547 children remained at the Ginddi Center and NGO shelters, while MFFE and NGOs had returned the other 1,456 to a parent or other adult, including *marabouts*. Shelters lacked space to care for all trafficking victims, which limited

the number of victims MFFE could remove from exploitation; MFFE could not remove children unless a shelter had space. Some shelters accommodated adult potential forced begging victims during the reporting period.

Authorities inconsistently applied the victim referral system, and it was not available in all regions of the country. Authorities sent victims identified along Senegal's borders to an international organization and government center for questioning before referring them to NGOs for protective services. The government allocated 100 million FCFA (\$159,964) to MFFE to implement the 2016 decree, which was inadequate to fund all of MFFE's planned activities in Dakar, let alone nationwide. MFFE used the funding to remove children from the street; provide 50,000 FCFA (\$80) monthly to 60 families potentially exploited in forced begging; and provide monthly funding for food and income-generating activities to 16 *daaras* where it had identified child forced begging to discourage future forced begging. Because authorities failed to arrest any *marabouts* while implementing the 2016 decree and returned identified trafficking victims to their exploitative *marabouts* without adequately monitoring the *marabouts* and children for recidivism, the government may have provided support to *daaras* that continued to force children to beg. The Ginddi Center did not report if its child protection hotline received any reports of trafficking during the reporting period. The taskforce trained police and social workers on identifying and protecting trafficking victims. The government continued to establish child protection committees to refer vulnerable children to social services, increasing the number of active committees from 31 to 40 during the reporting period; an international organization funded the committees. The committees did not always coordinate with local law enforcement, however, which hampered their efficacy.

The anti-trafficking law provides alternatives to the removal of foreign victims who may face hardship or retribution upon return, including the option to apply for temporary or permanent residency and seek restitution; the government did not report offering this relief to any victims during the reporting period. Victims can legally obtain restitution and file civil suits against their traffickers, although the government did not report that any did so during the reporting period. The 2005 law absolves victims from responsibility for unlawful acts committed as a result of being subjected to trafficking, and there were no reports officials penalized victims for such acts.

## PREVENTION

The government made uneven efforts to prevent human trafficking. The anti-trafficking taskforce made modest efforts to implement the 2015-2017 anti-trafficking national action plan. Although the government allocated significantly more funding to the taskforce in 2016—50 million FCFA (\$79,982), compared with 30 million FCFA (\$47,989) in 2015—the amount was inadequate to cover most of the taskforce's activities. The lack of interagency coordination remained a problem. In addition, NGOs noted the government's lack of collaboration with NGOs, community groups, and religious leaders on anti-trafficking awareness programs impeded such efforts. The taskforce and MFFE jointly implemented the 2016 decree, including raising awareness of the decree in seven languages via radio, television, print media, and the internet. In collaboration with an international organization, the taskforce also conducted a forum on sexual exploitation and sensitized 50 students on identifying human trafficking. The taskforce conducted studies on implementation of the 2005 law and the scope of women and children's involvement in domestic servitude to

better understand trafficking in Senegal. Through ECOWAS, the taskforce and five other West African governments created a working group to coordinate regional anti-trafficking efforts; the taskforce chaired two meetings during the reporting period. In addition, it provided capacity-building training to Cote d'Ivoire's anti-trafficking committee. The taskforce, with support from international partners, continued implementation of the national action plan on child forced begging.

Approximately 70 percent of Senegal's economy operated in the informal sector, where most forced child labor occurred, yet the government did not improve regulation of this sector or provide adequate protections for workers. The government did not make discernible efforts to reduce the demand for forced labor or commercial sex acts. The taskforce's tourism police forces continued to monitor Saly and Cap Skirring for indicators of child sex tourism and other abuses, although it did not report identifying any cases of sex trafficking. The government, in cooperation with international partners, provided anti-trafficking training to Senegalese troops before their deployment abroad on international peacekeeping missions. The government warned diplomatic personnel of the criminal penalties for domestic servitude.

## TRAFFICKING PROFILE

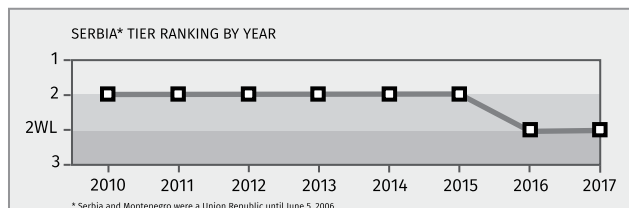
As reported over the past five years, Senegal is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Certain corrupt *marabouts* force *talibes* to beg throughout Senegal; a 2014 government study reported in Dakar alone, approximately 30,000 *talibes* are forced to beg in the streets, and more than 9,000 are forced to beg in the St. Louis region. Senegalese boys and girls are also subjected to domestic servitude, forced labor in gold mines, and sex trafficking. Internal trafficking is more prevalent than transnational trafficking, although boys from The Gambia, Guinea, Guinea-Bissau, and Mali are subjected to forced begging and forced labor in artisanal gold mines in Senegal. Senegalese women and girls are subjected to domestic servitude in neighboring countries, Europe, and the Middle East. Reports indicate most Senegalese sex trafficking victims are exploited within Senegal, particularly in the southeastern gold-mining region of Kedougou. West African women and girls are subjected to domestic servitude and sex trafficking in Senegal, including for child sex tourism for sex tourists from France, Belgium, and Germany, among other countries.

## SERBIA: TIER 2 WATCH LIST

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by operationalizing a permanent human smuggling and trafficking law enforcement taskforce. The government identified more victims and provided guidelines to prosecutors and judges on non-penalization of trafficking victims. The government developed and distributed guidance on trafficking indicators and trained 630 first responders on applying these indicators. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not provide sufficient protection to victims participating in criminal proceedings, which exposed them to intimidation and secondary traumatization. The absence of formalized



victim identification procedures and an outdated national referral mechanism hindered victim protection efforts. The government did not adopt the strategy and national action plan for 2015-2016 and the anti-trafficking council did not convene. The influx of migrants during the reporting period placed a significant strain on government resources, especially among agencies that combat trafficking in persons. Therefore, Serbia remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR SERBIA

Vigorously investigate, prosecute, and convict traffickers and sentence them to stringent penalties; provide victims testifying in court protection to diminish intimidation and re-traumatization; train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases; formalize victim identification procedures and update the national referral mechanism, to include formalizing cooperation with NGOs to ensure victims have access to and receive all necessary support services; increase efforts to identify victims, including among migrants, refugees and asylum-seekers, and unaccompanied children engaged in street begging; amend the law to mandate non-penalization of victims for acts committed as a direct result of being subjected to human trafficking; improve training for government personnel on victim assistance and referral; adopt the national anti-trafficking strategy and action plan and involve NGOs in implementation; allocate adequate staff and resources for the Office for Coordination against Trafficking in Persons and existing coordination structures to ensure effectiveness; and elevate the national coordinator for combating trafficking in persons to a full-time position with independent authority.

## PROSECUTION

The government maintained law enforcement efforts. Article 388 of the criminal code prohibits all forms of trafficking and prescribes penalties ranging from three to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 14 individuals, compared to 10 cases of sex trafficking and one case of forced labor in 2015. The government prosecuted 23 defendants (18 in 2015). Courts convicted 22 traffickers (11 in 2015). Traffickers received sentences between two years and eight months and seven years and four months imprisonment.

Observers reported the government did not adequately implement anti-trafficking laws and prosecutors often chose to prosecute trafficking crimes under other statutes with lesser penalties that were easier to prosecute. For instance, in one trafficking case concluded in 2016 that lasted six years, the trafficker agreed to plead guilty to a lesser charge of facilitating prostitution and was sentenced to seven months imprisonment. The government operationalized a permanent human smuggling and trafficking criminal taskforce. Each police directorate had an anti-trafficking unit in addition to the specialized anti-trafficking units within the organized crime police and border police forces; however, during the reporting period, these units

largely focused on countering smuggling and responding to the influx of migrants and refugees. Seventeen directorates had multidisciplinary anti-trafficking teams that included prosecutors, social workers, and health officials; however, observers reported none of these teams were used in 2016. The government continued to train police, immigration officials, and border police on anti-trafficking issues. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained efforts in victim protection. The government identified 49 trafficking victims (36 in 2015). Of these, 29 were victims of sex trafficking, seven of forced labor, one for forced begging, one of forced criminality, and 11 of multiple types of exploitation. In 2015, 21 victims were subjected to sex trafficking, three to forced labor, ten to forced begging, and two to forced criminality. In 2016, 21 victims were children, compared to 22 in 2015. The Center for Protection of Trafficking Victims (CPTV) reported the majority of identified victims were Serbian citizens exploited in Serbia. CPTV reported Serbian victims exploited and identified abroad and foreign nationals exploited abroad but identified in Serbia. The government did not provide information on funds allocated for victim protection in 2016. In 2015, the government budgeted 19.7 million Serbian dinars (\$168,330) for the operation of the CPTV.

The government did not have formal victim identification procedures and used an outdated national referral mechanism (NRM) to refer victims to support services. Observers reported the NRM lacked established roles and responsibilities. First responders referred potential victims to CPTV, which officially identified victims. First responders referred 150 potential victims to CPTV (106 in 2015); the government referred 81, social welfare organizations referred 42, and NGOs and international organizations referred 27. The government reported approximately 100,000 migrants and refugees transited Serbia in 2016. Authorities identified two migrants as trafficking victims; however, NGOs suspected many more victims remained unidentified. Observers reported CPTV staff lacked proper resources to travel to the location of potential victims and interview them in person. CPTV designed and distributed checklists of trafficking indicators and trained 630 first responders on them. CPTV trained 120 education professionals on identifying child victims. However, observers reported law enforcement in charge of investigating prostitution-related offenses received limited to no training on victim identification.

CPTV had two units, the protection agency and the urgent reception center; however, for the fourth consecutive year the urgent reception center, designed to provide safe shelter and services, was not functional. An NGO-run shelter remained the only specialized shelter for female trafficking victims; local centers for social work operated shelters for domestic violence victims that accommodated female trafficking victims. The government reported child victims were returned to their families, referred to foster care, or provided shelter in one of the two Centers for Children without Parental Care; however, observers reported CPTV lacked specific procedures for child trafficking victims. For example, the questionnaire used in the identification process was not adapted to children and children often did not understand the questions. Observers reported there were no child-friendly premises for interviews and majority of social workers did not receive specific training on working with children. In previous years, government social

welfare centers lacked the ability to remove children from their families, even if there was evidence the family had exploited the child. Male victims did not have access to a dedicated trafficking shelter, but an NGO rented accommodation as needed and male victims could access all other rehabilitation services offered to female victims. CPTV assessed each victim for individual needs and developed a protection and assistance plan. The government and NGOs provided psycho-social, legal, education, medical, financial, and reintegration support; however, the government did not have procedures outlining cooperation between CPTV and NGOs on victim services. NGOs and international organizations provided assistance to 28 of the 49 trafficking victims. Centers for social work provided social services, but they often lacked the specialized programs, sensitivity, and trained staff necessary for working with trafficking victims.

Victims' ability to access support services and assistance was not contingent on cooperating with law enforcement investigations; however, once a case was reported to police, authorities required victims to cooperate with investigations and testify during prosecution. NGOs reported some victims were threatened with prosecution for non-cooperation. Experts continued to report authorities did not adequately protect victims' rights during lengthy court proceedings and victims frequently had to appear in front of their traffickers; traffickers often threatened or intimidated victims. Observers reported the length of trials and assistance provided to victims depended on the individual prosecutor or judge. Judges did not assign the status of "especially vulnerable witness" to trafficking victims. This status allows witnesses to testify without the defendant present and allows testimony via video link. The law entitles victims to file criminal and civil suits against their traffickers for restitution, but judges continued to encourage victims to seek restitution solely by filing civil suits. Civil suits were lengthy, expensive, and required the victim to face the abuser numerous times; no victims received restitution in 2016. The government provided foreign victims temporary residence permits renewable up to one year; two victims received residence permits in 2016. Observers reported the government did not uniformly apply non-penalization principles for trafficking victims; however, CPTV provided guidelines to prosecutors and judges on non-penalization of trafficking victims.

## PREVENTION

The government decreased prevention efforts. The government did not adopt the anti-trafficking strategy and action plan for 2015-2016. The government created an anti-trafficking council in 2005 as a consultative body, which observers noted existed only on paper and did not meet. The national coordinator for combating trafficking in persons continued to lead anti-trafficking efforts despite lacking sufficient resources and support from the government; the coordinator is the head of migration for the border police and did not have independent authority. The national coordinator and CPTV director lectured on anti-trafficking issues at universities and the Police Academy. The government initiated efforts to create an electronic national court statistics database. The government operated a hotline to collect human trafficking-related tips, published anti-trafficking efforts on its website, and provided information on trafficking via social media. Police continued to enforce laws against purchasing commercial sex. The government did not make efforts to reduce demand for forced labor. The government licensed and regulated private employment agencies; however, observers reported in practice, tourist agencies performed labor recruitment and were largely unregulated. Serbian troops

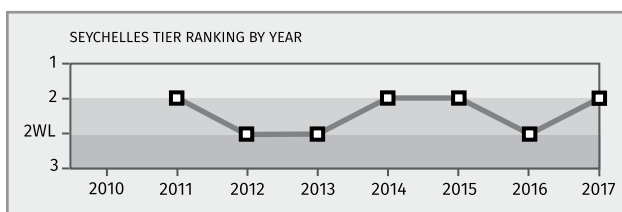
participated in anti-trafficking training prior to their deployment on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude and forced begging. Serbian women are subjected to sex trafficking by Serbian criminal groups in neighboring countries and throughout Europe, particularly Austria and Germany. Serbian nationals, primarily men, are subjected to forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Azerbaijan, Slovenia, and Russia) and the United Arab Emirates. Serbian children, particularly Roma, are subjected within the country to sex trafficking, forced labor, forced begging, and petty crime. Thousands of migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries transiting through or stranded in Serbia are vulnerable to trafficking within Serbia. Alleged traffickers reportedly influenced some trafficking cases through bribery of the victim or judge.

## SEYCHELLES: TIER 2

The Government of Seychelles does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Seychelles was upgraded to Tier 2. The government demonstrated increasing efforts by initiating its first investigation and prosecution under the anti-trafficking law, conducting more anti-trafficking trainings, identifying and assisting more trafficking victims, and allocating a budget for the national anti-trafficking committee. However, the government did not meet the minimum standards in several key areas. The government did not report implementation of its standard operating procedures for victim identification and referral mechanism. It did not report allocating specific funding for victims services, making any efforts to identify or assist internal or sex trafficking victims, or convicting any traffickers. The government did not inspect employers of, or screen for indicators of trafficking among, potential labor trafficking victims within the Seychelles International Trade Zone (SITZ) despite vulnerability to trafficking among migrant labor in the country.



## RECOMMENDATIONS FOR SEYCHELLES

Increase efforts to investigate and prosecute trafficking, including internal and sex trafficking crimes, under the anti-trafficking law, and convict and punish traffickers; implement standard operating procedures for victim identification and referral; provide specialized training to government officials, including

members of the national committee on human trafficking, law enforcement officials, social workers, immigration officials, and labor inspectors, on victim identification and referral procedures; enforce the law prohibiting the retention of passports by employers of migrant workers; provide adequate oversight of laborers working in the SITZ, and require labor inspectors to conduct regular and comprehensive inspections of migrant workers' work sites; allocate adequate funding for victim services; draft a national action plan to drive national efforts to combat all forms of trafficking; remove the required fee for a migrant worker to lodge a complaint with the Labor Tribunal; screen for potential trafficking offenses among complaints before the Labor Tribunal; implement labor laws in all of Seychelles, including the international trade zone, and authorize officials to monitor domestic workers' employment; and continue to conduct anti-trafficking awareness campaigns to increase the understanding of the crime among the local population and the large number of foreign tourists and migrant workers entering the country.

## PROSECUTION

The government modestly increased efforts to combat labor trafficking, but did not initiate investigations of sex trafficking crimes. The Prohibition of Trafficking in Persons Act of 2014 criminalizes all forms of trafficking in adults and children. The law prescribes penalties of up to 14 years imprisonment, and in cases involving children or aggravating circumstances, a maximum of 25 years imprisonment and a fine up to 800,000 Seychelles rupee (\$60,519); these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Elements of human trafficking are also criminalized in provisions of the penal code, including section 259 prohibiting slavery and section 251 prohibiting forced labor. Although all forms of child sex trafficking are criminalized under the anti-trafficking law, enforcement of this prohibition may be hampered by unclear and conflicting statutes in the penal code that do not clearly define the ages of consent and legal majority, creating confusion between the traditionally understood age of consent (15 years of age) and the legal age of majority (18 years of age).

During the reporting period, the government investigated two potential cases of trafficking. The government initiated its first prosecution under the anti-trafficking law in a case involving alleged forced labor of four Bangladeshi victims; officials identified this case following an inspection of a construction company where officials found non-payment of wages and contractual misrepresentation. The national coordinating committee on trafficking in persons established a case conferencing group, which consisted of the relevant stakeholders to ensure a cohesive approach to the investigation and prosecution of the construction company. This contrasts with the Ministry of Labor resources and development's past practice of treating potential cases of labor trafficking as contract disputes between employer and employee, and seeking arbitration through the labor tribunal rather than referring cases for criminal investigation. The government did not report efforts to investigate or prosecute sex trafficking. In April 2016, the Ministry of Community Development, Social Affairs and Sports, in conjunction with an international organization, conducted training for approximately 30 front-line law enforcement officers on trafficking and screening for potential indicators of human trafficking; however, many officers remained inadequately trained to identify and refer potential human trafficking cases. The government did not report any

investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government modestly increased efforts to identify and assist labor trafficking victims, but did not undertake any such efforts in relation to sex trafficking. The government identified and provided care to four Bangladeshi victims of forced labor and assisted 16 potential victims following their interception, an increase from zero identified during the previous reporting period. The government intercepted the 16 potential trafficking victims from Madagascar en route to Kuwait. After acquiring a translator, the government interviewed these potential victims and determined that it needed further information to formally identify them as trafficking victims. Nonetheless, it coordinated with the Government of Madagascar to repatriate all 16 potential victims. There are no shelters specifically for trafficking victims in the country; however, the social affairs department of the Ministry of Health and Social Affairs provided the Bangladeshi victims with accommodations in a private guest house, per diem, access to a social worker and translator, and new work permits. The government provided the 16 Malagasy nationals with accommodations at a hotel until they were repatriated. The Bangladeshi victims reportedly participated in the investigation. The government did not report efforts to identify or assist sex trafficking victims. The law provides for witness protection, medical services, shelter, psychological support, legal advice, repatriation, social integration, and establishment of a fund to help pay for these expenses. The government did not report whether it allocated capital to the fund; however, it did fund assistance to victims. The government conducted training for social workers on how to implement the victim assistance tool, created in 2015, which established standard operating procedures on victim identification, protection, and referral; although, the government did not report implementation of the tool during the reporting period. There were no reports of victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking; however, because officials did not use standard victim identification procedures, victims likely remained unidentified in the law enforcement system. For example, migrant workers who strike have historically been considered to be in breach of their work contracts and could be deported at their employers' request. There were no reports of such deportations during the reporting period.

## PREVENTION

The government minimally increased prevention efforts. The national anti-trafficking committee served to foster coordination and communication on trafficking matters across government agencies and successfully drove national anti-trafficking efforts during the reporting period. It met every month and a half, received a dedicated budget, planned and delivered several trainings for officials, formed a case conferencing group to ensure the coordinated handling of the government's first labor trafficking prosecution, organized the provision of assistance to trafficking victims, and coordinated public awareness efforts. Customs and immigration officials prevented 16 potential Malagasy trafficking victims from transiting the country by screening at the international airport. The government did not report progress in implementing the 2014-2015 national action plan or undertaking efforts to draft an updated plan. The government continued to run annual awareness campaigns in both broadcast and print media, and publicized World



Day on Trafficking in Persons. The Ministry of Employment, Entrepreneurship Development and Business Innovation (MOE) continued to provide leaflets in Chinese and Hindi to migrant workers arriving in the Seychelles detailing their rights and worked with local embassies to provide translation services as needed. The government maintained a help line for reporting instances of trafficking, but the government did not report whether it received any calls.

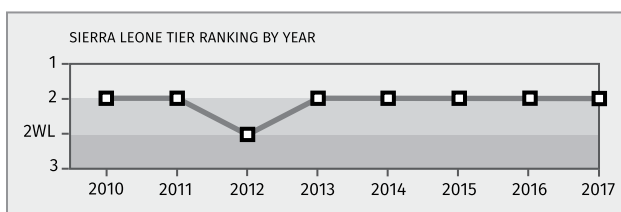
Trafficking vulnerabilities in labor recruitment and monitoring persisted throughout the country during the reporting period. Seizure and retention of passports is illegal under Seychellois law; however, the government reported no efforts to enforce this law. The MOE employed 13 labor inspectors responsible for conducting inspections of all workplaces in the country and informing all migrant workers of their employment rights. The MOE lacked authority to conduct inspections in the SITZ, where many migrant laborers work, as it is considered ex-territorial and is managed by the Financial Services Authority (FSA). The FSA did not provide adequate oversight of laborers working in the SITZ, nor conduct any inspections during the reporting period. The MOE did not have authority to enter private homes to monitor employers of domestic workers, limiting the government's ability to identify and investigate indicators of trafficking among this community. The Ministry of Health had authority to inspect migrant worker dwellings but did not have the mandate to investigate labor violations or potential trafficking crimes. The MOE reported an increase in the demand for expatriate domestic workers. The government made no discernible efforts to decrease the demand for commercial sex acts or forced labor during the reporting period. The government funded anti-trafficking training for the Honorary Consuls of the Seychelles on victim identification abroad.

## TRAFFICKING PROFILE

Seychelles is a destination country for foreign men and women subjected to labor trafficking and sex trafficking and a source country for children subjected to sex trafficking. Seychellois girls and, according to some sources, boys are subject to child sex trafficking, particularly on the main island of Mahe; they are exploited by peers, family members, and pimps in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are vulnerable to being forced into prostitution. Eastern European women have been subjected to forced prostitution in hotels. Migrant workers—including from China, Kenya, Madagascar, and countries in South Asia—make up 20 percent of the working population in Seychelles and are primarily employed in fishing and construction. Malagasy women who transit the Seychelles may be subjected to forced labor in the Middle East. Some migrant workers are subjected to forced labor in the construction sector. NGOs report migrant workers face exploitative conditions in fish processing plants, and fishermen aboard foreign-flagged fishing vessels in Seychelles' territorial waters and ports are subjected to abuses indicative of forced labor, including non-payment of wages and physical abuse. Migrant workers sign their employment contracts upon arrival in the Seychelles, which increases their vulnerability to fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their two-year contracts.

## SIERRA LEONE: TIER 2

The Government of Sierra Leone does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Sierra Leone remained on Tier 2. The government demonstrated increasing efforts by investigating and initiating prosecutions of trafficking cases, identifying and referring 34 victims to services, and funding repatriation for 25 Sierra Leonean trafficking victims exploited abroad. However, the government did not meet the minimum standards in several key areas. The government reported a decreased number of investigations and for the sixth consecutive year did not convict a trafficker. Judicial inefficiency and procedural delays impacted access to justice generally. Due to the lack of government support for victims during investigations and prosecutions, and an overreliance on victim testimony, courts did not complete any trafficking prosecutions, and law enforcement and judges dismissed many trafficking cases initiated during the reporting period. The government continued to rely on NGOs to provide nearly all victim assistance, and uneven implementation of the national referral mechanism resulted in delayed assistance for some victims. The government did not provide funding for the anti-trafficking taskforce to adequately fulfill its mandate or implement 2015-2020 national action plan.



## RECOMMENDATIONS FOR SIERRA LEONE

Increase efforts to prosecute and convict traffickers with sufficiently stringent sentences that include imprisonment; address procedural delays and judicial corruption so victims can participate in trials and judges cease dismissing cases against alleged traffickers; train prosecutors and judges to investigate and prosecute trafficking cases; amend the anti-trafficking law to increase penalties to be sufficiently stringent and commensurate with penalties for rape, and harmonize penalties for forced labor and forced prostitution across all laws; train all actors on the national referral mechanism to ensure all trafficking victims receive timely services; increase partnerships with and financial or in-kind support to NGOs providing assistance to trafficking victims; improve coordination among government agencies responsible for combating trafficking in persons; train law enforcement officers and social workers to identify trafficking victims among vulnerable populations, including children in domestic servitude; sufficiently fund anti-trafficking activities in the national budget and allocate funds to relevant entities, such as the anti-trafficking taskforce, to implement the national action plan; in collaboration with civil society organizations, increase efforts to raise public awareness of trafficking; ratify the Economic Community of West African States (ECOWAS) Convention on Mutual Assistance in the Fight Against Trafficking; and continue to improve data collection on anti-trafficking law enforcement and victim assistance efforts.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The 2005 anti-trafficking law criminalizes all forms of human trafficking and prescribes a maximum penalty of 10 years imprisonment and/or a fine of 50 million leones (\$6,710) for sex trafficking and a maximum penalty of 10 years imprisonment and/or a fine of 30 million leones (\$4,030) for labor trafficking; these penalties are sufficiently stringent, but the penalties for sex trafficking are not commensurate with those prescribed for other serious crimes such as rape. Chapter 215 of the Laws of Sierra Leone of 1956 also prohibits forced labor but prescribes an insufficiently stringent penalty of six months imprisonment or a fine of 100 pounds sterling (\$123). In addition, two other laws prescribe penalties for sex trafficking offenses that differ from the anti-trafficking law. The Child Rights Act imposes a penalty for the prostitution of a child by a third party of 30 million leones (\$4,030) and/or two years imprisonment, which is neither sufficiently stringent nor commensurate with penalties for rape. The Sexual Offences Act criminalizes forced prostitution and child prostitution with penalties of up to 15 years imprisonment, which are sufficiently stringent and commensurate with penalties for rape, and also requires the police after receipt of a trafficking complaint to assist victims and protect vulnerable witnesses. Penalties consisting of fines in lieu of imprisonment are not adequate to deter the crime. During the reporting period, the anti-trafficking taskforce continued to review the 2005 law with an aim to strengthen penalties for adult trafficking.

The government reported 34 investigations, prosecution of four suspects in seven labor trafficking cases, and no convictions, a decrease from 54 investigations, six prosecutions, and no convictions in the previous reporting period. Judicial inefficiencies and procedural delays impacted access to justice generally. At times, judges required victims of crime, including trafficking, to travel frequently to the capital for court appearances. Victims often could not do so and, as a result, judges dismissed many of the trafficking cases initiated during the reporting period and did not reach judgment on any prosecutions. The government last convicted an individual for trafficking or trafficking-related offenses in 2011. Due to corruption and a lack of faith in the justice system, victims' families often accepted payments from traffickers rather than pursue cases in court. Officials collaborated with Guinean authorities to intercept and repatriate a caravan of Sierra Leonean adults and children reportedly destined for exploitation in Niger and Mali. The government attempted to coordinate with three other foreign governments on transnational trafficking investigations but was not successful, which impeded investigations and prosecutions of suspected traffickers. The government reported its non-ratification of the ECOWAS Convention on Mutual Assistance in the Fight Against Trafficking compounded the difficulties in cross-border investigations. The government did not provide training for police, prosecutors, or other law enforcement officials on investigating and prosecuting trafficking crimes during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption, particularly within the judiciary, remained a serious problem and affected the provision of justice to trafficking victims.

## PROTECTION

The government made limited efforts to protect trafficking victims. The government identified 34 trafficking victims—including Indian and Kenyan forced labor victims—a decrease

from 65 victims identified in the previous reporting period. Among the victims identified, at least fifteen were subjected to forced labor, five to sex trafficking, and two to both domestic servitude and sex trafficking; the type of exploitation of the other victims was not reported. The Ministry of Social Welfare, Gender, and Children's Affairs operated a temporary shelter for victims of gender-based violence that trafficking victims could access. The government referred an unknown number of trafficking victims to this shelter during the reporting period, and it was unclear how much government support the shelter received. The government reported referring all identified trafficking victims to NGOs for care, and government social workers and prosecutors provided psycho-social services and legal representation to victims residing in NGO-run shelters. The government allocated approximately 119 million leones (\$15,970) to the Ministry of Social Welfare, Gender, and Children's Affairs to support an NGO shelter that cared for trafficking victims; however, it did not actually disburse the funding during the reporting period and did not provide any other financial support to NGOs that rendered all victim shelter and nearly all victim care. NGOs reported identifying and providing services to an additional 11 victims. One NGO operated a shelter specifically for trafficking victims and offered medical, psycho-social, legal, and reintegration support. The center cared for both foreign and domestic victims; however, the victims were not permitted to leave the shelter unchaperoned. Two additional NGOs operated shelters that cared for vulnerable children, including trafficking victims. The Ministry of Social Welfare, Gender, and Children's Affairs and an NGO trained 42 social workers on identifying and assisting trafficking victims. The government had a national mechanism to refer trafficking victims to services, but a lack of training on the mechanism caused delays; in some cases, victims slept at police stations because authorities had not referred them for care. In October 2015, the government requested the government of Lebanon repatriate two Sierra Leonean female domestic workers it believed had been subjected to trafficking in Lebanon; however, the women remained in Lebanon at the end of the reporting period. During the reporting period, the Ministry of Foreign Affairs and International Cooperation disbursed approximately 149 million leones (\$20,000) to support Sierra Leonean trafficking victims identified abroad. The Sierra Leonean embassy in Kuwait provided food, shelter, and trauma counseling and subsequently repatriated 20 female labor trafficking victims. The embassy in Guinea provided food, shelter, and repatriation for five Sierra Leonean child trafficking victims. This is compared with repatriating 49 victims the previous reporting period. The government did not report whether it systematically encouraged victims to participate in investigations and prosecutions of their traffickers. The anti-trafficking law does not provide for restitution, and while victims could file civil suits against their traffickers, none did so during the reporting period. The law provides alternatives to removal to countries in which victims would face retribution or hardship, including temporary residency. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking, but inadequate screening for trafficking indicators may have resulted in some victims remaining unidentified in the system.

## PREVENTION

The government decreased efforts to prevent trafficking. The anti-trafficking taskforce had a 2015-2020 national action plan, but the government did not provide funding to the taskforce or for implementation of the plan, which hampered implementation. While the Ministry of Labor and Social Security (MLSS) had

strict licensing procedures for new recruitment agencies to prevent exploitation of intending migrant workers, in practice it often issued business registration certificates before the transnational organized crime unit had finished vetting the prospective agencies. MLSS's draft labor migration policy to expand protections for migrant workers remained pending for the second year. To increase regional anti-trafficking cooperation, Sierra Leonean, Guinean, and Liberian authorities met regularly to discuss border security, including trafficking. Although the government did not have comprehensive research on its trafficking problem, it implemented a centralized database for trafficking information better analyze trafficking trends. The government did not make discernible efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

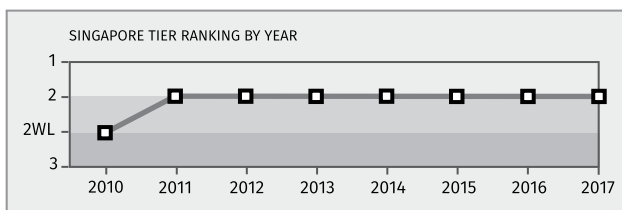
## TRAFFICKING PROFILE

As reported over the past five years, Sierra Leone is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims originate largely from rural provinces and are recruited to urban and mining centers for exploitation in sex trafficking and forced labor in domestic service, artisanal diamond and granite mining, petty trading, portering, making ceramics, rock breaking, street crime, and begging. At times, sex trafficking occurs on beaches and in nightclubs. Trafficking victims are also exploited in fishing and agriculture and subjected to sex trafficking or forced labor through customary practices, such as forced marriages. Traffickers typically operate individually, convincing parents to hand over their children and promising to provide an education or better life but instead exploiting the children in trafficking. Sierra Leonean girls are increasingly exploited in Guinea. Traffickers have exploited boys and girls from Sierra Leone to reportedly work as "cultural dancers"—and possibly also for sexual exploitation—in The Gambia. Sierra Leonean adults voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where some are subjected to forced labor and forced prostitution. As in previous years, Sierra Leonean women are subjected to trafficking in Kuwait and Lebanon. Children from neighboring West African countries have been exploited in forced begging, forced labor, and prostitution in Sierra Leone. Indian and Kenyan men were exploited in forced labor in Sierra Leone during the reporting period, and Chinese and Sri Lankan men have been victims in previous years.

## SINGAPORE: TIER 2

The Government of Singapore does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Singapore remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers. It provided protective services to victims, including through the distribution of funds to an NGO that offered trauma recovery services. However, the government did not meet the minimum standards in several key areas. Large numbers of migrant workers experience conditions indicative of labor trafficking in Singapore, and, although the government began to prosecute its first labor trafficking cases, it has yet to secure the conviction of a labor trafficker under the trafficking

law. Authorities did not effectively identify victims compelled into service through psychological coercion, leaving some victims unidentified and subject to punishment or deportation.



## RECOMMENDATIONS FOR SINGAPORE

Using the 2015 anti-trafficking law, increase investigations and prosecutions of sex and labor trafficking offenses, including debt bondage, and convict and stringently sentence traffickers; strengthen efforts to identify trafficking victims, including by conducting training for front-line law enforcement officials with a focus on screening for psychological coercion among women in prostitution and individuals in debt bondage; strengthen the legal framework to enhance protection for victims from punishment for acts committed as a result of being subjected to trafficking; develop formal policies to provide all victims the right to robust protective services, regardless of their individual circumstances; conduct law enforcement operations using victim-centric methods; increase resources for investigative and prosecutorial training on human trafficking for Ministry of Manpower officials who handle labor violations; strengthen efforts to increase victims' awareness of available protective services and incentives for participating in investigations and prosecutions; develop transparent communication with service providers during the duration of court cases; and expand cooperation with and funding to NGOs for developing and implementing anti-trafficking policies and assisting victims.

## PROSECUTION

The government increased efforts to prosecute and convict traffickers. The Prevention of Human Trafficking Act (PHTA) criminalizes all forms of human trafficking and prescribes penalties of up to 10 years imprisonment and fines up to 100,000 Singapore dollars (\$69,200), which are sufficiently stringent and commensurate with those prescribed for other serious crimes. In addition, article 140 of the Women's Charter criminalizes forced prostitution involving detention or physical force and article 141 criminalizes the movement of women and girls for "trafficking" but does not define the term. Penalties prescribed for these sex trafficking offenses in the Women's Charter include a maximum of five years imprisonment, which are sufficiently stringent but not commensurate with other serious crimes. The government investigated most suspected labor trafficking cases as labor law offenses under the Employment of Foreign Manpower Act (EFMA) or the Employment Act, laws that carry significantly lower penalties than the anti-trafficking law and exclude domestic workers and fishing crews.

In 2016, the government prosecuted eight suspects (three for sex trafficking and five for labor trafficking) and convicted two sex trafficking offenders, compared with two traffickers prosecuted and one convicted in 2015. Police investigated 20 cases of suspected sex trafficking and initiated a prosecution of one alleged sex trafficker under the anti-trafficking law; this case, which involved a Malaysian national accused of recruiting a minor for sexual exploitation and receiving



payment in connection with the exploitation of a trafficked victim, was ongoing at the end of the reporting period. During the reporting period, the high court upheld a 56 month prison sentence handed down in 2015 for the first Singaporean to be convicted of organizing child sex tourism. The Ministry of Manpower investigated two potential labor trafficking cases involving four suspects under the anti-trafficking law and 11 potential labor trafficking cases under employment laws. The government initiated prosecutions of five suspects in three cases of labor trafficking—the first in Singapore—which remained ongoing at the close of the reporting period. In one case, two suspects were alleged to have subjected seven Bangladeshi women to forced labor as performing artists in a nightclub, and the other involved five victims and one suspect. The government obtained two sex trafficking convictions in cases begun in the previous year, both involving multiple victims; the convicted offenders received sentences of three years and two months imprisonment and four years imprisonment. Two defendants convicted the previous year under the EFMA for starving a domestic worker, forcing her to work excessive hours, and restricting her access to communication in 2013—prior to the passage of the PHTA—received prison sentences in March 2017 of three months and three weeks and a 10,000 Singapore dollars (\$6,920) fine. The prosecutors reported they were in the process of filing an appeal to secure a one year sentence—the maximum sentence available under the EFMA—at the end of the reporting period. The government has not obtained a labor trafficking conviction, nor has it prosecuted any cases of domestic servitude under the trafficking law.

The government organized a two-day conference with international experts to educate prosecutors and law enforcement officers on trafficking issues, delivered a training session for front-line Ministry of Manpower officers, and funded more than 150 officials to attend international trainings and conferences in 2016. Despite these efforts, authorities' investigative progress—particularly in cases involving debt bondage or prostitution—was hampered by a lack of awareness among some officials regarding the role of psychological coercion in trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

## PROTECTION

The government increased protection efforts, but insufficient communication between the authorities and service provision NGOs continued to hamper victim identification and referral processes. Police and labor officials had standard operating procedures for identifying victims, and the government had a victim referral process among government officials, civil society organizations, and foreign embassies. The government reported identifying 20 sex trafficking and 13 labor trafficking victims in 2016, compared to seven sex trafficking and seven labor trafficking victims in 2015. The government reported providing services to 22 adult women, including 10 sex trafficking victims and 12 labor trafficking victims. The government did not identify or provide services to any child victims during the year. Several NGOs reported officials failed to recognize key indicators of trafficking when interviewing potential victims, particularly in cases involving sex or labor exploitation through various forms of psychological coercion or debt bondage, and among migrant workers. NGOs reported authorities' opaque victim identification and referral standards sometimes complicated effective use of the government's referral mechanism.

The government allocates funds for anti-trafficking activities in its annual budget, and the PHTA authorizes the social welfare department to provide shelter and counseling services to all victims. The government has administrative discretion to provide a range of additional support measures, customized according to victims' needs, including interpreters, medical services, temporary work permits, and resettlement assistance. However, absent a formal policy mandating the provision of these services to all victims, and due to front-line officers' incomplete understanding of psychological coercion, some victims likely did not benefit from these services. The 2015 trafficking law mandates some additional protections for child victims, including a requirement that their testimony be held via video conference. NGOs reported supplementing certain government-funded victim services deemed insufficient, such as healthcare.

The government provided partial funding and oversight to 22 shelters serving vulnerable children, four shelters for vulnerable women and their children, and two shelters for male foreign workers. One shelter was designated exclusively for adult female sex trafficking victims and exploited female domestic workers. Authorities permitted freedom of movement outside of the shelter for most residents, but restricted movement for any residents deemed to be under physical threat or in need of psychological care. The government allocated funding for an NGO that provided trauma recovery services for 12 female labor trafficking victims and 10 female sex trafficking victims, 18 of whom were residing in the shelter for female victims. One of the shelters was designated for adult male trafficking victims, although no male trafficking victims were identified during the year. Other NGO-identified victims who did not meet the government's referral standards received shelter or services from privately funded NGOs. The government granted 12 victims short-term work permits, available for the duration of their legal processes, under a temporary job scheme.

The government issued a statement of its policy not to punish victims for crimes committed as a direct result of being subjected to trafficking. According to NGOs, police did not always screen for trafficking indicators among women apprehended in law enforcement operations despite a government policy requiring it; the government may have prosecuted and punished unidentified sex trafficking victims among them for immigration violations or soliciting. The government offered assistance for victims participating in investigations and prosecutions of trafficking offenses. NGOs reported that victims of trafficking were offered pro bono legal assistance to pursue civil court claims for restitution, but that all declined the offer; some purportedly did not wish to file official complaints out of skepticism that they would secure said restitution. Others who incurred significant debt burdens as a result of trafficking returned to their home countries instead of seeking redress. As a result, there were no reports of trafficking victims pursuing or receiving restitution through civil claims or criminal court proceedings. NGOs and foreign embassies reported coordination between public and private stakeholders had improved, but the government's lack of detailed feedback regarding ongoing cases remained a problem for some NGOs and interfered with service providers' ability to assist victims. During the reporting period, authorities facilitated the repatriation of eight labor trafficking victims per their request. The government did not provide long-term alternatives to removal to countries where victims may face hardship or retribution.

## PREVENTION

The government increased efforts to prevent trafficking. The interagency taskforce coordinated anti-trafficking efforts in line with Singapore's "National Approach Against Trafficking in Persons," which was developed and launched in 2015 following consultation with NGOs. The taskforce conducted campaigns through social media, newspapers, television, posters, and other outreach materials to educate workers on their rights, raise public awareness of trafficking, and publicize efforts to punish employers for trafficking-related violations. The National Crime Prevention Council funded a television program focusing on Singapore's first sex trafficking conviction; the program, broadcasted in Singapore's four main languages, reportedly reached 1.7 million viewers. The taskforce also launched a public awareness-raising grant to individuals and anti-trafficking NGOs. The government provided pre-departure trainings and materials to educate foreign workers on their rights prior to migrating to Singapore. In April 2016, amendments to the Employment Act came into effect requiring Singaporean employers to issue all workers key employment terms in writing and provide itemized pay slips.

NGOs reported migrant workers in Singapore face barriers to recovering unpaid wages, as their single-employer work permit makes them ineligible to change employers while the government considers their claim. Further, employers who were found at fault in civil cases sometimes failed to comply with court rulings in the employee's favor and the government did not take action to enforce these decisions. The government investigated and imposed fines on unlicensed employment agencies and those that engaged in other illegal practices that could facilitate trafficking. NGOs reported some agencies still engaged in contract switching and charged workers fees over the legal limit. The government provided anti-trafficking training for its diplomatic personnel. The government made some efforts to reduce the demand for commercial sex acts, including through public information campaigns, and made limited efforts to address the demand for forced labor.

## TRAFFICKING PROFILE

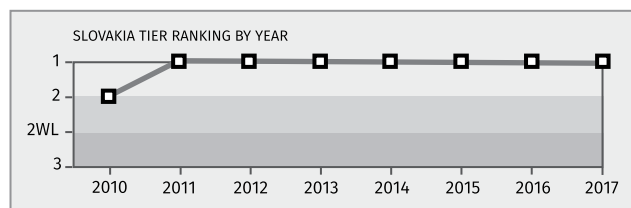
As reported over the past five years, Singapore is a destination country for men, women, and girls from other Asian countries subjected to sex trafficking and forced labor, a source country for Singaporean women and children subjected to sex trafficking, and a transit country for Asian men subjected to forced labor on fishing vessels that transit through Singapore or its territorial waters. Some of the 1.4 million foreign workers that comprise approximately one-third of Singapore's total labor force are vulnerable to trafficking; most victims migrate willingly for work in construction, domestic service, performing arts, manufacturing, the service industry, or commercial sex. Domestic workers from countries such as Cambodia and Burma, whose nationals have a small presence in Singapore, experience language barriers that increase their isolation and vulnerability to trafficking; some employers exacerbate this vulnerability by denying workers access to mobile phones. NGO-released research found some domestic workers in Singapore experience conditions indicative of forced labor including restriction on their movement and communications; verbal, physical, or sexual threats and abuse; and denial of a legally-required weekly day off of work. In September 2014, the Burmese government imposed a ban on emigration to Singapore for domestic work, citing concerns of abuse and non-payment of wages. Although Singaporean law limits agency fees and mandates prosecution for those

who exceed them, many foreign workers assume large debts to recruitment agencies or individual recruiters in their home countries and sometimes in Singapore, making them vulnerable to forced labor, including debt bondage. Victims are also compelled into sex or labor exploitation through illegal withholding of their pay, threats of forced repatriation without pay, restrictions on movement, and physical and sexual abuse. Withholding identity documents such as passports and work permits is illegal; however, it is common practice for some employment agencies to encourage employers to hold employees' documents and the practice remains widespread, increasing workers' vulnerability to trafficking. Research conducted by the government in 2014 found six of 10 foreign work permit holders did not possess their passports and work permits. Foreign workers have credible fears of losing their work visas and deportation, since employers have the ability to repatriate workers legally at any time during their contracts with minimal notice. Unscrupulous employers exploit the non-transferability of low-skilled work visas to control or manipulate workers. Some employers rely on repatriation companies to seize, confine, and escort foreign workers to the airport for departure from Singapore, including through the use of assaults, threats, and coercion, to prevent them from complaining about abuses to authorities.

Foreign women sometimes enter Singapore with the intention of engaging in prostitution but are subjected to forced prostitution under the threat of serious harm, including financial harm, or other forms of coercion. A small number may be recruited for work in the service sector and forced into prostitution upon arrival. Singaporean women and children are at risk of sex trafficking in the country. A small number of Singaporean residents facilitate and engage in child sex tourism abroad. An NGO reported that some men are subjected to forced labor and abuse by captains on long-haul fishing vessels that depart from Singapore or dock in Singaporean ports, and that some agencies in Singapore use deceptive tactics to recruit Filipino and Cambodian men for this work.

## SLOVAKIA: TIER 1

The Government of the Slovak Republic, or Slovakia, fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Slovakia remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations and collaboration with foreign law enforcement authorities to identify and prosecute traffickers. The government proactively identified more victims and launched extensive trafficking prevention and public awareness campaigns to engage the general public and at-risk populations. Although the government meets the minimum standards, it did not adequately identify foreign trafficking victims. Legal support to victims was inadequate, and victims who cooperated with prosecution were at risk of re-traumatization. The government supported some innovative prevention activities, but NGOs continued to report that they were not given adequate time to prepare effectively for the expert working group.



## RECOMMENDATIONS FOR SLOVAKIA

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to prison terms; establish sentencing guidelines that sensitize judges to the severity of trafficking crimes and instruct them on the need for sentences to have a deterrent effect for future crimes; strengthen training and capacity building for investigators, prosecutors, and judges on a victim-centered approach to law enforcement efforts; clarify formal written procedures for victim referral; improve legal assistance to victims; train government officials, particularly border police, on proactive victim identification among vulnerable groups; facilitate more effective consultation with NGOs in the expert working group; improve data gathering on Slovak victims of trafficking abroad and foreign trafficking victims in Slovakia.

## PROSECUTION

The government maintained law enforcement efforts. Section 179 of the criminal code prohibits all forms of trafficking and prescribes penalties between four and 25 years imprisonment for trafficking offenses. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, government officials initiated 25 new investigations, compared with 18 investigations in 2015 and 15 in 2014. Of these, 10 cases involved sex trafficking; six forced begging; six labor trafficking; two sex trafficking combined with forced marriage; and one labor trafficking, sex trafficking, and forced marriage. The national police reported 22 of the 25 new investigations involved Slovak victims exploited in other countries. The government initiated 10 prosecutions under section 179 of the criminal code (22 in 2015, 18 in 2014, and 12 in 2013). Prosecutors obtained convictions of four Slovak citizens under the trafficking law (21 in 2015, 19 in 2014, 14 in 2013, and 11 in 2012) and sentenced two of the convicted traffickers to 72-months imprisonment, the third to 56 months imprisonment, and sentenced the fourth to probation. Over the past five years, a large number of trafficking convictions have resulted in short or suspended sentences. National police cooperated with other countries' police authorities, as well as with EUROPOL and INTERPOL. During 2016, the government extradited three individuals on trafficking charges to Czechia, Germany, and United Kingdom (UK). U.S. and Slovak law enforcement collaborated on a December 2016 investigation of two potential Slovak trafficking victims recruited to work in a strip club in New York.

The Irregular Migration Unit within the Bureau of Border and Alien Police (BBAP) coordinated law enforcement efforts. NGOs commended the head of the trafficking unit within BBAP for promptly and proactively investigating suspected trafficking and for facilitating improved referral of cases to specialized police officers. Differences in how various institutions gathered law enforcement statistics hindered the effective comparison and monitoring of trafficking-related law enforcement efforts. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human

trafficking. The judicial academy and the Ministry of Interior conducted one seminar on identifying trafficking victims for judges, prosecutors, and police officers. The government held additional trafficking trainings for members of the national police unit. The Ministry of Interior launched an accredited trafficking curriculum at the police high school in Bratislava.

## PROTECTION

The government maintained efforts to protect victims. In 2016, the government identified 32 victims (25 in 2015). NGOs identified an additional 13 victims. Of the 45 total victims identified, 25 of their cases resulted in police investigations; 18 were female, including three underage girls, and 27 were male, including five underage boys; and four were foreign citizens. Experts criticized the government for lacking reliable data on the prevalence of foreign trafficking victims in Slovakia. Some NGOs continued to criticize the government's victim care program for placing too high a burden of proof on the victim, impeding access to care services, and allowing too much discretion by law enforcement to decide whether a potential victim can enroll in the program. Of the 45 victims, 21 entered the government-funded victim care program in 2016 (25 of 28 total victims in 2015 and 34 of 41 total victims in 2014). In 2016, the government provided €221,617 (\$233,530) to three NGOs for the protection of trafficking victims, including repatriation assistance, compared to €212,927 (\$224,370) in 2015 and €225,100 (\$237,200) in 2014. This funding covered the support and care of victims, voluntary return of victims, and the national trafficking hotline. During the reporting period, the Ministry of Interior allocated €95,000 (\$100,110) in grants for projects addressing trafficking issues, the same amount as in 2015.

NGOs provided victims shelter and care services, including financial support, repatriation to Slovakia, healthcare, psycho-social support, and legal and interpretation services. Shelters for domestic violence victims housed trafficking victims separately. There were limited accommodations for victims with families. Child trafficking victims could be accommodated in government-run children's homes or an NGO-run crisis home for children; six children entered into the care program in 2016. Whether the government's system to refer identified victims to protection services can be considered unified remained unclear, but some government institutions had procedures to refer victims to the National Coordinator or care facilities. An NGO won a Supreme Court appeal against a 2014 government decision not to enroll a Vietnamese migrant in the care program, who the NGO suspected of being a trafficking victim. The Court concluded that the victim should be able to appeal its decision not to enroll the victim into the care program directly with the government. The government did not adequately identify foreign trafficking victims, with NGOs reporting authorities did not properly identify potential victims among migrants or refer them to services because it encouraged them to take advantage of assisted voluntary return. Border police did not always proactively screen migrants for indicators of trafficking, despite having received numerous victim identification trainings. The Slovak Embassy in London reported 11 trafficking cases of Slovak victims during 2016 (none in 2015 and 151 in 2014). The Slovak Embassy in London assisted potential trafficking victims through local NGOs.

All victims were eligible for up to 180 days of care support. Slovak law allows foreign victims to seek employment, but due to uncertain length of their tolerated residency status while participating in an investigation, employers were reluctant to



hire foreign victims. Limited funding for legal representation impaired foreign victims' ability to justify their cases for temporary residency. Moreover, experts noted lawyers provided by the government may not have relevant experience and knowledge to handle trafficking cases. The law authorizes the extension of permanent residency to foreign trafficking victims who would face hardship or retribution if returned to their country of origin; however, authorities have issued no such residence permits.

Thirty-two victims of the total 45 identified cooperated with police and prosecutors in investigating and prosecuting trafficking cases. Court proceedings, however, were not always adapted, nor law enforcement professionals sufficiently trained, to avoid re-traumatization of victims. Victims have been discouraged from participating in trafficking investigations due to these conditions. Victims provided testimony multiple times and in close proximity to suspected traffickers during the pre-trial and trial process. NGOs deemed the expertise of the legal advice available to victims through the government program insufficient. NGOs not contracted by the government have provided private, specialized legal assistance to aid victims. Although Slovak law allows for victims to pursue restitution through civil and criminal cases, experts noted judges did not award damages in the majority of criminal cases, and victims lacked legal and financial support to pursue damage claims. The government did not report cases of victims being awarded restitution. There were no reports of the government penalizing victims for unlawful acts committed as a direct result of being subjected to trafficking, however, unidentified foreign victims may have been prosecuted or deported, and the government passed an amendment in 2013 that authorizes prosecutors not to prosecute trafficking victims for crimes committed during their exploitation.

## PREVENTION

The government increased efforts to prevent human trafficking. A national program to fight trafficking, covering 2015-2018, continued to guide all government anti-trafficking efforts. The interior ministry's crime prevention office coordinated the government's anti-trafficking activities, including overseeing victim care services, training officials on victim identification, conducting awareness campaigns and trainings, and convening the expert working group, consisting of government and NGO representatives. Some NGOs continued to report that they were not given sufficient time to comment on issues before the working group. The crime prevention office housed an information center, which was designated as the national rapporteur. The center also collected statistics on the government's anti-trafficking efforts, but did not produce a comprehensive report assessing the government's efforts. The government launched extensive trafficking prevention and public awareness campaigns to engage the general public, students, employers, and at-risk children in orphanages. In October 2016, the government launched a nationwide public awareness campaign to promote the national trafficking hotline. The government continued to implement a new internet-based computer application that allowed the families of Slovaks traveling abroad to receive alerts should the user cease online activity. The government continued to support an anti-trafficking hotline operated by an NGO, which received over 255 substantive calls and helped identify and refer one victim to services. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for 36 of its diplomatic personnel and 403 military personnel eligible

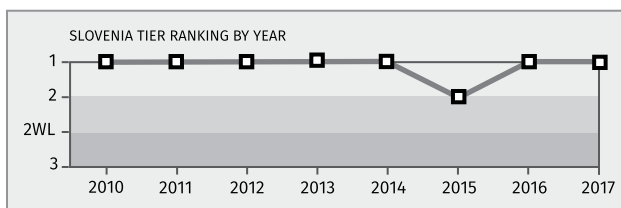
to serve in peacekeeping missions abroad. The government's consular affairs office conducted "consular days" in 12 cities outside London and in the United States to provide consular services, including trafficking prevention information, to Slovak migrants.

## TRAFFICKING PROFILE

As reported over the past five years, 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 agriculture and construction in Western Europe, primarily in the UK. Slovak women are subjected to sex trafficking in Germany, Austria, the UK, Ireland, Switzerland, Poland, and other European countries, as well as the United States. Ukrainian, Moldovan, Bulgarian, Romanian, Thai, and Vietnamese men and women are subjected to forced labor in Slovakia. Eastern European women are also reportedly transported to and through Slovakia and forced into prostitution within the country and throughout Europe. Roma from marginalized communities are disproportionately vulnerable to trafficking. Slovak children of Romani descent are subjected to sex trafficking within marginalized communities in the Slovak Republic and forced criminal behavior in the UK. Slovak men, women, and children of Romani descent are subjected to forced begging throughout Western Europe. Traffickers find victims through family and village networks for sex and labor trafficking, and have also exploited men in forced labor. Children without family or relevant support structures who leave institutional care facilities are subjected to sex and labor trafficking.

## SLOVENIA: TIER 1

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Slovenia remained on Tier 1. The government demonstrated serious and sustained efforts by convicting more traffickers and sentencing them to more severe sentences than in previous years. The government offered more training for government personnel and conducted campaigns to sensitize officials, the public, and the private sector on labor trafficking. Although the government meets the minimum standards, it did not consistently sentence convicted traffickers to penalties proportionate to the crime and did not consistently implement a victim-centered approach in prosecutions. It also did not provide proper and safe facilities to assist child victims of trafficking, nor did it assist all victims to have access to restitution.



## RECOMMENDATIONS FOR SLOVENIA

Increase specialized training for investigators, prosecutors, and judges in applying the human trafficking statute and improve efforts to develop a victim-centered approach to prosecutions; expand efforts to identify victims of both sex and labor

trafficking among vulnerable populations, including individuals in prostitution, foreign migrant workers, unaccompanied children, and children in begging; provide proper systems and safe facilities to assist child victims of trafficking; increase efforts to facilitate all victims' access to restitution, such as through court-ordered restitution from convicted traffickers; continue prevention outreach to vulnerable populations, such as Roma; vigorously prosecute sex and labor trafficking offenses, and convict traffickers under the trafficking in persons law with sentences that reflect the severity of their crime; and continue to raise awareness of forced labor and sex trafficking among healthcare providers, social workers, the general public, and include in school curricula.

## PROSECUTION

The government increased law enforcement efforts, but the judiciary did not impose dissuasive sentences on all convicted traffickers. Article 113 of the criminal code criminalizes all forms of trafficking and prescribes penalties ranging from one to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, the police conducted five trafficking investigations, which involved 31 criminal acts and 15 perpetrators, compared with six investigations in 2015. Authorities initiated or continued prosecutions involving 21 defendants under article 113 (four of these were initiated during this reporting period), compared with 23 in 2015. The government convicted nine traffickers under article 113 in 2016, compared with three in 2015, none in 2014, and two in 2013. The courts sentenced two traffickers to five years in prison, one person to 3.6 years in prison, and another to 1.6 years in prison, marking an increase in prison terms from previous years. These individuals also received fines ranging from €1,240 to €10,230 (\$1,307-\$10,780); one of them was also required to turn over €850,000 (\$895,680) of illegally gained property. In addition, for four defendants who pled guilty and cooperated with law enforcement, the court issued conditional sentences of one to three years imprisonment if they repeat their crime in the next two to five years. In one additional case, the convicted trafficker had not yet been sentenced at the end of the reporting period. The government conducted specialized training for investigators, prosecutors, judges, border control, and general police forces. Slovenian and Italian police conducted a joint operation to arrest two Slovenians in Brazil involved in an international sex trafficking network that forced young Brazilian women into prostitution in Slovenia. In September 2016, Ljubljana police uncovered a sex and drug trafficking ring that had victimized Slovenian and Serbian women. The government cooperated with Romanian justice authorities to prosecute and convict in Romania four sex traffickers operating in Slovenia who had victimized young Romanian women and a minor.

## PROTECTION

The government maintained weak victim protection efforts. The government allocated €85,000 (\$89,568) for victim protection, similar to 2015 support. The government identified 27 adult sex trafficking victims in 2016 (47 in 2015 and 36 in 2014); four of these victims received shelter in a government-funded, NGO-operated safe house or crisis accommodation (seven in 2015). Three of these victims were Slovenian and 24 were foreigners. NGOs identified an additional 18 potential sex trafficking victims in 2016. The 45 total victims identified by government and NGOs compared to 75 total victims in 2015, 36 total victims in 2014, and 37 total victims in 2013. Child victims of trafficking lacked adequate facilities for housing and assistance. Experts noted that health care providers and social

workers need more training. The government-funded two NGOs that provided services for all 45 adult trafficking victims in 2016, compared with 75 victims in 2015. The government did not have specific facilities for unaccompanied child trafficking victims. All foreign victims are allowed a 90-day reflection period to reside legally in Slovenia while recovering and considering whether to participate in an investigation. During this time, they are eligible to stay in crisis accommodation, after which victims from non-EU countries can elect to stay in safe accommodation for an additional three-month period (for a total of 180 days), regardless of whether they cooperate with law enforcement. During the reporting period, none of the victims requested accommodation. In cases of participation in pre-trial and criminal proceedings, foreign victims are eligible to receive a temporary residency permit for the duration of the legal proceedings and could receive additional services, including safe, long-term accommodation, translation and interpretation services, and a protective escort. One victim extended a permit from 2015. In 2016, no victims cooperated with Slovenian law enforcement on trafficking cases, although some did cooperate with law enforcement from their country of origin; this compared with two victims who cooperated with law enforcement in 2015. No victims sought restitution in civil cases in 2016; GRETA previously reported no victims have ever received restitution from their traffickers. Not all trafficking victims were eligible for restitution from the state fund for crime victims; according to Slovenian law, restitution is only available for citizens of Slovenia and the EU. There were no reports of victims inappropriately penalized for unlawful acts committed as a direct result of being subjected to human trafficking. However, there remained concerns that unidentified victims, especially in forced labor, were possibly being penalized or deported. There were three repatriation cases organized by an NGO during the reporting period; the rest of the victims returned to their home countries on their own.

## PREVENTION

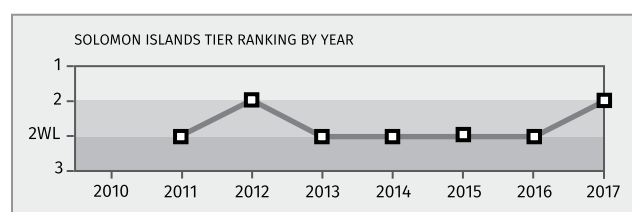
The government increased prevention efforts. The Ministry of Interior's interdepartmental working group (IWG), led by the national coordinator, organized national efforts and produced an annual monitoring report available to the public. The working group implemented the 2015-2016 action plan. As part of the plan, the government provided trafficking-specific training for all government personnel. In May 2016, the government adopted the Manual for Identification of Victims of Trafficking in Persons and distributed it to relevant government officials. The IWG drafted the 2017-2018 action plan, but it was not approved by the close of the reporting period. The IWG allocated approximately €20,000 (\$21,075), which is a similar sum as 2015, for awareness campaigns targeting potential trafficking victims, particularly schoolchildren and migrant workers. The government launched a web portal for the public to promote awareness of forced labor and labor exploitation. The government made efforts to prevent labor exploitation and forced labor by increasing labor trafficking training at the state labor inspectorate and at the criminal police administrative and by publishing an electronic handbook on preventing hidden forced labor. It promoted the handbook to various local companies and in the Slovene chamber of commerce. The government partnered with Serbia in a project to improve Serbia's trafficking investigation systems. The government provided anti-trafficking awareness and training for diplomatic, military, and police personnel before deployment overseas. The government did not take significant measures during the reporting period to reduce the demand for commercial sex or forced labor.

## TRAFFICKING PROFILE

Slovenia is a destination, transit, and, to a lesser extent, a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor and forced begging. Men from Bosnia and Herzegovina, Romania, Serbia, Slovakia, Slovenia, and Ukraine are forced to beg and labor in the construction sector. Sometimes these persons transit through Slovenia to Italy, Austria, and Germany where they are subjected to forced labor. Women and children from Slovenia—as well as other European countries, Brazil, and the Dominican Republic—are subjected to sex trafficking within the country, and also transit through Slovenia to Western Europe where they face sexual exploitation. Ethnic Roma are particularly vulnerable to trafficking in Slovenia.

## SOLOMON ISLANDS: TIER 2

The Government of the Solomon Islands does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, the Solomon Islands was upgraded to Tier 2. The government demonstrated increasing efforts by amending its legal framework to prohibit all forms of trafficking, implementing new victim identification procedures, and dedicating resources for the provision of food and shelter for victims. However, the government did not meet the minimum standards in several key areas. It did not prosecute or convict any traffickers, and victim protection was severely lacking. The government did not conduct any anti-trafficking training, and low awareness among government officials and the public hindered progress.



## RECOMMENDATIONS FOR THE SOLOMON ISLANDS

Investigate and prosecute both sex and labor trafficking offenses and convict and punish traffickers with dissuasive prison sentences; increase efforts to identify sex and labor trafficking victims, including in the fishing, logging, and mining industries; provide training on human trafficking laws and victim identification procedures to immigration officials, law enforcement officers, and social service providers, including at the provincial level; increase government support for victim services, including through the allocation of funding; institute a campaign to raise public awareness of human trafficking; allocate funding to relevant ministries to implement the national action plan for combating trafficking in persons; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government increased law enforcement efforts by adding provisions to its penal code criminalizing internal trafficking. These amendments enacted in May 2016, together with existing provisions in the immigration act, prohibit and punish all forms

of trafficking. Article 143 of the amended penal code prohibits child sex trafficking and prescribes penalties of up to 15 or 20 years imprisonment, based on the child's age. Article 145 of the amended penal code prohibits all forms of trafficking in which the act occurs within the country and prescribes penalties of up to 15 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. The immigration act prohibits and punishes other forms of trafficking, including crimes in which the act (recruitment, transportation, harboring, or receiving) occurs outside the Solomon Islands. The immigration act prescribes a penalty of up to five years imprisonment or a fine of up to 45,000 Solomon Island dollars (\$5,670), or both for the trafficking of adults; it prescribes a penalty of up to 10 years imprisonment or a fine of up to 90,000 penalty units (\$11,340), or both for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with penalties for other serious offenses, such as rape. Further, fines in lieu of imprisonment are inadequate to deter trafficking crimes and are disproportionately low compared to the seriousness of the crime.

As in the previous reporting period, the government did not prosecute or convict any traffickers. Authorities investigated two new cases of suspected trafficking, compared to two in 2015. One was a possible sex trafficking case involving a girl from the Solomon Islands and the second was a labor trafficking case involving ten foreign men—both occurring at logging camps. Law enforcement officials referred the case of suspected child sex trafficking to the director of public prosecutions; authorities were awaiting guidance from the prosecutor's office at the end of the reporting period. Courts dropped the forced labor investigation due to insufficient cooperation from key government officials. Two suspected cases of forced labor identified in previous reporting periods remained under consideration by the director of public prosecution. Because the government did not adequately fund enforcement agencies, authorities were slow to respond to reports of trafficking; agencies lacked logistical resources and technical expertise to pursue investigations. A foreign donor conducted training for law enforcement officials, including two "train the trainer" courses, but the government did not conduct any training itself. Many officials remained unaware of anti-trafficking legislation and an overall lack of awareness of trafficking hindered effective law enforcement activity. The government did not conduct any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government moderately increased efforts to protect trafficking victims. It began implementing and training officials on the new victim identification guidelines and, in collaboration with an international organization, developed a screening tool to assess potential cases. The government conducted four multiagency monitoring and inspection operations at logging companies and identified 11 potential trafficking victims: 10 men from Indonesia, Malaysia, and the Philippines suspected to be victims of forced labor and one girl exploited in sex trafficking. In comparison, authorities identified 15 labor trafficking victims in 2015 and no victims in 2014. The government spent 30,000 Solomon Islands dollars (\$3,780) to provide three weeks of food and shelter for each of the potential labor trafficking victims. It provided medical services to the sex trafficking victim and referred her to a civil society organization that sheltered her for one night. One local organization operated a shelter for domestic violence victims that could provide shelter to female



child sex trafficking victims; it was unknown whether it housed any trafficking victims in 2016. No trafficking-specific services existed in the country. A lack of long-term protective services left victims vulnerable to re-trafficking after being returned to their home communities.

The immigration act granted the government authority to provide temporary residence permits to allow foreign victims to assist police in investigations and provided victims protection from prosecution for immigration-related crimes committed as a result of being subjected to trafficking. It was unclear whether these protections would be extended to victims whose cases were investigated under the penal code. Authorities may have arrested and prosecuted sex trafficking victims for prostitution violations without screening by officials to determine whether they were trafficking victims. Due to lengthy legal processes, fear of retaliation by traffickers or prosecution by police, and a lack of incentives to remain and participate in cases, foreign victims typically opted to return to their home countries, which hindered prosecutions. An international organization coordinated and paid for the repatriation of 10 victims. The government reported trafficking victims are able to seek compensation from their employers through civil suits, although no trafficking victims have ever filed such suits.

## PREVENTION

The government maintained limited efforts to prevent trafficking. The Anti-Human Trafficking Advisory Committee (AHTAC), which included members of the government and civil society, met on a quarterly basis. The AHTAC began implementation of the 2015-2020 national action plan by enacting new legislation, including a law on internal trafficking, and finalized the action plan's terms of reference, which were awaiting cabinet approval. The government did not conduct any campaigns to raise public awareness of human trafficking. The government reported it increased its scrutiny of agents applying for visas on behalf of young foreign women, and as a result rejected 39 tourist visa applications for women it suspected to be at risk of trafficking; however, this practice may have unduly restricted the migration of young women into the Solomon Islands. The government did not report taking action to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. The Solomon Islands is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

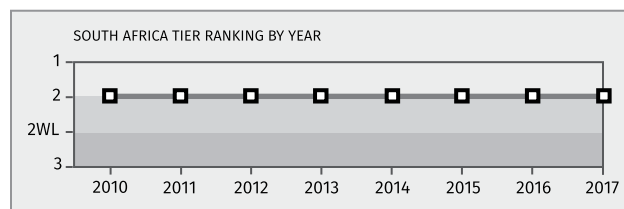
As reported over the past five years, the Solomon Islands is a source, transit, and destination country for local and Southeast Asian men and women subjected to forced labor and forced prostitution, and local children subjected to sex and labor trafficking. Women from China, Indonesia, Malaysia, and the Philippines are recruited for legitimate work, some paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Men from Indonesia and Malaysia are recruited to work in logging and mining industries and some are subsequently subjected to forced labor in industrial camps. Fishing crew members from Indonesia, the Philippines, Vietnam, Sri Lanka, the Democratic People's Republic of Korea, and Fiji have reported situations indicative of human trafficking, including non-payment of wages, severe living conditions, violence, and limited food supply on Taiwan-flagged fishing vessels in the Solomon Islands' territorial waters and ports.

Solomon Island children are subjected to sex trafficking and forced labor within the country, sometimes in exchange for

money or goods, particularly near foreign logging camps, on foreign and local commercial fishing vessels, and at hotels and entertainment establishments. Girls and young women are recruited to travel to logging camps for domestic work and some are subsequently exploited in prostitution. Some parents receive payments for sending young women and girls into forced marriages with foreign workers at logging and mining companies; many of them are exploited in domestic servitude or prostitution. Local boys and girls are put up for "informal adoption" by their families to pay off debts; some are subjected to forced labor as domestic servants or sexual servitude by the adopted family or guardians. Boys are forced to work as domestic servants and cooks in logging camps.

## SOUTH AFRICA: TIER 2

The Government of South Africa does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, South Africa remained on Tier 2. The government demonstrated increasing efforts by identifying more than double the number of trafficking victims and referring all identified victims to care. The government convicted 11 traffickers, including its first under the Prevention and Combating of Trafficking in Persons Act (PACOTIP), and handed down stringent sentences in 10 cases. The government established a national anti-trafficking hotline in collaboration with a NGO, launched a program with another NGO to screen individuals for trafficking indicators prior to deportation at one international airport, and led awareness campaigns. However, the government did not meet the minimum standards in several key areas. The government severely under-budgeted the funds required to implement the anti-trafficking law and consequently could not fully implement the law. The government did not comprehensively monitor or investigate forced child labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors. The government did not prosecute or convict any officials allegedly complicit in trafficking offenses, despite allegations of complicity involving immigration and law enforcement officials. The South Africa police service (SAPS) was widely criticized for not identifying victims, even after NGOs conducted preliminary identification screenings. Officials across the government had difficulty identifying labor trafficking victims and differentiating between trafficking and smuggling crimes.



## RECOMMENDATIONS FOR SOUTH AFRICA

Fund and increase efforts to fully implement PACOTIP and related regulations; continue to train law enforcement and social service officials on these provisions; amend the anti-trafficking law to ensure penalties are sufficiently stringent and do not allow for fines in lieu of prison time; increase efforts to investigate, prosecute, and convict traffickers, including employers who

use forced labor, under PACOTIP; investigate and prosecute officials suspected of complicity in trafficking crimes; ensure victims are issued the appropriate identification documents in order to receive protective services; train law enforcement and social service providers to use a victim-centered approach when interacting with potential victims and recognize initial consent is irrelevant; improve efforts to screen vulnerable groups, including potential deportees and women in prostitution, for trafficking indicators; replicate the coordinated anti-trafficking law enforcement and victim referral mechanisms of KwaZulu-Natal (KZN) and Western Cape in all provinces; extend the availability of drug rehabilitation services to trafficking victims; certify or establish additional shelters for male victims; provide anti-trafficking training for diplomatic personnel and troops deployed abroad; and institute formal procedures to compile national statistics on traffickers prosecuted and victims assisted.

## PROSECUTION

The government maintained prosecution efforts, although official complicity in trafficking crimes remained a serious concern. The PACOTIP of 2013 criminalizes all forms of human trafficking. Articles 4-11 provide a range of penalties for trafficking in persons, ranging from fines, up to 100 million South African rand (\$7.3 million), to life imprisonment, depending on the severity of the offense. The penalties are sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. The implementing regulations for PACOTIP's immigration provisions found in sections 15, 16, and 31(2)(b)(ii) have not been promulgated. The Sexual Offenses Act (SOA) also criminalizes the sex trafficking of children and adults and prescribes penalties of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The Basic Conditions of Employment Act of 1997 (BCEA), amended in 2014, criminalizes forced labor and prescribes maximum penalties for forced labor for both children and adults from three to six years imprisonment. In addition, the Children's Amendment Act of 2005 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. Where relevant, prosecutors sometimes relied on the Prevention of Organized Crime Act of 1998 in combination with SOA, which added additional charges—such as money laundering, racketeering, and criminal gang activity—and increased penalties of convicted defendants.

The government did not report the number of cases it investigated; it initiated prosecutions of six cases, involving 11 sex traffickers, and obtained convictions of 11 sex traffickers, compared five traffickers prosecuted and 11 convicted in 2015. Sentences ranged from suspended jail time to life imprisonment. In March 2017, the government convicted a Nigerian trafficker under PACOTIP to 20 years imprisonment for child sex trafficking of a girl made dependent on drugs as a means of coercion. In one case, the Durban regional court convicted and sentenced three defendants to 254, 304, and 315 years respectively; however, two will serve 25 years and the third 35 years. The government did not report action on the pending prosecutions of 19 alleged sex traffickers, some from previous years, which had remained ongoing at the end of the last reporting period. While the government obtained the conviction of one Nigerian trafficker, the government has made little progress in prosecution of traffickers connected to international syndicates involving Nigerian, Thai, Chinese, Russian, or Bulgarian traffickers, who dominate the commercial sex industry

in several South African cities. During the reporting period, an NGO reported the government severely under-budgeted funding required to implement PACOTIP and consequently the act could not be fully implemented until additional funds were allocated to government entities responsible for its implementation. The Department of Priority Crime Investigation (DPCI) proactively investigated trafficking cases and collaborated closely with the National Prosecuting Authority (NPA) to build cases. NGOs reported local police stations often declined to investigate trafficking cases, even when NGOs provided case information.

The government did not prosecute or convict any officials allegedly complicit in trafficking offenses, despite allegations of complicity involving immigration and law enforcement officials. A police station near Pretoria allegedly notified traffickers to retrieve their victims when the victims sought help. Reports alleged that SAPS officers used an official vehicle to transport victims to a brothel, where they were exploited. SAPS officers allegedly accepted bribes not to investigate sex trafficking. NGOs reported some police officers solicited commercial sex acts from victims. There were allegations that officials within the Department of Home Affairs (DHA) produced fraudulent birth certificates, passports, and other identification documents that facilitated trafficking crimes. Immigration officials, private security companies, and airline officials may have been involved in facilitating trafficking operations at international airports.

While the majority of trafficking victims in South Africa are labor trafficking victims, the government did not prosecute or convict any labor traffickers in 2016. The government did not comprehensively monitor or investigate forced child labor or the labor trafficking of adults in the agricultural, mining, construction, and fishing sectors. Department of Labor (DOL) inspectors continued to use administrative provisions within the BCEA as their core enforcement mechanism and rarely referred cases for criminal investigation. The NPA, DHA, SAPS, Department of Social Development (DSD), Department of Health (DOH), and DOL continued to include anti-trafficking trainings developed by an international organization within their trainings for new staff.

## PROTECTION

The government increased protection efforts. The government identified and referred to care in government shelters 220 trafficking victims, compared to 103 victims identified in 2015. The government identified victims in eight provinces, mainly in Gauteng. In one potential forced labor case, in January, 2017, the SAPS and DPCI identified 72 potential victims from a factory in KZN province.

DSD continued oversight of and funding to 13 accredited NGO-run multipurpose shelters and continued to oversee 17 NGO-run safe houses designed to temporarily shelter victims before transfer to an accredited shelter, providing a stipend on a per person, per night basis to the safe houses. There was only one shelter, in Gauteng, available for male trafficking victims. The government identified four Filipino fishermen victims and referred them to an NGO-operated shelter in Cape Town. Serious concerns were raised that NGOs without training, expertise, or accreditation from the DSD failed to screen potential victims prior to placing them in shelters and created vulnerability within shelters housing legitimately screened trafficking victims; the DSD confirmed the high rate of new NGOs that ran unaccredited shelters housing trafficking victims. DSD ran a nine-week rehabilitation program to address the psycho-social well-being of victims and paid for victims

to receive residential treatment at rehabilitation centers for overcoming drug addiction; however, not all provinces had such centers. The government operated a network of Thuthuzela Care Centers (TCCs) —full service crisis centers to assist victims of rape and sexual violence, including potential trafficking victims; it reported the 53 TCCs assisted five victims of trafficking. Per a DSD policy, staff prevented both adults and children from leaving shelters unaccompanied, reportedly for security reasons. Rapid-response teams comprised of government agencies and NGOs in Gauteng, Mpumalanga, Western Cape, and KZN continued to coordinate protective services, including shelter, for victims. DSD, which is responsible for designating and certifying trafficking victim status, continued to accept victims from law enforcement and coordinate their placement in a registered shelter.

SAPS, DSD, NPA, DHA, and the Department of Justice (DOJ) had uniform formal procedures to identify and refer trafficking victims to care, in accordance with PACOTIP. Implementation of these procedures varied by department and province; not all officials were aware of referral procedures. SAPS was widely criticized for not identifying victims, even after NGOs had conducted preliminary identification screening. Officials in all departments had difficulty identifying labor trafficking victims and differentiating between trafficking and smuggling crimes. KZN and Western Cape provincial task teams used an interagency protocol to guide law enforcement interactions with women in prostitution. Law enforcement generally did not screen women and LGBTI persons in prostitution for trafficking indicators, and instead sometimes charged them with prostitution and other violations. Male labor trafficking victims remained largely unidentified and were frequently detained, deported, jailed or fined. In March 2017, immigration officials at the international airport in Johannesburg signed an agreement with an NGO to profile and identify potential trafficking victims prior to deportation. Through this initiative, the government and NGO partner conducted over 100 screenings and referred an unknown number of victims to care.

Systemic hurdles inhibited progress in providing justice and protection for victims. A lack of language interpretation impeded the investigation of trafficking cases, prosecution of suspected offenders, and screening of victims. Officials encouraged victims to participate in the investigation and prosecution of traffickers and the government provided security and long-term care for an unknown number of victims who did so during the reporting period. PACOTIP provides trafficking victims relief from deportation; however, regulations to implement this provision have not been promulgated. Law enforcement may petition DHA on behalf of foreign victims to prevent their deportation; however, reports indicated foreign victims lacking appropriate documentation or residency status in South Africa were not allowed to study in any registered institution or work for the duration of an investigation or court proceeding, limiting foreign victims' willingness to testify in court. Foreign victims did not have the same access to health care as South African victims. DSD policy required evidence of force, fraud, or coercion immediately after victims' rescue and their classification as victims of trafficking to facilitate placement in facilities. Suspected criminals could only be held for 48 hours without evidence; because many traumatized victims were unable or unwilling to provide statements within that period, some suspected offenders were released.

## PREVENTION

The government increased efforts to prevent trafficking. The

government finalized and began to implement its national action plan during the reporting period; however, civil society reported implementation was uneven. In August 2016, the government, in coordination with an NGO, launched a national anti-trafficking hotline; professionally-trained hotline specialists received calls 24-hours a day, seven days a week. In October, DPCI conducted a three-day awareness campaign on trafficking in Northern Cape. The campaign was intended to foster community support and participation in fighting trafficking in the area. The government conducted awareness campaigns via social and traditional media, including radio, and held awareness events at malls. The government provided consular and immigration officials basic anti-trafficking training in order to screen for trafficking indicators of visa applicants and individuals entering the country. NPA and DOJ oversaw six provincial task teams coordinated through the national task team, which met quarterly to discuss counter-trafficking efforts and worked collaboratively to address challenges.

The government did not make efforts to reduce the demand for commercial sex or forced labor. The government did not provide anti-trafficking training to its peacekeepers prior to their deployment abroad on international peacekeeping missions. In coordination with an international organization, the government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, South Africa is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. South African children are recruited from poor rural areas to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein, where girls are subjected to sex trafficking and domestic servitude and boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. Many children, including those with disabilities, are exploited in forced begging. Non-consensual and illegal *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is practiced in some remote villages in Eastern Cape Province; some of these girls are subjected to forced labor and sex slavery. Local criminal rings organize child sex trafficking, while Russian and Bulgarian crime syndicates facilitate trafficking within the Cape Town commercial sex industry, and Thai and Chinese nationals organize the sex trafficking of Asian men and women. Nigerian syndicates dominate the commercial sex industry in several provinces. To a lesser extent, syndicates recruit South African women to Europe and Asia, where some are forced into prostitution, domestic servitude, or drug smuggling. Law enforcement reported traffickers employ forced drug use to coerce sex trafficking victims.

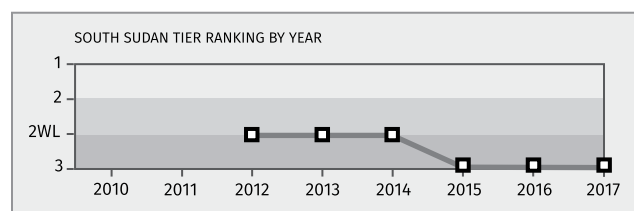
Thai women remained the largest group of identified foreign victims, but officials reported an increased number of Chinese victims. Women and girls from Brazil, Eastern Europe, Asia, and neighboring African countries are recruited for work in South Africa, where some are subjected to sex trafficking, domestic servitude, or forced labor in the service sector, or transported to Europe for similar purposes. NGOs in Western Cape have reported an increased number of Nigerian sex trafficking victims, many coerced through voodoo rituals, and more Nigerians in domestic servitude. Central African women are reportedly subjected to forced labor in hair salons. Foreign and South African LGBTI persons are subjected to sex trafficking. Foreign male forced labor victims have been identified aboard fishing vessels in South Africa's territorial waters; NGOs estimated 10



to 15 victims of labor trafficking each month disembark in Cape Town. Young men and boys from neighboring countries migrate to South Africa for farm work; some are subjected to forced labor and subsequently arrested and deported as illegal immigrants. Forced labor is reportedly used in fruit and vegetable farms across South Africa and vineyards in Western Cape. The government and NGOs report an increase in Pakistanis and Bangladeshis subjected to bonded labor in businesses owned by their co-nationals. Official complicity—including by police—in trafficking crimes remained a serious concern. Some well-known brothels previously identified as locations of sex trafficking continued to operate with officials' tacit approval.

## SOUTH SUDAN: TIER 3

The Government of the Republic of South Sudan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, South Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including the development and dissemination of a manual and training module covering human trafficking for customs and border officials during the year. In addition, officials put in place military enlistment procedures that require an age assessment to prevent the future recruitment of child soldiers. However, the government continued to recruit—often by force—and use child soldiers and failed to hold the Sudan People's Liberation Army (SPLA) officers criminally accountable for these unlawful actions. Authorities did not investigate or prosecute forced labor or sex trafficking crimes, and officials generally lacked understanding of existing laws prohibiting human trafficking. The government made negligible efforts to protect trafficking victims and continued to indiscriminately arrest and imprison individuals for prostitution, including child sex trafficking victims, without screening for indicators of trafficking.



## RECOMMENDATIONS FOR SOUTH SUDAN

Cease all recruitment and use of children younger than 18 years of age by the SPLA and its associated militias; end armament or assistance to armed groups that conscript and/or use children younger than age of 18 years; pursuant to article 1.10 of the Agreement on the Resolution of the Conflict in South Sudan, undertake the immediate release of child soldiers under command or influence of the SPLA and affiliated militias in conjunction with the International Committee of the Red Cross (ICRC) and UNICEF for transfer to appropriate civilian rehabilitation and reintegration programs; investigate, prosecute, and convict military officials allegedly complicit in the recruitment, use, and exploitation of children; investigate and prosecute suspected trafficking offenses, and convict and punish traffickers, including complicit government officials, under existing laws; expedite the establishment of a hybrid court pursuant to the peace agreement or request the International

Criminal Court to investigate potential war crimes and crimes against humanity committed during the conflict, including the recruitment and use of child soldiers; provide financial and political support to the SPLA's Child Protection Directorate and the army's military justice section, so that they can identify perpetrators and refer cases to civilian courts; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly children and individuals in prostitution; establish and implement procedures to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking; conduct a public awareness campaign to educate government officials and the general public on all forms of human trafficking; develop robust partnership with civil society so they may provide adequate care to victims; develop an inventory of service providers, and train government officials on procedures to refer victims to these entities to receive care; allow unimpeded access to all military barracks, including unannounced inspections to identify and remove any children; develop and implement a national anti-trafficking strategy; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government demonstrated no discernable anti-trafficking law enforcement efforts. South Sudanese law does not criminalize all forms of trafficking, but the 2008 penal code does address some forms of the crime. Article 282 prohibits and prescribes a sufficiently stringent punishment of up to seven years imprisonment for the sale of a person across international borders. Articles 278 and 279 prohibit and prescribe punishments of up to seven years imprisonment for the abduction and transfer of control over a person 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 child for the purpose of prostitution and prescribes a punishment of up to 14 years imprisonment, which 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 compel or allow their child to be involved in the sex trade. South Sudan's 2008 Child Act 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 reported no investigations, prosecutions, or convictions for trafficking crimes, including offenses that were reported to have been committed by officials, including SPLA members. Despite the ongoing unlawful recruitment and use of child soldiers by the SPLA and its allied militias, the government had never held an offender criminally or administratively accountable for such crimes. The critical lack of capacity throughout the justice sector impeded law enforcement efforts. Courts lacked lawyers, judges, and defense attorneys knowledgeable on trafficking issues or South Sudanese laws prohibiting trafficking, and resources to investigate and prosecute most crimes, including human trafficking, were scant. Pervasive corruption in both the judicial and law enforcement sectors, including the use of intimidation and bribery, hampered prosecutions of traffickers. During the reporting year, with technical support from an international organization, the Ministry of Interior developed a manual and training module

covering human trafficking and smuggling for the Directorate of Nationality, Passports, and Immigration and disseminated them to customs and border officials. In 2016, more than 20 immigration officials participated in an anti-trafficking train-the-trainer program in Tanzania, which was sponsored by an international organization.

## PROTECTION

The government maintained negligible efforts to protect victims. The government did not identify or refer to care any trafficking victims during the reporting year, and front-line officers failed to remove trafficking victims from exploitative situations. Lacking a mechanism to distinguish or identify potential victims among vulnerable populations, security forces continued to indiscriminately arrest individuals in prostitution, some of whom were trafficking victims, without screening. The Ministry of Social Development (MSD), an international organization, and multiple NGO partners supported a private shelter for orphaned and adolescent girls at risk of exploitation. The MSD, with backing from an international organization, also ran a transition center for victimized children and mothers—including potential trafficking victims. There were no specialized services available for trafficking victims. During the reporting period, an international organization, in partnership with the government, continued to demobilize and reintegrate children; efforts included release negotiation, screening and registration, familial reunification, educational placement, or vocational training. In October 2016, the same international organization reported securing the release of 145 children from armed groups, and providing them with psycho-social support, food assistance, medical screenings, civilian clothing, and reintegration support. The government did not provide financial support to aid in these efforts, though it did provide staff.

Social stigma and justified fears of punitive law enforcement actions discouraged victims—particularly those subjected to sex trafficking—from communicating with law enforcement authorities. There were no laws or policies to protect victims from prosecution for crimes committed as a direct result of being subjected to trafficking. The government did not provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution or encourage victims to assist in the investigation and prosecution of trafficking crimes.

## PREVENTION

The government made minimal efforts to prevent trafficking. Neither the National Aliens Committee—tasked in 2015 to address trafficking issues in the country—nor its child labor unit was active during the reporting year. The Police Services Act of 2009 designated the South Sudan police service as the lead on investigation of potential trafficking crimes and enforcement of the law. Some SPLA representatives denied the military's recruitment of children into its ranks and continued to actively recruit child soldiers, at times by force, and failed to implement the action plan to demobilize child soldiers. During the reporting year, officials put in place military enlistment procedures that require an age assessment to prevent the future recruitment of child soldiers. The government did not have a national action plan against trafficking; trafficking awareness remained low among government officials and the public. The government launched a campaign against sexual exploitation, designed to raise awareness among vulnerable groups and how to identify, prevent, and report gender-based violence crimes, including trafficking. In September 2016, officials organized a two-day, high-level dialogue on impunity associated with sexual

exploitation and crimes against women and child victims of the Lord's Resistance Army (LRA); the conference reached an unknown number of government personnel and civil society stakeholders. Authorities failed to make efforts to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. The government made no discernible efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel. South Sudan is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, South Sudan is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. South Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to domestic servitude throughout the country. 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 are subjected to sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. Children working in construction, market vending, shoe shining, car washing, rock breaking, brick making, delivery cart pulling, and begging may be victims of forced labor. Girls are forced into marriages, at times as compensation for inter-ethnic killings; some may be subsequently subjected to sexual slavery or domestic servitude. South Sudanese and foreign business owners recruit men and women from regional countries—especially Eritrea, Ethiopia, and Somalia—as well as South Sudanese women and children, with fraudulent offers of employment opportunities in hotels, restaurants, and construction; many are forced to work for little or no pay or are subjected to sex trafficking. Some traffickers operate in organized networks within the country and across borders. Authorities occasionally assisted traffickers in crossing international borders, and some South Sudanese officials subjected women and girls to domestic servitude; others purchased sex from child trafficking victims, facilitated child sex trafficking, or protected establishments that exploited victims in the sex trade.

Local civil society organizations reported instances of trafficking during the reporting period, which predominantly affected South Sudanese victims because general insecurity, continued deterioration of the economy, protracted violence, and the July 2016 collapse of the ceasefire between the government and the armed opposition compelled many foreigners to flee the country. Violent conflict continued throughout the year, increasing the number of internally displaced people to 1.9 million and the number of refugees in neighboring states to nearly 1.5 million. These groups, including orphaned children, were at increased risk of trafficking and other forms of exploitation. The UN-estimated 20,000 unaccompanied minors in refugee camps or moving between camps, particularly while crossing the Kenya-South Sudan and Democratic Republic of the Congo-South Sudan border, were vulnerable to recruitment as child soldiers or abduction for sex or labor trafficking. Inter-ethnic abductions, as well as abductions by external criminal elements, continued between some communities in South Sudan, especially in Jonglei, Unity, and Upper Nile states. In previous years, abduction was also pervasive in Warrap, Northern Bahr el-Ghazal, and Lakes states. Some abductees were subjected to domestic servitude, forced labor in animal herding, or sex trafficking. South Sudanese girls were reportedly abducted from Northern Bahr el-Ghazal State and taken into

Sudan, where they may have been forced into domestic servitude or other forms of slavery.

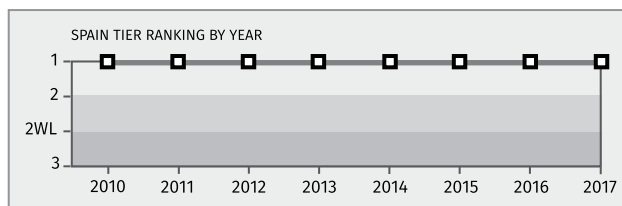
Since the start of the conflict in December 2013, the UN estimates warring parties have recruited approximately 17,000 child soldiers in South Sudan. In the first half of 2016, the government and armed opposition groups recruited more than 650 children, and during the second half of the year an international organization documented incidents of recruitment and use throughout the country, including in Eastern Equatoria, where no instances of recruitment or use had been historically reported. During the reporting year, both government and armed opposition groups recruited boys and transported them from their home areas to other parts of the country for redeployment or to engage in military training where children act as bodyguards for commanders, man checkpoints, and assume other security support roles. A 2015 NGO research report reported one-third of the boys interviewed were forcibly and violently recruited; SPLA and opposition groups recruited boys at gunpoint, arrested and detained them until they agreed to fight, or abducted and provided them with guns, forcing them to fight on the front-lines. According to the Agreement on the Resolution of the Conflict in South Sudan, signed by the warring parties in August 2015, SPLA and the SPLA in Opposition (SPLA-IO) committed to the immediate and unconditional release of child soldiers under their command or influence, to be carried out by UNICEF and ICRC. However, throughout the reporting period both groups continued to retain, recruit, and use child soldiers, including on the front-line, and evidence persisted of the re-recruitment of numerous children.

During the reporting period, the UN, in partnership with the National Disarmament, Demobilization, and Reintegration Commission (NDDRC), continued the demobilization and reintegration of 1,755 child soldiers released by David Yau Yau, the former militia commander of the South Sudan Democratic Movement/Army-Cobra Faction (SSDM/A-CF), who had approximately 3,000 children under his command when SPLA began to integrate his forces in 2014; integration was ongoing during the reporting period. The SPLA continued to recruit child soldiers despite the NDDRC program to release all children associated with the SSDM/A-CF as it integrated with SPLA. Predominant accounts of recruitment and use of child soldiers were documented in Unity State, and over half of all verified cases were reportedly perpetrated by the SPLA. Child soldiers were also present within the SPLA-IO and within groups affiliated with the opposition. During the reporting period, observers reported the recruitment and use of 486 children; international observers verified instances in several of the country's states, including Western Equatoria, Upper Nile, Jonglei, Warrap, Central Equatoria, and Northern Bahr el Ghazal. Almost half of the reported instances of child soldiering were documented in the Greater Upper Nile region, and observers noted a sharp increase in Western Bahr el Ghazal State. During the reporting period, reports also indicated boys and girls were abducted from their houses and schools to fight and perform domestic duties, respectively; observers previously reported local children stopped attending school for fear of abduction.

## SPAIN: TIER 1

The Government of Spain fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting

period; therefore, Spain remained on Tier 1. The government demonstrated serious and sustained efforts through increased prosecutions of traffickers, including the first prosecutions of defendants who allegedly forced victims to commit crimes. Authorities cooperated extensively with multinational law enforcement efforts, trained more police and judicial officials, and strengthened collaboration with NGOs in victim identification and assistance. Although the government meets the minimum standards, it convicted fewer traffickers, initiated fewer investigations, and identified fewer labor trafficking victims than in the prior reporting period.



## RECOMMENDATIONS FOR SPAIN

Increase prosecutions and convictions of trafficking offenses, particularly for forced labor; increase training on proactive victim identification, in particular among women in prostitution, irregular migrants, unaccompanied minors, and workers in industries and agricultural regions with high incidences of labor exploitation; increase efforts to reduce demand for forced labor, including in supply chains and government procurement; train all prosecutors and judges, not just those specializing in trafficking cases, on a victim-centered approach to law enforcement; extend protections for all victims under the 2015 Law of the Statute of Victims of Crime, including through increased training for judges; increase witness protection resources available to victims; continue improvements in police training at both national and provincial levels, including increased focus on effective and accurate interviewing standards of victims; further strengthen levels of cooperation between NGOs and law enforcement officials at both national and regional levels; continue implementation of the national plan, adding benchmarks and indicators of progress; provide victims with access to compensation, including from assets seized from traffickers.

## PROSECUTION

The government maintained law enforcement efforts. Article 177 bis of the criminal code criminalizes forced labor or begging, sexual exploitation and organ removal by means of force, fraud or coercion. In keeping with international law, reliance on means of force, fraud or coercion is not necessary to prove a crime of trafficking when the victim is a child. The law prescribes penalties from five to eight years imprisonment, with enhanced penalties of up to 12 years in certain circumstances, including when the trafficker is a public official or part of a criminal conspiracy. These penalties are sufficiently stringent and generally commensurate with the prescribed penalties for other serious crimes. Trafficking for purposes of the commission of crimes is expressly prohibited in the criminal code. The Office of the Prosecutor reported investigating 272 cases for sexual or labor trafficking in 2016, compared to 344 cases in 2015 and 293 cases in 2014. The government initiated prosecutions of 54 defendants (37 for sex trafficking and 17 for labor trafficking) in 2016, compared with 45 in 2015 (30 and 15, respectively). For the first time the government prosecuted four defendants under



article 177 bis for trafficking for the purpose of the commission of crimes. Courts convicted 24 traffickers in 2016, of which 22 were for sex trafficking and two for labor trafficking, a decrease compared with 58 convictions for sex trafficking and two for labor trafficking in 2015.

While the government did not provide comprehensive sentencing data, examples included a 34-year sentence for the leader of a sex trafficking ring, plus a fine of €80,000 (\$84,300) to be provided to the victims. A court sentenced two traffickers to 10 and 13.5 years in prison, respectively, for sex trafficking of Nigerian women, plus a fine of €100,000 (\$105,370) used for victim compensation. Two traffickers received sentences of 34.5 and 36 years, respectively, for labor exploitation of four Spaniards. Traffickers serve an average of 75 percent of their sentence before being eligible for parole, and courts may impose separate sentences on multiple criminal offenses.

The government did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Authorities collaborated with transnational investigations, including one 2016 operation in which national police detained 24 members of a sex trafficking ring and assisted 21 Nigerian female victims. The government provided specialized training on trafficking to law enforcement officials developed with input from NGOs. In 2016, the government trained 300 new civil guard officers on victim identification, all new prosecutors on trafficking issues, and 600 civil servants and social workers in rural areas. The government included sessions on trafficking for the annual required training for judges. NGOs noted inconsistent application of victim protections by judges, and along with the Office of the National Rapporteur recommended increased training for judges on human trafficking. The government continued anti-trafficking training for consular and immigration officials.

## PROTECTION

The government maintained protection efforts. Authorities reported identifying 73 victims of sex trafficking and 12 victims of labor trafficking in the first six months of 2016, compared with 65 sex trafficking victims and 104 labor trafficking victims identified in the first six months of 2015. Authorities also identified 274 victims of sexual exploitation and 207 victims of labor exploitation, who may also be trafficking victims. Since 2013, the government has used a victim identification protocol developed with NGO input. NGOs reported good cooperation with law enforcement in the identification and referral of victims for assistance, including NGO participation in inspections of brothels and at locations where victims may have been present.

The government maintained funding levels equal to those of the prior year, allocating €4.9 million (\$5.2 million) for the protection and support of trafficking victims, including €2 million (\$2.1 million) for NGOs providing services and shelter to victims. The government provided free health care, legal assistance, social welfare benefits, and funds for repatriation to trafficking victims, and also referred some victims to an NGO network running facilities, which received funding from national and local governments and private sources. There were specialized centers for child victims of crime and seven trafficking shelters—all NGO-run—to assist child victims. Two multipurpose NGO-run shelters were available for adult male victims. NGOs provided victims temporary shelter and access to legal, medical, and psychological services. The Ministry of Health, Social Services and Equality, collaborating with NGOs,

continued to update and use a victim resource guide, available in 12 languages, also for use by victims. The guide listed by region 50 NGOs providing services, 164 shelters for victims and their children, and covered social, psychological, medical, legal, training, housing, and job search tools.

In 2015, the government enacted laws providing additional protections to sex trafficking victims, including more time to appeal the dismissal of cases against alleged traffickers; the ability to appeal decisions made by court officials regarding terms of incarceration, parole, and release; as well as requiring that victims receive updates on the status of cases. The government had not yet reported on implementation of these provisions. Police in Catalonia often asked NGOs to join investigations to better assist victims and provide information to victims on resources available to them. Assets seized from convicted defendants supported a fund used to fight or prevent trafficking or to assist victims, although NGOs reported that seized assets were rarely used for victim compensation. NGOs called for legal reform to better protect witnesses, including permitting video testimony in all cases and increased resources to the Office of Witness Protection to provide adequate assistance to victims, as fewer victims were willing to testify against criminal networks in cases where the court allowed release of witness names. NGOs noted while police training improved with increased use of NGO trainers and materials in victim identification trainings, law enforcement personnel in some provinces did not have sufficient knowledge on the sensitivities and techniques required for interviewing and advising victims.

Foreign victims could request a renewable residence permit for up to five years based on their cooperation with law enforcement or, in some cases, on the basis of their personal situation without regard to whether they assisted law enforcement. Victims could also receive assistance to return to their country of origin if they were not participating in a criminal prosecution. The government allowed for reflection periods of a minimum of 90 days—time during which victims from outside the European Union could recover while deciding whether to assist law enforcement—however, the government did not report how many victims received this benefit in 2016. Citizens of EU member states, however, are not limited to the 90-day reflection period and face no deadline for claiming social services or cooperating with authorities. Under the 2012 penal code reform, approved in March 2015, victims are protected from prosecution for any unlawful acts committed as a direct result of being subjected to trafficking.

## PREVENTION

The government maintained prevention efforts. The national anti-trafficking working group, operationally led by the Ministry of the Interior, and including the Ministries of Health, Justice, and Labor, set goals for fighting trafficking, established quarterly reviews, and facilitated data sharing between law enforcement and other agencies. The government extended the national plan through 2018, with an increased focus on protection of women and girls, identification of and provision of services to victims, and multi-sectoral coordination. A wide range of government and non-government stakeholders provided input, and NGOs supported these priorities, although noted a need to add indicators of progress and projected dates for achieving goals. The government continued a multi-year funding commitment of €104 million (\$109.6 million) to the national plan.

Toward fulfillment of objectives in the national plan, the government continued expanded prevention efforts through

public awareness campaigns, including a television series, traditional media, digital media, and social media that reached up to two million people, with extensive press coverage. The government and NGOs operated hotlines for reporting suspected trafficking cases. While the government continued efforts to discourage newspapers from publishing classified ads for sexual services offered by individuals engaged in prostitution, of which NGOs estimated 90 percent may be trafficking victims, nearly all major newspapers, with one exception, continued to publish some ads. The government monitored victim assistance efforts, shared its assessments on trafficking with domestic and international organizations, and continued to publish data on the numbers of victims, accused traffickers, prosecutions, and convictions.

The government partnered with an international organization to discourage international sex tourism and warned Spanish citizens they may be prosecuted under Spanish law for such acts committed overseas. The government's efforts to reduce demand for forced labor included a nine percent increase in civil guard labor inspections. The government further increased cooperation with Romanian law enforcement officials to thwart labor trafficking rings, and supported public awareness campaigns in Romania to inform workers of their employment rights in the EU. The Romanian embassy reported that labor trafficking of its citizens in Spain has decreased by more than 30 percent over the past 10 years. Spanish troops received anti-trafficking training prior to their deployment on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel and distributed guidance to all foreign diplomatic missions in Madrid on identification of trafficking victims.

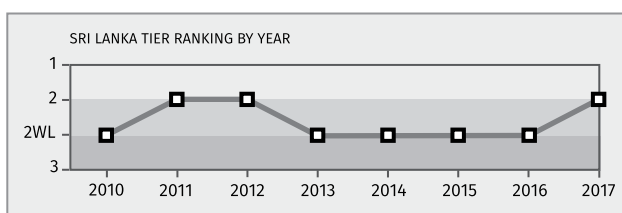
## TRAFFICKING PROFILE

As reported over the past five years, Spain is a destination, source, and transit country for men, women, and children subjected to forced labor and sex trafficking. Women from Eastern Europe (particularly Romania and Bulgaria), South America (particularly Paraguay, Brazil, Colombia, and Ecuador), China, and Nigeria are subjected to sex trafficking in Spain. Men and women from South and East Asia, particularly China, are subjected to forced labor in the textile, agricultural, construction, industrial, and service sectors. Victims are recruited by false promises of employment in the service industry or agriculture and forced into prostitution and debt bondage upon their arrival to Spain. Traffickers also lure some victims from within Spain and the EU. Prostitution is allowed under certain conditions in Spain, although NGOs believe a large percentage of individuals in prostitution in Spain are trafficking victims. Many women in prostitution in Spain are held under the control of Nigerian, Romanian, and Spanish trafficking networks that operate out of major cities in Spain. However, victims are increasingly subjected to trafficking by individuals and smaller groups of traffickers, often in homes or apartments where detection and investigation are more difficult. Unaccompanied migrant children continue to be vulnerable to sex trafficking and forced begging.

## SRI LANKA: TIER 2

The Government of Sri Lanka does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period;

therefore, Sri Lanka was upgraded to Tier 2. The government demonstrated increasing efforts by establishing new anti-trafficking units and creating a special police division for the protection of witnesses and victims of all crimes. While official complicity in human trafficking persisted, the government investigated 18 officials for allegedly creating fraudulent documents to provide workers employment abroad, and it prosecuted and convicted more traffickers than in the previous reporting period. However, the government did not meet the minimum standards in several key areas. At times, the government's inconsistent identification of victims resulted in the penalization of victims for prostitution and for immigration violations committed as a result of the victim's subjection to trafficking. The government provided no specialized services to male victims and sometimes housed child victims in government detention centers. The government maintained specific requirements for migration of female migrant workers including those migrating for domestic work, which observers stated increased the likelihood women would migrate illegally and therefore heightened their vulnerability to human trafficking.



## RECOMMENDATIONS FOR SRI LANKA

While respecting due process, improve efforts to investigate and prosecute suspected traffickers, including complicit officials, and convict and punish offenders with sentences commensurate with other serious crimes; increase efforts to proactively identify trafficking victims and train officials on victim identification and referral procedures, especially to ensure victims are not detained or otherwise penalized for unlawful acts, such as immigration violations or prostitution, committed as a direct result of having been subjected to human trafficking; improve protection services to ensure identified victims, including men and children, receive specialized care services; take steps to eliminate all recruitment fees charged to workers by labor recruiters and instead ensure they are paid by employers; expand the bureau of foreign employment's (SLBFE) mandate to include the regulation of sub-agents; promote safe and legal migration and ensure migration regulations do not discriminate on the basis of gender; and increase efforts of the task force to meet regularly with all members to enhance government coordination efforts.

## PROSECUTION

The government increased its law enforcement efforts to address human trafficking. Article 360(C) of the penal code prohibits all forms of trafficking, although the law also covers some non-trafficking offenses, such as selling children. The law prescribes punishments of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government also frequently used article 360(A), the procurement statute that criminalizes obtaining a person to become a prostitute, to prosecute sex trafficking cases. Procurement crimes, unlike trafficking, carry lesser penalties of up to 10 years imprisonment, although these cases are often brought before magistrate judges that are generally only authorized to issue sentences of up to two years imprisonment.

During the reporting period, the criminal investigation department (CID) initiated seven trafficking investigations, compared with six investigations in 2015. Of the seven investigations, five were categorized as forced labor cases and two as sex trafficking cases; six cases involved the alleged exploitation of Sri Lankan citizens overseas and one case involved a foreign national allegedly subjected to sex trafficking in Sri Lanka. The government initiated 35 prosecutions during the reporting period, 10 under article 360(C), which included three forced labor and seven sex trafficking cases, and 25 under the procurement statute. This was a significant increase compared to the previous reporting period, which had 12 prosecutions, five under 360(C) and seven under the procurement statute. The courts did not convict any traffickers under article 360(C). Courts did, however, convict seven persons under the procurement statute during the reporting period, an increase from one person convicted for procurement in 2015. One case involved the conviction of a person who procured a 16-year old male victim for a foreign tourist who sexually exploited the child. Sentences for the seven convictions ranged from one year to seven years imprisonment, and four of the sentences also included fines ranging from 1,500 Sri Lanka rupees (LKR) to 500,000 LKR (\$10 to \$3,340). Courts also ordered two of the convicts to pay restitution to two victims of 100,000 LKR (\$670) and 500,000 LKR (\$3,340). The government's reliance on procurement charges resulted from police not thoroughly investigating potential human trafficking cases for elements of force, fraud, or coercion and difficulty securing evidence from victims—prosecutors could pursue procurement cases without the cooperation of the victim.

During the reporting period, the government created two new trafficking investigative units. In October 2016, it created an anti-trafficking unit in the CID, and in April 2016, the SLBFE created a special unit to investigate trafficking-related complaints. Previously, SLBFE police officers automatically categorized most complaints migrant workers filed as an “employment or contract dispute” and did not screen for labor trafficking. During the reporting period, the SLBFE anti-trafficking unit received 62 complaints and referred 14 of the complaints to CID for further investigation of possible trafficking.

Official complicity in trafficking offenses remained a serious problem. Some sub-agents reportedly worked with officials to procure forged or modified documents, or genuine documents with falsified data, to facilitate travel abroad. The Ministry of Foreign Employment (MFE) reported it investigated 18 officials for allegedly creating fraudulent documents to provide workers employment abroad and referred six of the cases to the police for further investigation. There were ongoing allegations police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. There were no reports of investigations into such cases of bribery.

## PROTECTION

The government made modest improvements in protection efforts. The government continued to implement the 2015 Assistance to and Protection of Victims of Crime and Witnesses Act by creating a special police division in November 2016 and drafting national guidelines for treatment, reparation, restitution, and rehabilitation of all crime victims. The government reported identifying 23 trafficking victims, compared with 30 victims identified in 2015. The Ministry of Women and Child Affairs (MWCA) continued to operate a shelter for female trafficking victims. The government did not have specialized rehabilitation services available for male trafficking victims. Child victims

were referred to child-specific rehabilitation centers; however, an NGO reported some children arrested for exploitation in commercial sex were held in government detention centers. The government acknowledged the possible arrest and detention of children who may be sex trafficking victims and commenced a survey to identify and refer such victims to rehabilitation services. SLBFE continued to operate 12 short-term shelters for female migrant workers in distress at Sri Lankan diplomatic missions in ten countries. During the reporting period, the shelters served 3,552 migrant workers; authorities did not report how many were trafficking victims. SLBFE also continued to operate a transit shelter near the Colombo international airport for returning male and female migrant workers who encountered abuse abroad. In 2016, the transit shelter provided medical, counseling, transportation, food, and accommodation, as needed, to 3,310 female and 3,049 male migrant workers, some of whom may have been trafficking victims.

The government had standard operating procedures (SOPs) for the identification and referral of victims to protection services; however, an international organization stated the government needed to issue circulars and directives to each relevant agency to guide staff to follow the SOPs. The government conducted multiple trainings for SLBFE, MWCA, probation, and police officials on victim identification and referral. However, the government's implementation of these procedures and efforts to ensure victims were not jailed or penalized for crimes committed as a direct result of being subjected to human trafficking remained inconsistent. Observers reported Sri Lankan authorities jailed and charged individuals, possibly including children, for prostitution, vagrancy, or immigration offenses without adequate efforts to evaluate whether they were victims of trafficking. Authorities' treatment of potential foreign victims was inconsistent. The government reported airport immigration officials identified nine Nepali citizens as potential trafficking victims and, after recording their statements, voluntarily repatriated them; however, media reported immigration officials detained and deported some Nepali women who were held by an alleged trafficker in Sri Lanka until they could be sent to the Middle East as domestic workers. The victim identification SOPs allow foreign victims who cooperate in prosecutions to receive a visa extension until the end of the trial; however, the government did not provide foreign victims with legal alternatives to deportation to countries where they might face hardship or retribution after trial completion or for victims who did not cooperate with prosecution.

## PREVENTION

The government maintained efforts to prevent trafficking. The inter-ministerial anti-trafficking task force continued to implement the national action plan to combat human trafficking; however, observers reported overall government coordination on anti-trafficking was weak and that all members of the taskforce were not meeting regularly. Several government agencies conducted awareness events on human trafficking, including for civil society, school children, and the general public. The police collaborated with the Nepali government to investigate allegations traffickers and smugglers were increasingly using Sri Lanka as a transit point to send female Nepali migrant workers to other destinations. In October 2016, NCPA re-established a position to monitor online safety of children, reportedly to target and reduce child sex tourism. SLBFE maintained its ban on migration of domestic workers younger than age 23 to the Middle East and younger than age 25 to Saudi Arabia, and required all female migrant workers below age 45 to submit a “family background report” to



ensure the woman did not have children younger than age 5. Observers reported these policies increased the likelihood such women would migrate illegally and therefore heightened their vulnerability to human trafficking. During the reporting period, SLBFE's legal division filed 214 cases against licensed and 101 cases against unlicensed recruiters for fraudulent practices, compared with a total of 189 cases in 2015. The MFE did not have the legal authority to regulate foreign employment recruitment sub-agents under SLBFE, which officials recognized as a problem contributing to trafficking. MFE drafted a memo to the Cabinet recommending the law be amended to regularize sub-agents and began a national survey on the use of sub-agents. The government did not report efforts to reduce the demand for commercial sex acts or forced labor during the reporting period. The government provided anti-trafficking training to military personnel prior to their deployments abroad on international peacekeeping missions and to some of its diplomats.

### TRAFFICKING PROFILE

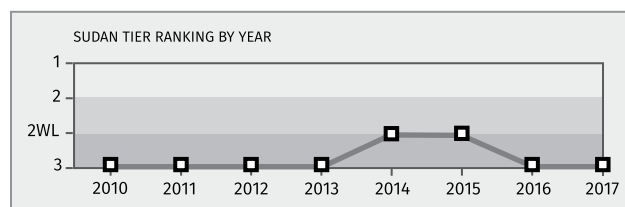
As reported over the last five years, Sri Lanka is primarily a source and a destination, and to a lesser extent, a transit country for men, women, and children subjected to forced labor and sex trafficking. Some of the Sri Lankan men, women, and children who migrate to the Middle East, Southeast Asia, and Afghanistan to work in the construction, garment, and domestic service sectors are subjected to forced labor. Before leaving Sri Lanka, many migrant workers go into debt to pay high recruitment fees imposed by unscrupulous labor recruitment agencies—most of them members of Sri Lanka's association of licensed foreign employment agencies—and their unlicensed sub-agents. Migrant laborers, especially women, receive a monetary advance as an incentive to move abroad, only to be trapped in debt bondage upon arrival at their destination. Some recruitment agencies commit fraud by changing the agreed upon job, employer, conditions, or salary after the migrant's arrival. Some Sri Lankan women are subjected to forced prostitution in Maldives, Malaysia, Singapore, and elsewhere. Sri Lanka is a transit point for Nepali women subjected to forced labor in the Middle East.

Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be exploited in commercial sex in coastal areas for child sex tourism. Children, individuals with physical deformities, and those from socially vulnerable groups are forced to beg or engage in criminal activity in Sri Lanka's largest cities. Some child domestic workers in Colombo, generally Tamils from the tea estate region, are subjected to physical, sexual, and mental abuse, non-payment of wages, and restrictions of movement—indicators of labor trafficking. In recent years, a small number of women from other Asian and Central Asian countries have been subjected to forced prostitution in Sri Lanka. Police reportedly accept bribes to permit brothels to operate, some of which exploit trafficking victims. Sub-agents collude with officials to procure fake or falsified travel documents to facilitate travel of Sri Lankans abroad.

## SUDAN: TIER 3

The Government of Sudan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Sudan remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including providing some

demobilized child soldiers with modest protective services and investigating potential trafficking cases. However, the government continued to deny the existence of sex trafficking of adults and children. It failed to identify victims of sex trafficking or forced labor. It did not operationalize or allocate a budget to implement the activities in its national anti-trafficking action plan. Officials routinely conflated trafficking with other crimes, such as smuggling or immigration violations, and authorities continued to punish some trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The government lacked capacity and resources to provide adequate protective services to victims.



### RECOMMENDATIONS FOR SUDAN

Prevent the recruitment of child soldiers by all armed groups and demobilize all child soldiers from the ranks of government-aligned militias and rebel groups and provide them access to protective services; criminalize sex trafficking of children in the absence of coercion, and amend the anti-trafficking law to define exploitation; establish clear legal distinctions between human trafficking and smuggling crimes, including enacting federal anti-smuggling legislation and harmonizing national and state-level anti-trafficking legislation; implement the anti-trafficking law to increase prosecutions and convictions of traffickers as distinct from smugglers, and significantly increase penalties imposed on convicted traffickers; train law enforcement authorities on distinguishing trafficking from other crimes, and establish procedures for authorities to identify and provide protective services to trafficking victims among vulnerable populations, such as domestic workers, women and children in prostitution, refugees and asylum-seekers, foreign migrants, and Sudanese nationals abroad; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; allow victims full freedom of movement from the government safe houses; amend the Law of 1955 Regarding Domestic Servants to provide equal rights and protections for domestic workers; implement and dedicate adequate resources to the national anti-trafficking action plan; provide adequate protective services for all trafficking victims, regardless of their participation in law enforcement or prosecution efforts, and ensure protective services to victim witnesses; institute regular anti-trafficking training for relevant government officials and Sudanese diplomats posted abroad; and develop awareness campaigns that address all forms of trafficking, including forced labor and sex trafficking.

### PROSECUTION

The government demonstrated negligible law enforcement efforts, and officials continued to conflate trafficking and smuggling, which impaired effective application of anti-trafficking legislation. The 2014 anti-trafficking law criminalizes seducing, transporting, kidnapping, receiving, holding or grooming them "with the intention of exploiting them or using them in illegal acts." However, it fails to define what constitutes exploitation, which in international law includes forced labor and the forced prostitution of others. And, while it requires that means of force,

fraud, or coercion be used for the purpose of exploitation—as set forth in the international law definition—it makes no exception for the use of such means with regard to the trafficking of children, which is a critical part of the international law definition. The law prescribes between three and 10 years imprisonment for acts of trafficking, between five and 20 years imprisonment for aggravated offenses, and capital punishment in cases where the victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18 years old, enslaving civilians, or coercing civilians into prostitution.

As in previous years, anti-trafficking resources and investigative capacity remained insufficient. Law enforcement and judicial officials inconsistently applied the national anti-trafficking law and often utilized other legal frameworks, some carrying lesser penalties, to punish traffickers. During the reporting period, the national anti-trafficking committee reported the government initiated more than 450 investigations, compared to 127 the prior year; however, the government did not provide details regarding the nature of the crimes it investigated or prosecuted, and it is likely these reported cases included the crime of migrant smuggling. A local news article reported the government achieved 129 convictions of alleged traffickers, whom it sentenced to imprisonment between five and 10 years, yet it was unclear if any of the perpetrators were prosecuted under the 2014 anti-trafficking law. During the previous reporting period, the government reportedly obtained the convictions of at least nine traffickers. As some perpetrators were charged under the passport and immigration act, it is unclear whether the government charged trafficking victims—rather than traffickers—for crimes during the reporting period. There were unverified reports that police officers and local officials in eastern Sudan were complicit in trafficking crimes; the government did not report any investigations, prosecutions, or convictions of allegedly complicit officials. Additionally, the government did not report any investigations or prosecutions of officials in security and military entities allegedly complicit in the use and recruitment of children. The government did not directly provide, or support with in-kind assistance, any anti-trafficking trainings to officials, and instead it continued to rely on international organizations to lead such efforts.

## PROTECTION

The government made weak efforts to identify and assist trafficking victims. During the reporting period, the government reported it identified and referred to care 142 potential trafficking victims; however, an international organization reported that none were victims of sex or labor trafficking. The government did not have systematic procedures to identify trafficking victims among vulnerable populations, nor did it consistently use a standard mechanism to refer victims to protective services. As a result, trafficking victims who may have committed unlawful acts as a direct result of being subjected to trafficking were likely detained or deported from Sudan—or prosecuted—without access to protections afforded to them. Many trafficking victims did not report abuses due to fear of retaliation by an employer or arrest by government authorities. In 2016, the government discontinued the practice of detaining witnesses to ensure their participation as witnesses at trial, yet it did not further incentivize victim-witness testimony or provide sufficient care or protection for victims during court proceedings. Authorities—particularly in eastern Sudan—continued to charge some trafficking victims for immigration violations

and held them in custody throughout the duration of court processes, and some victims participating in investigations risked retaliation by traffickers.

The government did not provide information about whether it funds victim support and protection directly or through other entities. It continued to rely on international organizations and civil society to provide safe shelter, medical care, psycho-social support, translation services, and witness protection. The government did not report if any potential trafficking victims stayed or received care in either of two safe houses in Kassala state that an international organization operated with funding from a nongovernment body. Reportedly for security reasons, authorities did not permit victims to leave the shelters unchaperoned. In September 2016, the government released 21 previously detained children purportedly associated with Justice and Equality Movement (JEM) fighters. In collaboration with an international organization, the government provided the children with psycho-social support and reintegration assistance. The Law of 1955 Regarding Domestic Servants provides a legal framework for employing and registering domestic workers with limited labor rights and protections. The government did not report if any domestic workers were registered and protected under the law during the reporting period. There were reported to be legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, but the government provided no information that those alternatives were made available to trafficking victims during the reporting year.

## PREVENTION

The government maintained limited efforts to prevent trafficking, but some Sudanese policies may have increased the likelihood that some vulnerable populations were exploited. A 2016 policy requires South Sudanese immigrants to register formally within one week of arriving in Sudan. This policy restricted South Sudanese' access to legal work and potentially exposed them to exploitative work situations. The government sporadically granted protections—including legal representation and residency—to foreigners who lacked refugee or asylum status, but only registered such applications at original points of entry, which compelled some fleeing persecution in other parts of the country to do so clandestinely. During the reporting year, the government acknowledged that child soldiering and labor exploitation constitutes trafficking; however, it continued to deny that sex trafficking of adults and children occurred in the country. The government continued its public commitment to ending the recruitment and use of children in the armed forces; however, it was unclear if any perpetrators of these practices were held administratively or criminally accountable for their actions. The government remained without mechanisms to identify underage recruits. In 2017, the Sudan People's Liberation Movement-North signed the Child Soldiers Action Plan in Geneva to end and prevent the recruitment of children, and the child protection unit of the Sudanese armed forces continued to spearhead this effort. Sudan's Disarmament, Demobilization, and Reintegration Commission maintained its mandate pertaining to the recruitment of child soldiers but ostensibly lacked the capacity and financial resources to carry out its mandate.

The government's national anti-trafficking committee continued to meet during the reporting year, and continued to focus its coordination efforts at the federal level. The committee lacked the resources to become an operational body, which impeded its ability to effectively and holistically execute its mandate.

The government did not operationalize or allocate a budget to implement activities in its 2016-2017 national anti-trafficking action plan. Two international organizations, in coordination with Sudanese authorities, produced and disseminated posters on the dangers of irregular migration, including trafficking. Local media continued to raise public awareness on general trafficking issues external to Sudan, targeting primarily third country nationals. The government did not make efforts to reduce the demand for commercial sex acts and forced labor, nor did it raise awareness of child sex tourism. The government did not report providing anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Sudan is a transit, source, and destination country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking and child soldiering. During the reporting period, an international organization documented an increase in male migrants in forced labor or situations indicative of trafficking who were lured to Sudan under pretenses of employment. Street children in Khartoum—including Sudanese and unaccompanied migrant children—who beg in the streets and work in public transportation and large markets are particularly susceptible to forced labor; some experience sexual abuse and extortion. Human rights groups observe children working in brick-making factories, gold mining, and agriculture; these children are exposed to threats, physical and sexual abuse, and hazardous working conditions, with limited access to education or health services, making them highly vulnerable to trafficking. Sudanese women and girls, particularly internally displaced persons or those from rural areas, and refugee women are vulnerable to domestic servitude; Sudanese girls are also vulnerable to sex trafficking in restaurants and brothels. Some Sudanese officials are reportedly involved in and profit from child sex trafficking rings. Sudanese law prohibits the recruitment of children as combatants and provides criminal penalties for perpetrators; however, children remained vulnerable to recruitment and use as combatants and in support roles by Sudanese non-governmental armed groups and militias. The Sudan Liberation Movement-Minni Minnawi and JEM actively recruit children from displacement camps in Darfur to fight in Libya. The Sudan Liberation Army-Abdul Wahid faction uses child soldiers in the conflict zones around Jebel Marra.

Migrants, including unaccompanied children, refugees, and asylum-seekers, predominantly from East and West Africa, are highly vulnerable to sex trafficking and forced labor in Sudan. During the reporting period, Eritreans represented the highest proportion of trafficking victims in Sudan—mainly in the east—due to their influx as refugees and asylum-seekers and their youth demographic. Ethiopian women are particularly vulnerable to domestic servitude in private homes in Khartoum and other urban centers; some Ethiopian women are forced into prostitution in Khartoum and experience debt bondage. Somalis represent a significant portion of smuggled individuals who become, or are at risk of becoming victims of trafficking. Anecdotal reports indicate Syrian refugees, including children, are increasingly observed begging on the streets in Khartoum and are vulnerable to exploitation. Analogous to Syrian nationals, some Yemenis fleeing conflict in their homeland sought refugee status in Sudan during the reporting period, and their economic vulnerabilities upon arrival likely motivate their onward migration to Europe. Due to the ongoing conflict in South Sudan, during the reporting period there was an uptick in South Sudanese refugees across Sudan, many of whom remained

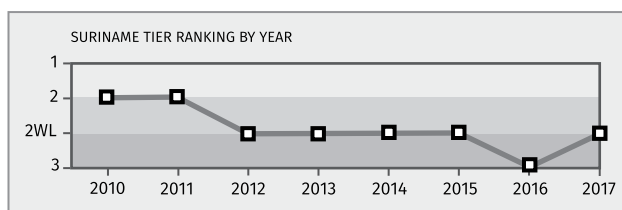
vulnerable to exploitation in Sudan and onward destinations. An international organization continued to document cases of West African nationals—primarily from Niger, Mali, and Chad—who arrived in Sudan via irregular migratory routes and were subsequently vulnerable to trafficking. Anecdotal evidence also suggests that Chinese women working for small-scale Chinese companies, such as restaurants and hotels, may be subjected to forced labor or prostitution. Bangladeshi adults migrating to Sudan for work have previously been reported to be victims of trafficking.

During the reporting year, Darfur became a favored route to Libya, as the porous border and sustained insecurity allow traffickers to operate with impunity across the region. The previously defunct Egyptian route is now being used again in connection with the migration influx to Europe; Sudanese citizens and other African nationalities are allegedly utilizing this course. In past years, some Sudanese citizens en route to Europe via Egypt were detained in the Sinai Peninsula where they were highly vulnerable to exploitation and severe physical and sexual abuse. Some refugee and asylum-seekers from Eritrea and Ethiopia are abducted from Sudan-based refugee camps, eastern border regions, and Khartoum and transported to other countries for exploitative purposes. Eritrean nationals are abducted from refugee camps or at border crossings, extorted for ransom, and brutalized by smugglers primarily linked to the Rashaida and Tabo tribes; some of those abducted are forced to perform domestic or manual labor and experience various types of abuse, indicative of trafficking. Sudanese police and border guards allegedly facilitate abductions of Eritrean nationals, some of whom are trafficking victims, and allow potential victims to be transported across security checkpoints or international borders without intervention.

Sudanese citizens are subjected to forced labor, domestic servitude, and sex trafficking abroad. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers are subjected to forced labor. The government reported Sudanese children are exploited in forced begging and street vending in Saudi Arabia, especially during the Hajj season. Sudanese criminal gangs deceptively promise Sudanese nationals employment in Libya, but instead sell them to Libyans who subject them to forced labor in agriculture.

## SURINAME: TIER 2 WATCH LIST

The Government of Suriname does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Suriname was upgraded to Tier 2 Watch List. These achievements included establishing a dedicated shelter for women and girl trafficking victims and increasing the number of trafficking convictions. Despite these achievements the number of investigations, prosecutions, and victims identified decreased and courts did not impose sufficiently stringent sentences on convicted traffickers.





## RECOMMENDATIONS FOR SURINAME

Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, with sufficiently stringent sentences; increase efforts to identify victims, including forced labor victims in the interior; hold public officials complicit in trafficking criminally accountable; conduct targeted labor inspections in risk-prone areas, such as the interior of the country; develop and implement formal procedures for the referral of identified victims to care, provide additional training to law enforcement, immigration, health care, labor, and judicial officials to better identify and protect victims; provide reintegration support for all trafficking victims, and offer specialized processes for assisting foreign victims, such as offering translation services; and complete and implement the national anti-trafficking and action plan.

## PROSECUTION

The government maintained prosecution efforts. A 2014 criminal code amendment prohibits all forms of trafficking and prescribes penalties of five to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police reported three investigations for sex trafficking involving four suspects, a decrease from the seven investigations in 2015—six for sex trafficking and one for forced labor—involving 16 suspects, and 15 investigations in 2014—11 for sex trafficking and four for forced labor. The prosecutor's office initiated four new prosecutions for sex trafficking involving five suspects and continued six trafficking prosecutions from 2015, a decrease from the nine prosecutions initiated in 2015. The government convicted three traffickers, an increase from zero in 2015. Convicted traffickers continued to avoid serious punishment as courts issued penalties that were inadequate to deter the crime. The court sentenced one convicted trafficker to 12 months imprisonment with eight months suspended and sentenced two convicted traffickers to eight months and six months imprisonment, respectively, with four months suspended from each. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, the 2015 investigation of Alien Affairs Department staff who sold residence permits to Hong Kong criminal networks that allegedly used the documents to fraudulently bring Chinese workers into Suriname for forced labor remained open.

Police operated a specialized 14-person anti-trafficking unit (ATU) responsible for investigating cases. During the reporting period, this unit provided training courses on awareness, identification, and management of trafficking cases for several stakeholders; it also trained other specialized police units on the links between trafficking and other crimes. In December, the government signed a cooperative agreement with Guyana to jointly combat cross-border crime, including human trafficking. Justice officials from both countries also exchanged information on cases and potential suspects.

## PROTECTION

The government maintained protection efforts. Police identified five victims of sex trafficking and no victims of forced labor, a decrease from the 12 victims identified in 2015. All five victims received medical assistance and basic services, four victims were provided shelter, and one received counseling. The government did not provide counseling services to all the victims due to foreign language constraints. The government opened a shelter dedicated for women and girl trafficking victims, which occupied a separate annex within an existing domestic violence shelter;

the shelter accommodated three adult female victims and one male child victim during the reporting period.

The ATU assisted military police and immigration officials on identifying and interviewing potential trafficking victims. In 2016, the ATU conducted random checks of international flights approximately three times a week and performed random inspections of brothels, looking for trafficking indicators. Health care workers did not screen for trafficking indicators among persons in prostitution. Victim identification efforts in the country's interior were limited. There were no formal procedures to refer victims to care. The ATU continued to have oversight of victim shelter and services, including medical care. The government did not report what funding, if any, it provided to NGOs for victim assistance; however, the anti-trafficking working group had meetings with NGOs to establish protocols for future cooperation on victim assistance and prevention efforts.

The government did not sponsor any programs to facilitate victims' reintegration, such as a witness-protection program or long-term care. Victims had the option of pursuing civil suits against their traffickers but no such cases were reported. To encourage victims to participate in the investigation against their traffickers, courts implemented a policy of obtaining testimony from victims, which can serve as evidence, in the early stages of the judicial investigation, in case victims were not available during the trial process. Foreign victims who gave statements were given the opportunity to return to their countries of origin or remain in Suriname. Foreign victims could apply to receive work or residency permits on the same basis as any foreign citizen. The government did not have legal alternatives to foreign victims' removal to countries where they would face hardship or retribution. It was unclear whether the government penalized victims for crimes committed as a direct result of being subjected to trafficking.

## PREVENTION

The government maintained prevention efforts. The anti-trafficking working group included representatives from six government agencies and focused on awareness-raising programs, interagency coordination, and developing protocols for victim care. The working group made progress in the development of a national strategy and associated action plan, but inadequate funding for the action plan continued to hamper efforts. During the reporting period, the working group trained a total of 603 individuals including government officials, civil society, and members of religious organizations on identifying and handling potential cases of trafficking. The ATU remained active in the press and on social media raising awareness and warning parents about the use of social media as a tool used by traffickers to lure child victims. The ATU held awareness sessions for neighborhood organizations, women's organizations, and youth groups. The government continued to operate a child and youth hotline. Calls to the hotline did not lead investigators to any cases during the reporting period. The government hosted a conference on trafficking and smuggling in which the extent of the problem was discussed, including Suriname's responsibility as a member of the international community and how to improve interagency coordination. The conference led to different training sessions throughout the year. Labor inspectors trained to identify trafficking victims were not legally authorized to conduct inspections outside formal workplaces, which rendered those employed in informal sectors invisible to such inspections. During the reporting period, the government reintroduced a visa requirement for

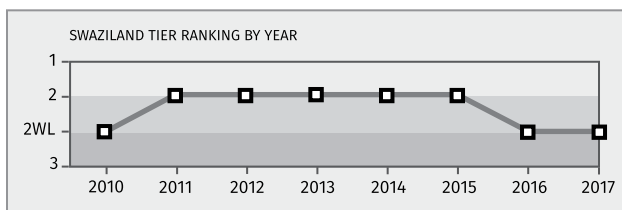
Haitian citizens after a steady influx began entering Suriname, whom authorities suspect smugglers or traffickers bring into the country. The government made no discernible efforts to reduce the demand for commercial sex or forced labor. The ATU provided anti-trafficking training for diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Suriname is a source, transit, and destination country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor. Reported cases of trafficking in Suriname's remote jungle interior, which constitutes approximately 80 percent of the country, have increased in recent years; limited government presence in the interior renders the full scope of the problem unknown. Women and girls from Suriname, Brazil, Dominican Republic, Guyana, and Venezuela are subjected to sex trafficking in Suriname, including in remote and illegal gold mining camps in Suriname's interior. Some Surinamese parents subject their daughters to sex trafficking. Venezuela's deteriorating economy may increase Venezuelan women's vulnerability to sex trafficking in Suriname. The influx of migrants from Haiti is vulnerable to trafficking. A shift towards in-home brothels makes such establishments, and cases of possible sex trafficking, harder to detect. Migrant workers in agriculture and on fishing boats off Suriname's coast are highly vulnerable to forced labor, as are children working in gold mines and informal urban sectors. Chinese associations, and allegedly some Hong Kong traffickers, recruit and subject Chinese immigrants to sex and labor trafficking in the mining, service, and construction sectors. Surinamese women in neighboring countries engage in prostitution and may be vulnerable to sex trafficking. Traffickers from Suriname exploit Surinamese victims in the Netherlands. Traffickers may transport victims through Suriname's remote interior to bypass official checkpoints. There are reports of corruption and local official complicity in trafficking crimes that may impede anti-trafficking efforts.

## SWAZILAND: TIER 2 WATCH LIST

The Government of Swaziland does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by investigating more suspected trafficking cases and training labor inspectors and police officers on victim identification and protection procedures. It increased the number of victims it identified and sheltered, and the amount of funding disbursed to a victim assistance fund for protective services. The government conducted awareness campaigns. However, the government did not demonstrate increasing efforts compared to the previous reporting period. While the government prosecuted and convicted one trafficker under an assault charge, it imposed an inadequate penalty of a fine. The government did not enact the Trafficking in Persons and Migrant Smuggling Bill for the second consecutive year, leaving victims vulnerable to deportation or prosecution for crimes committed as a result of being subjected to trafficking. Although victim identification guidelines and a national referral mechanism were established in 2015, neither was fully functional or implemented during the reporting period. Therefore, Swaziland remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR SWAZILAND

Enact and implement the draft Trafficking in Persons and Migrant Smuggling Bill; vigorously investigate and prosecute trafficking crimes, including internal trafficking cases, and convict and adequately punish traffickers; develop, adopt, and implement an updated multi-year national anti-trafficking strategy and action plan; train officials on procedures for victim identification and referral guidelines; train law enforcement officials and social workers to identify trafficking victims proactively among vulnerable populations; regulate labor brokers and investigate allegations of fraudulent recruitment; implement a unified system for collecting trafficking case data for use by all stakeholders; and conduct anti-trafficking public awareness campaigns.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The People Trafficking and People Smuggling (Prohibition) Act, 2009 prescribes penalties of up to 20 years imprisonment for the trafficking of adults and up to 25 years imprisonment for trafficking children, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, the government had not drafted or adopted implementing regulations for the law. The draft Trafficking in Persons and Migrant Smuggling bill, which would repeal the existing act and provide protections for victims, remained pending for a second year.

The government investigated 19 suspected trafficking cases—18 cases of forced labor and one sex trafficking case, compared with two the previous year. The government prosecuted one alleged trafficker; he was acquitted of trafficking charges but convicted for assault; the court sentenced him to three years imprisonment or a fine of 5,000 Swazi emalangeni (\$360), which he paid. The court required the offender to pay overdue wages to the victim. Officials continued to confuse crimes involving transnational movement with trafficking offenses. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. During the reporting period, the government trained the police and labor inspectorate on victim identification and protection procedures, as well as on measures to improve communication and cooperation among officials. The government, in partnership with a foreign donor, trained 35 anti-trafficking police officers on the difference between trafficking and smuggling, investigation techniques, and how to prepare and give evidence in a trafficking case. The government continued to provide anti-trafficking training at the police college for all in-service and pre-service officers during the reporting period. The government cooperated in international investigations in six cases with South Africa, Mozambique, and Lesotho.

## PROTECTION

The government increased efforts to identify victims and allocated more funding to provide protective services. The

government identified and sheltered 19 potential victims in a secure, government-owned witness protection facility, an increase from two the previous reporting period. The government provided victims with basic necessities such as food, clothing, shelter, toiletries, counseling, and medical care in collaboration with NGOs. There were no government-run shelters specifically for trafficking victims and NGO-run shelters had limited ability to house trafficking victims among their general populations due to space constraints. The government increased its allocation to 80,000 Swazi emalangen (5,840) from 10,000 Swazi emalangen (\$730) to a victim assistance fund for protective services.

Although victim identification guidelines and a national referral mechanism were established in 2015, neither was fully functional or implemented during the reporting period. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking. The government did not finalize review of amendments to the immigration act that would provide victims and witnesses of trafficking immunity from prosecution and would formalize residency status for foreign victims, in conformity with the People Trafficking and People Smuggling (Prohibition) Act. While the draft amendments remained under review, the government developed an ad hoc process among relevant ministries to permit identified victims to remain in Swaziland even if discovered to be present illegally. The government facilitated the repatriation of at least one Swazi victim during the reporting period.

## PREVENTION

The government demonstrated modest efforts to prevent trafficking through awareness campaigns. The government did not update its national action plan (NAP), which expired in 2015. The taskforce for the Prevention of People Trafficking and People Smuggling was reestablished in January 2017 after a four month lapse and met in February and April 2017. In coordination with an international organization, the government conducted an analysis of how to improve prevention, protection, and prosecution of trafficking. The taskforce secretariat conducted public awareness activities at the Swaziland international trade fair, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. The secretariat conducted sessions on human trafficking at schools with the assistance of teachers and police officers. The secretariat continued its border campaign, placing posters at various land borders and the airport to raise awareness on trafficking. Swazi officials also presented messages targeting young women on television and radio. The government's anti-trafficking hotline continued to receive tips on potential cases; the government did not report how many tips it received or what action it took. The government provided technical assistance to Zimbabwe on the framework and operation of an anti-trafficking taskforce in combating trafficking.

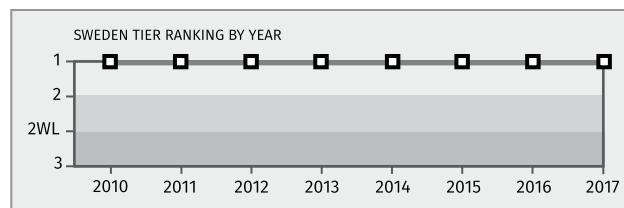
The Ministry of Labor had one investigator dedicated to its child labor unit; however, there were no labor inspections conducted solely to address child labor violations in 2016. Labor brokers were unregulated. The government did not make efforts to reduce the demand for commercial sex or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Swaziland is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude, primarily in Swaziland and South Africa. Swazis are culturally expected to participate in the seasonal weeding and harvesting of the king's fields and those who may refuse are subject to coercion through threats and intimidation by their chiefs. Swazi boys and foreign children are forced to labor in commercial agriculture, including cattle herding, and market vending within the country. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and portering; some are subjected to forced labor. Traffickers use Swaziland as a transit country to transport foreign victims to South Africa for forced labor. Traffickers reportedly force Mozambican women into prostitution in Swaziland, or transport them through Swaziland to South Africa. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work. Reports suggest labor brokers fraudulently recruit and charge excessive fees to Swazi nationals for work in South African mines—means often used to facilitate trafficking crimes. Swazi men in border communities are recruited for forced labor in South Africa's timber industry. Reports indicate a downturn in the textile industry following loss of eligibility under the African Growth and Opportunity Act in 2015 has led textile workers to follow promises of employment in neighboring countries, potentially increasing their vulnerability to trafficking.

## SWEDEN: TIER 1

The Government of Sweden fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Sweden remained on Tier 1. The government demonstrated serious and sustained efforts by completing implementation of a national mechanism to identify and refer victims to care, and it identified more victims, including a significant increase in the number of potential victims identified among asylum-seekers. The government created a new anti-trafficking ambassador position to combat trafficking abroad and foster international cooperation. Although the government meets the minimum standards, the effects of the European migration crisis continued to strain government agencies' resources and limit authorities' ability to conduct sufficient screenings of migrants to identify potential instances of trafficking. While the government increased the number of prosecutions and convictions, including for forced begging, relatively few investigations resulted in prosecutions for trafficking offenses.



## RECOMMENDATIONS FOR SWEDEN

Vigorously prosecute and convict labor and sex traffickers using



the anti-trafficking statute; adopt a comprehensive national action plan that incorporates all forms of trafficking, including forced labor; extend to non-law enforcement authorities such as social workers the authority to grant 30-day reflection and recovery periods to ensure all victims, including those not already in contact with law enforcement, are able to receive these benefits in practice; increase efforts to identify and vigorously prosecute Swedish child sex tourism offenders; establish a permanent national anti-trafficking coordinator; provide specialized housing to trafficking victims, including options appropriate for adult male victims and labor trafficking victims; train judges on the anti-trafficking law and provide trainings for judges, prosecutors, police, migration authorities, and service providers that include sessions on labor trafficking and forced begging and criminality; and increase efforts to raise awareness of labor trafficking.

## PROSECUTION

The government increased law enforcement efforts. The 2002 anti-trafficking law, as amended, prohibits all forms of trafficking and prescribes penalties of two to 10 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. A legal review of forced labor laws proposed broadening trafficking penalties to include exploitation of individuals in distress. Police investigated 82 sex trafficking cases in 2016 (including 16 child sex trafficking cases), compared with 58 in 2015. Authorities prosecuted three alleged sex traffickers and convicted two of the three, compared with two prosecutions and convictions in 2015. The convicted sex traffickers were each sentenced to three years and six months imprisonment, fined 75,000 kronor (\$8,280) each in damages, and will be deported to their home countries following their prison terms. Police investigated 114 cases of labor trafficking in 2016 (48 involving children), 33 of which were forced begging (122 cases in 2015). Authorities prosecuted and convicted four traffickers for forced begging in 2016 (none in 2015); one conviction was overturned on appeal. The court sentenced the remaining three traffickers to prison terms of three years and six months, three years, and six months, respectively. The national anti-trafficking coordinator and national rapporteur noted the Swedish police reorganization, concluded in 2016, hindered law enforcement anti-trafficking coordination and effectiveness. The national courts offered training for judges and lawyers that included sections on sex trafficking and child victims; however, anti-trafficking experts reported some judges continued to lack sufficient understanding of human trafficking, which may have resulted in fewer convictions and less stringent sentences. The national rapporteur conducted training for police and judges, and the prosecutor's office offered online training for prosecutors on working with trafficking victims. Swedish authorities collaborated with foreign governments on transnational investigations. The government did not report any prosecutions or convictions of government officials complicit in human trafficking.

## PROTECTION

The government increased victim protection efforts. During the reporting period, the government completed implementation of its national referral mechanism to identify victims and refer them to care. Authorities identified approximately 82 victims of sex trafficking and 114 victims of forced labor and forced begging in 2016 (58 sex trafficking and 122 forced labor victims in 2015); 64 of these new victims were children. NGOs identified an additional 47 victims (42 sex and 5 labor). The national police rapporteur noted an increased capacity among

social workers and migration authorities to identify victims resulted in more victim identifications not connected to other police investigations. Despite implementation of the referral mechanism, authorities continued to contend with the ongoing effects of the European migration crisis. The migration agency's anti-trafficking coordinator identified 341 suspected trafficking cases among asylum-seekers in 2016 (91 of which involved children), a 75 percent increase in suspected cases from 2015. Although the migration agency identified significantly more potential victims during the reporting period, the high volume of asylum-seekers entering the country inhibited authorities' ability to conduct sufficient migrant screenings for trafficking indicators. The migrant influx and asylum application backlog strained government resources available to migrants, creating vulnerabilities to trafficking, especially among unaccompanied minors. Changes to asylum and migration policy during 2016, such as changes to financial support eligibility and work placement programs, may have created additional vulnerabilities. During GRETA's most recent visit to Sweden in 2013, it found identification largely depended on victims' willingness and ability to meet with police and provide evidence to start a criminal investigation. Municipalities were responsible for providing services to victims—including medical and psychological care, shelter, and social assistance—in collaboration with NGOs and other government agencies involved in victims' cases. NGOs operated most shelters with public and private funding. The government provided 500,000 kronor (\$55,170) to a civil society platform representing 23 NGOs that provided care to victims. Although there were no shelters dedicated exclusively to trafficking victims, the national coordinator led a network of approximately 40 NGO-run safe houses, and adult female trafficking victims could receive services at women's shelters for victims of domestic and honor-related violence. These shelters offered victims assistance with immigration issues, medical care, and educational and employment needs, including Swedish language training; adults could leave the shelters unchaperoned and at will. Authorities referred child victims to social services officials, who placed child victims in foster care or group housing. The government provided training to safe houses, victim support centers, and professionals who come into contact with victims. In August, the government introduced a support hotline for NGOs and professionals working with potential victims. Police received training in victim identification and all new migration agency staff received anti-trafficking instruction as part of their introductory training.

The government encouraged victims to assist in the prosecution of their alleged traffickers. Victims and witnesses in trafficking cases who cooperated with authorities were granted temporary residence permits, which allowed them to seek employment. Twenty-five trafficking victims and 45 witnesses received these permits in 2016 (12 and 29, respectively, in 2015). The Aliens Act entitles victims to a 30-day reflection period to recover and contemplate cooperation with law enforcement, during which they are eligible for emergency financial aid; however, authorities stated that because only an investigating police officer or prosecutor could file this application, such temporary visas were in practice primarily available to victims already in contact with law enforcement. Although only victims who assisted in investigations were eligible for residence permits, the government continued to provide medical care and repatriation assistance for victims not assisting law enforcement. In 2016, the government repatriated 14 victims through a safe return program in conjunction with an international organization. State prosecutors had the power to file applications for permanent residence permits on behalf of victims during or after trials based upon need of protection, such as in cases in which victims

would face retribution in their countries of origin; the migration agency did not issue any permanent residence permits in 2016 or 2015. The government assigned a legal representative to each victim participating in a trial to provide emotional support and assistance. There were no reports the government penalized victims for acts committed as a direct result of being subjected to human trafficking, and the law allows victims forced to commit criminal acts to avoid prosecution or, if prosecuted, to have the charges withdrawn. In past years, however, GRETA referenced reports of Swedish authorities deporting irregular migrants who had been subjected to trafficking without identifying them as potential victims, despite the presence of trafficking indicators.

## PREVENTION

The government increased prevention efforts. In May 2016, the government created a new anti-trafficking ambassador position to improve Sweden's efforts to combat trafficking abroad and foster international cooperation. The government allocated 6.5 million kronor (\$717,200) for the national anti-trafficking coordinator's office in 2016 and announced the creation of a new gender equality authority to monitor and coordinate gender policy, including sex trafficking; the national anti-trafficking coordinator's office will move under this new authority beginning in 2018. The national police rapporteur on trafficking continued to provide an annual report on the trafficking situation and the government's progress in combating trafficking. The government released a new action plan for the protection of children against trafficking in June 2016, and a national strategy to address men's violence against women in November 2016; however, the plans did not address labor trafficking and the government did not have a current comprehensive national action plan to address trafficking. Authorities conducted mandatory interviews with foreign workers employed in at-risk sectors who were seeking to extend their work permits. The migration agency conducted background checks on companies employing foreign workers and occasionally denied work visas in cases where employment contracts did not meet the necessary requirements. A study published in November 2016 on foreign labor exploitation recommended increased government control of labor agreements between domestic employers and foreign employees and stronger sanctions for employer violations. During the reporting period, there were no reports of labor trafficking among berry pickers, who were notably vulnerable to exploitation in recent years, which authorities attributed to increased police efforts, labor reforms, unannounced inspections, efforts to inform workers of their rights, and bilateral cooperation. Authorities conducted or funded awareness training for taxi, hotel, and restaurant staff to detect trafficking at their places of work. The government conducted an awareness campaign to reduce the demand for commercial sex, and the new strategy to address violence against women includes measures aimed at demand reduction. Sweden's law prohibiting child sexual offenses has extraterritorial reach, allowing the prosecution of suspected child sex tourists for crimes committed abroad. A Swedish court prosecuted a Swedish citizen for committing child sexual offenses abroad in 2016, the first such prosecution since 2012. The government provided anti-trafficking training to its diplomatic personnel and training on sexual exploitation and abuse, including on human trafficking, to troops prior to their deployment abroad as part of international peacekeeping missions.

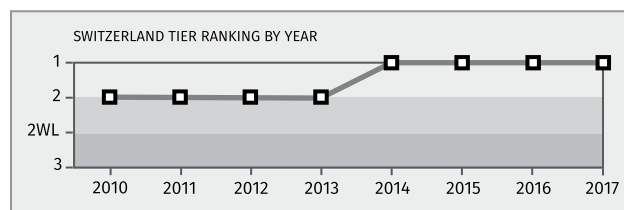
## TRAFFICKING PROFILE

As reported over the past five years, Sweden is a destination and, to a lesser extent, source and transit country for women and children subjected to sex trafficking, and a destination

country for men, women, and children subjected to forced labor, including forced begging and stealing. Sex trafficking victims largely originate from Eastern Europe, West Africa, Asia, and—to a lesser extent—Western Europe. Although sex trafficking remains the most common form of trafficking in Sweden, reported cases of labor trafficking are increasing. Victims of labor trafficking, who largely originate from Eastern Europe, Africa, the Middle East, and Asia, face exploitation in domestic service, hospitality, construction, agriculture, and forestry; cases among seasonal berry pickers have decreased significantly in recent years. Roma, primarily from Romania and Bulgaria, are vulnerable to forced begging and criminality and, to a lesser extent, sex trafficking. The government reports most traffickers are the same nationality as their victims and are often part of criminal networks engaged in multiple criminal activities, although an increasing number of reported cases involve traffickers who are family members or have no ties to organized crime. The approximately 29,000 migrants who applied for asylum in 2016, primarily from Syria, Afghanistan, Iraq, Somalia, and Iran, as well as many stateless individuals, are vulnerable to human trafficking. Identified victims among this group also originate from West Africa and East Asia. Unaccompanied children are especially vulnerable; more than 2,100 unaccompanied foreign children applied for asylum in Sweden in 2016, 30 percent of whom were from Afghanistan. A 2015 study found more than half of suspected child trafficking victims identified since 2012 arrived in Sweden as unaccompanied minors, primarily from Africa and Eastern Europe. Police note street children, especially boys from Morocco, are vulnerable to child sex trafficking and forced criminality. A 2013 study found between 4,000 and 5,000 Swedes commit child sex tourism offenses abroad annually, primarily in East Asia. Swedish women and girls are also vulnerable to sex trafficking within the country.

## SWITZERLAND: TIER 1

The Government of Switzerland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, Switzerland remained on Tier 1. The government demonstrated serious and sustained efforts by increasing prosecutions, the number of identified victims, and public funding for NGOs that provide victim care. The government opened a new shelter dedicated to serving trafficking victims and provided training to law enforcement officials, judicial officials, migration officials, NGOs, social service providers, and shelter staff. Although the government meets the minimum standards, it continued to sentence the majority of convicted traffickers to short sentences, suspended sentences, or fines. The government often treated forced labor as less serious labor violations.



## RECOMMENDATIONS FOR SWITZERLAND

Sentence convicted traffickers to significant terms of

imprisonment, including in forced labor cases; strengthen or revise existing criminal code articles, particularly article 182, to better differentiate between sex and labor trafficking; establish a comprehensive referral system and increase access to specialized services, especially for asylum-seekers, male, child, and transgender victims; improve the process for issuing short- and long-term residency permits for potential victims, especially those in the asylum registration and transition centers; and provide additional police and judicial training to better equip law enforcement personnel and judiciary to address trafficking.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. Articles 180, 181, 182, 195, and 196 of the penal code prohibit all forms of trafficking with penalties from one to 20 years of imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 182 prescribes the same penalties for trafficking for labor exploitation as for sex trafficking. The government provided law enforcement data from the most recent year for which it was compiled; this resulted in the government reporting data from 2016 for some categories and 2015 for others. The government did not disaggregate data on law enforcement efforts between sex trafficking and forced labor. The government initiated 233 human trafficking investigations in 2016, compared to 306 in 2015. Cantonal authorities prosecuted 190 defendants in 2016, compared to 96 in 2014, the most recent year for which complete data was available for comparison. The government obtained convictions of 22 defendants on trafficking charges in 2015, compared to 28 in 2014, the most recent year for which complete data was available for comparison. Authorities continued one of the largest trafficking investigations in its history involving a network of approximately 25 suspects accused of subjecting Thai nationals to trafficking. The main suspect was formally charged with a trafficking crime and awaited trial at the end of the reporting period. Of the 22 convictions, only 11 resulted in prison time. Of those 11 prison sentences, only seven received a prison sentence of one year imprisonment or more, with four partially suspended and seven fully suspended prison sentences or receiving monetary fines. The highest sentence issued for trafficking crimes was for six years in prison, while the lowest sentence was a suspended monetary fine that would have corresponded to a 180-day prison sentence. Observers reported judges often treated forced labor crimes as lesser labor violations and perpetrators consequently received lesser penalties not commensurate with the crimes committed.

The Special Brigade against Human Trafficking and Illicit Prostitution (BTPI), a cantonal anti-trafficking police unit based in Geneva, consisted of 22 inspectors that undertook house searches, which are the result of house warrants and patrolled areas known for prostitution to investigate suspicions of human trafficking. The government partnered with international law enforcement organizations such as EUROPOL and INTERPOL to conduct international investigations on trafficking and extradite traffickers. It also participated in several joint expert working groups, including EUROPOL's "Blue Amber" action days, focusing on human trafficking and people smuggling. The Swiss Federal Police (Fedpol) regularly collaborated with counterparts from Romania, Hungary, Thailand, Greece, Austria, Germany and Kosovo, among others, investigate and prosecuted both sex and labor trafficking offenses. In 2016, authorities provided training to German-speaking and French-speaking law enforcement officials. Following the federal administrative

court's first hosting of a trafficking education seminar for judicial officials in December 2015, the court organized two more sessions in 2016 to train an additional 30 police officers and one public prosecutor. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

## PROTECTION

The government increased protection efforts. The federal government continued to lack standard procedures across cantons for victim protection and victim identification. Cantonal authorities reported identifying 197 victims, 107 of whom were victims of forced prostitution during the reporting period. Assistance for victims of violence was available in almost all of the 26 cantons but did not always include anti-trafficking services and varied canton to canton. In 2015, the latest year for which assistance data was available, 91 victims and/or relatives of victims received government trafficking-specific counseling. Federal and cantonal government sources financed the vast majority of a leading NGO's 2.5 million Swiss franc (\$2.45 million) operating costs of its trafficking victim protection program. One NGO, using funding provided by the government during the previous reporting period, established a new shelter that served trafficking victims. A leading NGO reported assisting 172 trafficking victims, 34 of which were referred by the police. Fifty-six were sex trafficking victims, while 12 were forced labor victims. One NGO reported an increase in the number of trafficking victims among asylum-seekers. The State Secretariat for Migration (SEM) maintained a nationwide circular to educate personnel on how to more effectively identify trafficking victims in the asylum system.

Under the Swiss Victim Assistance Law (OHG), all trafficking victims are entitled to help from the government-funded women's shelters or victim assistance centers for victims of abuse, and enjoy special safeguards during criminal proceedings. Cantonal authorities maintain jurisdiction on providing protection for victims, and trafficking victims are entitled to free and immediate assistance centers that vary from canton to canton. Many cantons have referral agreements with NGO-operated victim assistance facilities that specialize in trafficking. Through the anti-human trafficking ordinance the government dispersed a total of 333,312 Swiss francs (\$327,100) to seven public and private service providers from a total annual allocation of 400,000 Swiss francs (\$392,540). The government supported specialized trafficking and other shelters. The ordinance allows all organizations involved in implementing anti-trafficking measures to apply for a government grant. NGOs regularly provide anti-trafficking services to victims, including a network of therapists and medical specialists for counseling. The BTPI did not report the number of victims during the reporting period. Services for child and male victims were limited, especially shelter, counseling, and victim referral resources. The government provided male victims temporary shelter in centers, hotels, or NGO-operated shelters for men, and NGOs that received government support provided limited services to such victims. One of the leading NGOs also assisted male victims and helped four transgendered victims. NGOs reported more resources are needed to address the shortcomings for protection services of male and child trafficking victims. The government also facilitates assistance to foreign victims of trafficking; however, due to strict residency requirements, few are granted long-term residency permits and instead are provided with repatriation assistance to help them return home. The government held a series of anti-trafficking workshops for both German- and French-speaking police officers, cantonal



migration officials, NGOs, and social service providers during the reporting period. The training included advice and best practices for victim identification.

Services for asylum-seekers in transition between registration and reception centers within Switzerland's asylum system were insufficient, especially for underage trafficking victims. The government granted 48 individuals reflection periods, 85 short-term residence permits, and 21 hardship-based residence permits. Sixteen victims received restitution payments in 2015, but no information was provided for the number of restitutions payments received in 2016. NGOs expressed concern that it remained difficult for victims to obtain victim protection and hardship residence permits without the assistance of a judge. In May, a conference of cantonal social directors published recommendations on care for unaccompanied minor asylum-seekers, which also included a chapter on the protection of underage trafficking victims.

## PREVENTION

The government maintained prevention efforts. A specialized unit within Fedpol coordinated national efforts, including anti-trafficking policy, information exchange, cooperation, and training. The government co-hosted and co-funded several awareness events organized by cantonal authorities and NGOs during the national anti-trafficking week in October 2016. In November 2016, the Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) hosted its third national meeting of the heads of the cantonal anti-trafficking roundtables to exchange information on trafficking issues and anti-trafficking measures. The government conducted an annual assessment of its anti-trafficking efforts, which it provided to the Council of Europe, OSCE, and UN. The SEM also provided 10,000 Swiss francs (\$9,810) to the IOM for the production of German and French anti-TIP flyers disseminated in restaurants, bars, cinemas, and shops. Also on the European Day against Human Trafficking in October, the Federal Department of Foreign Affairs (FDFA) and IOM co-hosted an international roundtable with anti-trafficking experts from Romania and Bulgaria on strengthening transnational cooperation for fighting trafficking. The government provided anti-trafficking training for its diplomatic personnel. The FDFA educates incoming diplomats and consular officers each year on human trafficking and refers them to the OSCE handbook on forced labor within diplomatic households, which the government co-financed. The government continued to maintain prevention efforts and increased awareness about trafficking issues throughout the year.

Fedpol initiated a program for strengthening the work of NGOs to prevent crimes in commercial sex. Federal, cantonal, and municipal authorities provided a combined total of 285,000 Swiss francs (\$279,690) to a leading NGO that fights trafficking. The federal government also provided 579,599 Swiss francs (\$68,790) to a leading international organization that serves trafficking victims. The government formally adopted its new national action plan and began implementation during the reporting period.

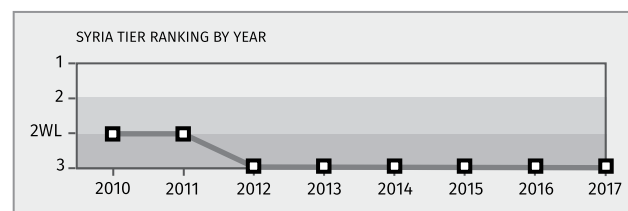
## TRAFFICKING PROFILE

As reported over the past five years, Switzerland is primarily a destination and, to a lesser extent, a transit country for women, children, and transgender people subjected to sex trafficking, as well as men, women, and children subjected to forced labor, including forced begging and forced criminal activity. Foreign

trafficking victims originate primarily from Central and Eastern Europe—particularly Romania, Hungary, Bulgaria, Slovakia, and Albania, although victims also come from Thailand, Nigeria, China, Brazil, Cameroon, the Dominican Republic, and Morocco. Forced labor exists in the domestic service and health care sectors, and in agriculture, catering, construction, and tourism. Female victims among asylum-seekers came from Nigeria, Eritrea, and Ethiopia, and were often forced into prostitution and domestic servitude. Male victims among asylum-seekers came primarily from Eritrea and Afghanistan and were exploited both in the sex trade and for forced labor.

## SYRIA: TIER 3

The Government of Syria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Syria remained on Tier 3. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government's actions directly contributed to the vulnerability of the population to trafficking and continued to perpetrate human trafficking crimes routinely. The government maintained its forcible recruitment and use of child soldiers, subjecting children to extreme violence and retaliation by opposition forces; it also did not protect and prevent children from recruitment and use by government and pro-regime militias, armed opposition forces, and designated terrorist organizations such as the Islamic State of Iraq and Syria (ISIS). The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers, and punished them for crimes committed as a direct result of being subjected to human trafficking. The government did not investigate or punish traffickers, including officials complicit in recruiting and using child soldiers, nor did it identify or protect any trafficking victims.



## RECOMMENDATIONS FOR SYRIA

Stop the forcible recruitment and use of child soldiers by government forces, pro-government militias, armed opposition forces, and designated terrorist organizations such as ISIS; provide adequate protection services to demobilized children; ensure trafficking victims are not punished for crimes committed as a direct result of having been subjected to trafficking, particularly children forcibly recruited as soldiers by the regime and other armed groups; implement the anti-trafficking law through investigations and prosecutions of traffickers, including officials complicit in the recruitment and use of child soldiers; and proactively identify potential trafficking victims and provide them with appropriate protection services.

## PROSECUTION

The government did not report any anti-trafficking law enforcement efforts, and the government and government-

affiliated militias remained complicit in trafficking crimes, including child soldiering. The violent civil war continued to directly amplify the magnitude of human trafficking crimes occurring within Syria and affecting displaced Syrians. Decree No. 3 of 2011 provides a legal foundation for prosecuting trafficking offenses and protecting victims, but it does not include a clear definition of human trafficking. This decree prescribes a minimum punishment of seven years imprisonment, a penalty that is sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The government adopted Law No. 11/2013 in June 2013, which criminalizes all forms of recruitment and use of children younger than the age of 18 by armed forces and armed groups; however, the government made no efforts to prosecute child soldiering crimes perpetrated by government and government-affiliated militias, armed opposition groups, and designated terrorist organizations. The government did not report investigating, prosecuting, or convicting suspected traffickers, nor did it investigate, prosecute, or convict government officials complicit in human trafficking, including officials who forcibly recruited and used child soldiers in combat and support roles. The government did not provide anti-trafficking training for officials.

## PROTECTION

The government made no efforts to identify or protect trafficking victims; instead, it directly punished victims for crimes committed as a direct result of being subjected to human trafficking. The government did not protect children from forcible recruitment and use as soldiers, human shields, and in support roles by government forces and pro-government armed groups, armed opposition groups, and terrorist organizations. Furthermore, the government arrested, detained, raped, tortured, and executed children for alleged association with armed groups; the government made no efforts to exempt these children from punishment or to offer them any protection services. The government neither encouraged trafficking 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

The government made no efforts to prevent human trafficking; the government's actions continued to amplify the magnitude of human trafficking crimes. The government did not implement measures to prevent children from recruitment and use as combatants and in support roles by government, government-affiliated militias, opposition armed groups, and terrorist organizations. The government did not raise awareness of human trafficking among the general public or officials. The government did not report efforts to reduce the demand for commercial sex acts or forced labor, nor did it prevent child sex tourism by Syrian nationals abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Syria is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. The situation in Syria continues to deteriorate amid the ongoing civil war with sub-state armed groups of varying ideologies exerting control over wide geographic swathes of the country's territory. Human rights groups and international organizations estimate more than 400,000 persons have been killed since the beginning of protests against the Bashar al-Assad regime in March 2011.

More than half of Syria's pre-war population of 23 million has been displaced; as of March 2017, five million have fled to neighboring countries and, as of December 2016, roughly 6.3 million are internally displaced. Syrians, both those that remain in the country and refugees in neighboring countries, continue to be highly vulnerable to trafficking.

Incidents of human trafficking continue to increase and trafficking victims remain trapped in Syria, particularly as ISIS consolidated its control of the eastern governorates of Raqqa and Deir al-Zour. Syrian children are reportedly vulnerable to forced early marriages—which can lead to commercial sexual exploitation and forced labor—and children displaced within the country continue to be subjected to forced labor, particularly by organized begging rings. In March 2016, the media reported that women from Nepal and Bangladesh were forced to work in domestic servitude or the sex industry in Syria. In June 2014, ISIS announced the establishment of an Islamic “Caliphate” in Iraq and Syria, and during 2015, ISIS seized control of areas in southern Syria in and around Palmyra, Homs, Damascus, and Aleppo. In December 2014, ISIS publicly released guidelines on how to capture, forcibly hold, and sexually abuse female slaves. In April 2015, an international organization reported the system of organized sexual slavery and forced marriage—which can lead to commercial sexual exploitation and forced labor—by ISIS militants is a central element of the terrorist group's ideology. ISIS continues to force local Syrian girls and women in ISIS-controlled areas into marriages with its fighters, and it routinely subjects women and girls from minority groups to forced marriage, domestic servitude, systematic rape, and sexual violence. ISIS routinely forces Syrian girls to undergo virginity tests before trading them in “slave bazaars” and sending them to various Syrian provinces and other countries for sexual slavery. In 2016, ISIS began moving thousands of abducted women and girls, from the Yezidi minority group in Iraq, into Syria ahead of Iraqi government forces' push to drive ISIS out of Mosul, Iraq. Additionally, following the February 2015 ISIS incursion into Assyrian villages in the northeastern province of al-Hasaka, it captured as many as 30 Assyrian Christian women and forced them into sexual slavery.

As reported by an international organization in June 2015, the recruitment and use of children in combat in Syria has become “commonplace”, and documented cases of child soldiers continued to increase in 2016. Syrian government forces, pro-regime militias, and armed groups, including the Free Syrian Army (FSA) and FSA-affiliated groups, Kurdish forces, ISIS, and Jabhat al-Nusra—the al-Qa'ida affiliate in Syria—continue to recruit and use boys and girls as soldiers, human shields, suicide bombers, and executioners, as well as in support roles. Some armed groups fighting for the Syrian government, such as Hezbollah, and pro-regime militias known as the National Defense Forces (NDF), or “shabiha,” forcibly recruit children as young as six years old. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. In the first documented incident by an international organization of the re-recruitment of children, 15 boys who were recruited and trained by ISIS in 2013 were re-recruited by the FSA in 2014 and subsequently used in combat in 2016. ISIS actively deploys children—some as young as eight years old—in hostilities, including coercing children to behead Syrian government soldiers; the terrorist group has deliberately targeted children for indoctrination and used schools for military purposes, endangering children and preventing their access to education. ISIS operates at least three child training camps in Raqqa; forces children to attend indoctrination seminars; and promises children salaries,

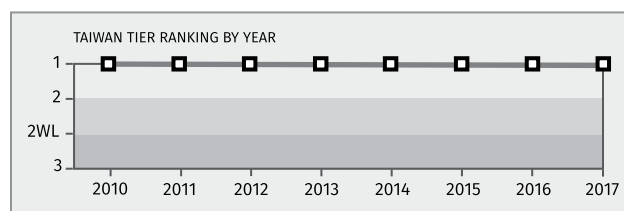
mobile phones, weapons, a martyr's place in paradise, and the "gift" of a wife upon joining the terrorist group. By forcibly recruiting and using children in combat and support roles, ISIS has violated international humanitarian law and perpetrated war crimes on a mass scale. Despite having signed a pledge of commitment with an international organization in June 2014 to demobilize all fighters younger than 18 years old, the Kurdish People's Protection Units (YPG) recruited and trained children as young as 12 years old in 2016. An NGO reported in January 2016 instances in which Iran forcibly recruited or coerced male Afghan refugees and migrants, including children, living in Iran to fight in Syria. In June 2016, the media reported Iran recruited some Afghans inside Afghanistan to fight in Syria as well. Some foreigners, including migrants from Central Asia, are reportedly forced, coerced, or fraudulently recruited to join extremist fighters, including ISIS.

The Syrian refugee population is highly vulnerable to trafficking in neighboring countries, particularly Jordan, Lebanon, Iraq, and Turkey. In 2015, an international organization reported a high number of child marriages of Syrian girls among refugee populations. Syrian refugee women and girls are vulnerable to forced or "temporary marriages"—for the purpose of prostitution and other forms of exploitation—and sex trafficking in refugee camps, Jordan, and cities in the Iraqi Kurdistan Region (IKR), including Sulaimaniya. In Baghdad, Basrah, and other cities in southern Iraq, reports from 2015 indicated some Syrian refugee women were forced into prostitution by a trafficking network in hotels and brothels after agents of the network promised to resettle them from the IKR; the women's children were forced to beg on the street. In Turkey and Lebanon, reports continue of illicit prostitution rings of Syrian refugee women and girls, which are administered by local men, while the Lebanese police issued reports in 2014 detailing the sale of Syrian refugee women by local men. In Turkey, some female Syrian refugees are reportedly exploited after accepting fraudulent job offers to work in hair salons. In Turkey, Lebanon, and Jordan, Syrian refugee children continue to engage in street begging, some of which may be forced or coerced. Syrian children are also observed working in Turkey's agricultural sector and informally in textile workshops and the service sector where they experience long working hours, low wages, and poor working conditions; children in these sectors may be vulnerable to forced labor. In Lebanon's Beqaa Valley, Syrian gangs force refugee men, women, and children to work in agriculture, where victims are forced to work under harsh conditions with little to no pay and some are subject to physical abuse. LGBTI persons among the Syrian refugee population in Lebanon are reportedly vulnerable to sex trafficking by Lebanese pimps. In Qatar and Kuwait, Syrian adults are reportedly subjected to forced labor as low-skilled workers. In 2014, an international organization reported Syrian nationals temporarily residing in Sudan sought to travel through Libya en route to Italy with the use of smugglers; these Syrians could be at risk of trafficking along this route. Throughout 2016, displaced Syrians continued to seek illegal passage to Europe via the Mediterranean Sea through the use of smugglers; these Syrians may be at risk of trafficking.

## TAIWAN: TIER 1

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. Authorities continued to demonstrate serious and sustained efforts during the reporting period; therefore, Taiwan remained on Tier 1. Taiwan authorities

demonstrated serious and sustained efforts by conducting 134 trafficking investigations, including cases involving foreign fishermen, and convicting 56 traffickers. Authorities identified 263 trafficking victims, provided access to shelter and other victim services, and enacted new regulations requiring standard contracts and benefits for foreign fishermen hired overseas. Although Taiwan authorities meet the minimum standards, in many cases judges sentenced traffickers to lenient penalties not proportionate to the crimes, weakening deterrence and undercutting efforts of police and prosecutors. Authorities sometimes treated labor trafficking cases as labor disputes and did not convict any traffickers associated with exploiting foreign fishermen on Taiwan-flagged fishing vessels.



## RECOMMENDATIONS FOR TAIWAN

Increase efforts to prosecute and convict traffickers under the anti-trafficking law and sentence convicted traffickers to sufficiently stringent punishments; vigorously investigate and, where appropriate, prosecute the owners of Taiwan-owned or -flagged fishing vessels that allegedly commit abuse and labor trafficking onboard long haul fishing vessels; improve the effectiveness of anti-trafficking training and increase prosecutors' and judges' understanding of trafficking crimes; enact legislation that would address gaps in basic labor protections for household caregivers and domestic workers; increase efforts to reduce brokers' exploitation of foreign workers by continuing to simplify the process of direct hiring and by strengthening broker evaluation and accountability systems; clearly define roles and responsibilities for the agencies that oversee Taiwan-flagged fishing vessels; establish a systematic information-sharing process to foster more robust interagency anti-trafficking coordination; enhance cross-border efforts to identify and protect victims, and prosecute offenders; and continue efforts to increase public awareness of all forms of trafficking.

## PROSECUTION

Authorities maintained anti-trafficking law enforcement efforts. The Human Trafficking Prevention and Control Act (HTPCA) prohibits sex and labor trafficking and prescribes penalties of up to seven years imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, authorities continued to prosecute the majority of trafficking cases under other laws in the criminal code as well as the Children and Youth Sexual Transaction Prevention Act (CYSTPA) (amended as the Children and Youth Sexual Exploitation Prevention Act, which took effect in January 2017). Authorities conducted 40 labor trafficking and 94 sex trafficking investigations in 2016 (181 in 2015). Unlike in the previous year, authorities launched trafficking investigations of cases involving foreign fishermen, with four cases investigated involving 47 victims and 18 suspects. In total, the authorities initiated 128 prosecutions in 2016 (110 in 2015) and obtained 56 convictions (53 in 2015). Authorities initiated prosecutions against 44 suspects (30 in 2015) and convicted 28 traffickers (22 in 2015) under the HTPCA. Under



other sections of the criminal code and CYSTPA, authorities initiated prosecutions against 84 suspects (80 in 2015) and convicted 28 traffickers (31 in 2015). Traffickers convicted under the HTPCA received lighter sentences than defendants convicted under the CYSTPA and other sections of the criminal code; sentences imposed on the majority of convicted traffickers (29 of 56) were less than one year imprisonment, which are inadequate to serve as an effective deterrent to the commission of trafficking crimes. Authorities continued to train law enforcement officers, prosecutors, and judges through various workshops, seminars, and conferences. Nonetheless, authorities and NGOs cited continued challenges in effective prosecution of labor trafficking cases due to court officials perceiving cases as labor disputes rather than trafficking crimes. Some police also reportedly perceived sex trafficking cases involving child victims as easier to prosecute than labor trafficking cases involving adult victims. Authorities initiated investigations of a prosecutor who allegedly engaged in commercial sex with a minor, as well as a city councilor who allegedly exploited foreign women in prostitution; both investigations were still ongoing at the end of the reporting period.

## PROTECTION

Authorities maintained efforts to protect victims of trafficking. Authorities identified 263 trafficking victims (140 exploited in sex trafficking and 123 in forced labor), of which 240 were referred to shelters for assistance. This is compared with 278 victims identified in 2015. Law enforcement officials used standardized questions and evaluation forms when interviewing and referring potential trafficking victims, including screening foreigners with immigration violations for indicators of trafficking. Current policies authorize only police and prosecutors to make official identifications, although NGOs and others have advocated for authorities to allow social workers and labor inspectors to identify victims. NGOs also reported instances in which judges overturned human trafficking charges brought by prosecutors; in these cases, foreign victims with valid work permits could remain in Taiwan to seek new employment and those with an unlawful status must depart Taiwan within a set time period. The National Immigration Agency (NIA) operated one shelter dedicated to foreign trafficking victims and continued construction of a second; in prior years, the NIA operated three shelters. The Ministry of Labor (MOL) subsidized an additional 25 shelters and a 24-hour hotline that trafficking victims could access; some NGOs recommended that MOL enhance its training of hotline personnel and implement more robust follow-up actions to identify trafficking victims and refer them to services. Shelters provided trafficking victims—both men and women—with medical and psychological services, legal counseling, vocational training, small stipends, interpretation, and repatriation assistance. Authorities encouraged victims to participate in investigations of their traffickers by allowing victims to testify outside the courtroom or through video equipment. In addition, authorities offered foreign victims temporary residence and work permits (granting 92 and 98, respectively, in 2016). Although victims who face retribution or hardship in their country of origin can also obtain permanent residence status, NGOs noted the lack of clarity on requirements for permanent residency status may have hindered the provision of this protection. Victims were able to obtain restitution through out-of-court settlement or file civil suits against traffickers; nonetheless, courts denied both of the restitution requests sought during the reporting period. Although victims could receive immunity for unlawful acts committed as a direct result of being subjected to human trafficking, NGOs reported authorities detained, fined,

and jailed potential trafficking victims during the reporting period. These individuals include possible trafficking victims who, according to some reports, were coerced into participating in telecom scams targeting overseas victims.

## PREVENTION

Authorities increased efforts to prevent human trafficking. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group. Various agencies continued to fund advertisements, public service announcements, and other materials on human trafficking and held trainings for vulnerable populations, such as youth, foreign workers, and fishing sector workers. Authorities continued to operate international airport service counters and foreign-worker service stations around Taiwan to assist foreign workers and educate them on their rights. To address exploitation associated with labor recruitment, the direct hiring service center allowed employers to hire foreign workers directly, instead of utilizing brokers who may charge excessive fees; however, most employers continued to deem it easier and more expedient to use brokers. Authorities fined six brokers and suspended business operations of four for charging excessive fees. During the reporting period, authorities removed a policy requiring foreign workers to leave Taiwan at least once every three years, alleviating financial burdens associated with reentering Taiwan. To protect foreign fishermen hired overseas, who are not protected by Taiwan's Labor Standards Act, authorities enacted new laws that require a standard contract stating the workers' salary, medical benefits, working conditions, and living arrangements; authorize businesses and not individuals to act as brokers; and establish a hotline for workers to file complaints or request assistance. However, some observers noted the shared responsibility between MOL and the Fisheries Agency for foreign fishermen impeded the streamlining of efforts to provide oversight to the industry and prevent trafficking. To prevent exploitation of domestic workers, MOL began to require first-time employers of foreign domestic workers to attend an orientation briefing on workers' rights and relevant regulations. However, NGOs stressed the need for authorities to pass a long-stalled domestic worker protection bill that would mandate hours of rest, days off, and annual leave. Taiwan's laws criminalize sexual exploitation of children by Taiwan passport holders traveling abroad, but authorities have not investigated or prosecuted any child sex tourism offenses committed abroad since 2006. Authorities made efforts to reduce the demand for commercial sex acts and forced labor and provided anti-trafficking training for diplomatic personnel.

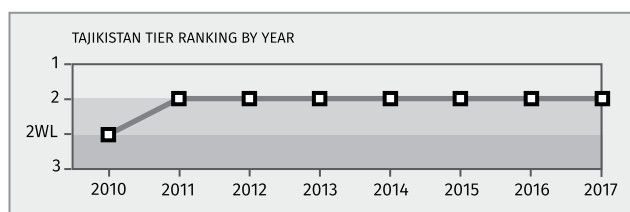
## TRAFFICKING PROFILE

As reported in the last five years, Taiwan is a destination for men and women subjected to forced labor and sex trafficking and, to a lesser extent, a source of men and women subjected to forced labor and of women and children subjected to sex trafficking. Of the 263 victims identified in 2016, 156 were foreign victims and 89 were children. Taiwan women and children are subjected to sex trafficking. Many child sex trafficking victims are from economically disadvantaged areas in Taiwan. Women from China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. Many trafficking victims are migrant workers from Indonesia, the Philippines, Thailand, Vietnam, and to a lesser extent, individuals from China and Cambodia. Most of Taiwan's more than 620,000 foreign workers are hired in their home countries through recruitment agencies

and brokers, some of whom are from Taiwan, to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, construction, and fishing industries. Some foreign workers are charged exorbitantly high recruitment fees, resulting in substantial debts used by brokers or employers as tools of coercion to obtain or retain their labor. After recruitment fee repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Domestic workers and home caregivers are especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. Brokers in Taiwan sometimes assist employers in forcibly deporting "problematic" foreign employees should they complain, enabling the broker to fill the empty positions with new foreign workers and continually use debt bondage to control the work force. Documented and undocumented fishermen on Taiwan-flagged fishing vessels, mostly from China, Indonesia, the Philippines, and Vietnam, experience non- or under-payment of wages, long working hours, physical abuse, lack of food, and poor living conditions, which are indicators of trafficking. There have been reports of men and women from Taiwan engaged in illegal business operations overseas that present indicators of human trafficking, including in telecom scams targeting Chinese victims, as well as women from Taiwan being lured into forced prostitution in the United States.

## TAJIKISTAN: TIER 2

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Tajikistan remained on Tier 2. The government demonstrated significant efforts during the reporting period by drafting and approving a national action plan for 2016-2018, approving a national referral mechanism, and monitoring for forced labor of children in the annual cotton harvest. The Inter-Ministerial Commission to Combat Trafficking in Persons met quarterly to coordinate governmental anti-trafficking efforts and established a working group to monitor implementation of the victim protection law. However, the government did not meet the minimum standards in several key areas. Slow progress in the implementation of its victim protection law left officials without victim identification procedures, and resulted in inadequate victim protection services. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.



## RECOMMENDATIONS FOR TAJIKISTAN

While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit

in trafficking, and convict and appropriately sentence perpetrators; amend existing anti-trafficking legislation to more closely conform with international standards, specifically to criminalize child sex trafficking in the absence of force, fraud, and coercion; implement standard operating procedures for identifying trafficking victims, including any forced labor in the cotton harvest; increase measures and dedicate funding or in-kind support to provide comprehensive care to victims and encourage their assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs; train law enforcement to screen men and women in prostitution for signs of trafficking and ensure sex trafficking victims are not penalized for prostitution offenses; continue to enforce the prohibition against the forced labor of children in the annual cotton harvest by inspecting fields during the harvest in collaboration with local officials and NGOs; improve the collection of anti-trafficking law enforcement data; continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes.

## PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. Article 130.1 of the 2003 criminal code, amended in 2004 and 2008, prohibits all forms of trafficking, including the use of force, fraud or coercion for the purpose of sexual exploitation and forced labor. The article prescribes penalties of five to 15 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Article 130.1 does not, however, criminalize inducing children to engage in prostitution without resort to force, fraud, or coercion, which is how states are required to define the crime by international law. Article 132 criminalizes recruitment for sexual or other exploitation through fraud—but not through coercion—and carries a maximum penalty of five years imprisonment. Article 167 prohibits the buying and selling of children, prescribing five to 15 years imprisonment and several other criminal code provisions include trafficking crimes, such as article 130.2, which criminalizes the use of slave labor, and article 241.2, which criminalizes the use of minors in the production of pornography.

The government investigated 18 cases involving 24 suspected traffickers and prosecuted 13 cases involving 17 defendants in 2016, compared to 39 suspected traffickers investigated and 24 prosecuted in 2015. Courts convicted 10 traffickers, with sentences ranging from five to nine years imprisonment, compared to 10 convictions in 2015. Endemic corruption inhibited law enforcement action during the year and facilitated transport of victims across borders and through inspection points; nonetheless, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained investigators, prosecutors, and judges on the 2014 victim protection law, victim-centered approaches, and investigative techniques.

## PROTECTION

The government maintained minimal efforts to identify trafficking victims, but provided no services. The government

identified and referred six victims to international organizations for assistance, a decrease from eight victims in 2015 and 26 in 2014. Civil society groups and international organizations provided protective services to 12 trafficking victims in 2016. The government made some progress in implementing the 2014 victim protection law, which sets forth the provision of victim services; establishes government standards for service delivery among providers, including governmental agencies and NGOs; and mandates a national referral mechanism. The government approved a newly drafted national referral mechanism in July 2016 and created a working group to monitor and facilitate its implementation. The government has not implemented services set forth in the 2014 victim protection law or formalized the roles of agencies tasked with providing services or funded the services. As a result, authorities remained without a formal system for identifying trafficking victims and referring them to services. Officials sometimes temporarily detained sex trafficking victims, but later released and referred them for assistance. Furthermore, as law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in prostitution or forced labor, it was possible officials prosecuted, detained, or penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

The government did not report providing any services to trafficking victims and did not directly shelter victims; the country's sole shelter for trafficking victims closed when foreign funding expired in April 2016. The government's committee on women and family affairs' crisis center in Dushanbe offers women free legal and psychological assistance among other services, but did not assist any trafficking victims. NGOs working on domestic violence also occasionally provided trafficking victims with medical and psycho-social care, legal and vocational training, and assisted in family reunification; however, the government did not provide financial support to such organizations.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses and their advocates. The law provides foreign victims with the right to request temporary residency, which can be extended for one year following the completion of a criminal case, and based on the victims' cooperation with law enforcement agencies, although no such cases were reported. The 2014 victim protection law does not link other victim benefits to a victim's participation in a trial and provides victim services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

## PREVENTION

The government increased its efforts to prevent human trafficking. The Ministry of Education (MOE) continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. The government assigned three inspectors to conduct monitoring of the cotton harvest, continuing a practice begun in 2010 in cooperation with NGOs.

The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking

commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. The commission met quarterly, convening government officials, donors, NGOs, and international organizations to report on their anti-trafficking work, and to identify and discuss ongoing needs. The commission developed a national referral mechanism and provided input for the 2016-2018 national action plan, which was drafted and approved in July 2016. The commission also established a working group to ensure uniformity between the new action plan and referral mechanism and the 2014 law and to develop additional amendments recommended by the commission.

A telephone hotline provided in previous years by the government in partnership with NGOs and an international organization was no longer in operation. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students. The government supported training on victim identification and protection for consular officers, but did not provide any other anti-trafficking training for its diplomatic personnel. Tajik law requires entities engaged in labor recruitment abroad to obtain licenses from migration authorities and provides punitive measures for violations, although no such cases were reported. The Tajik migration service provided migrants with information on the risk of trafficking prior to travel abroad. In partnership with the migration service, lawyers employed by an international organization provided legal consultation on migration and trafficking at migration service support centers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting purchasers of commercial sex. The government did not report any efforts to reduce the demand for forced labor.

## TRAFFICKING PROFILE

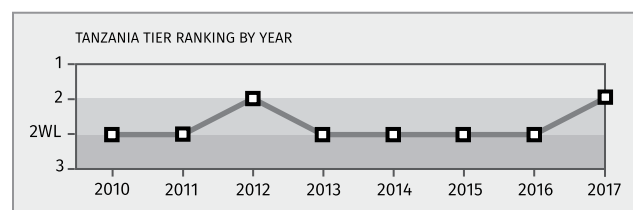
As reported over the past five years, Tajikistan is a source and, to a lesser extent, destination country for men, women, and children subjected to forced labor, and a source and destination country for women and children subjected to sex trafficking. Extensive economic migration exposes Tajik men, women, and children to exploitation. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, UAE, Kazakhstan, and, to a lesser extent, in neighboring Central Asian countries, Turkey, and Afghanistan. Women and children from Tajikistan are subjected to sex trafficking primarily in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Women and minors are increasingly vulnerable to trafficking. In some cases, migrant laborers abandon their families, making women more vulnerable to trafficking as sole providers for their families. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Tajik women and girls are transported to Afghanistan for the purpose of forced marriage, which can lead to domestic servitude, sex trafficking, and debt bondage. Tajik children are subjected to sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajik children and adults may be subjected to forced labor in agriculture—mainly during Tajikistan's fall cotton harvest. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan, including in the construction industry.



## TANZANIA: TIER 2

The Government of Tanzania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Tanzania was upgraded to Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and convicting more traffickers than in the previous reporting period. The government sentenced several convicted traffickers to significant time in prison; however, many traffickers continued to receive sentences including only fines. The government conducted an anti-trafficking awareness raising campaign for school students. However, the government did not meet the minimum standards in several key areas. The implementing regulations for the protection provisions of the 2008 anti-trafficking law were not widely applied and protection services for trafficking victims remained limited. The government did not report identifying any victims or fund any services for victims, but did provide in-kind assistance. The government did not allocate sufficient funding for nationwide public awareness campaigns and did not fund the victims' assistance fund.



### RECOMMENDATIONS FOR TANZANIA

Fully implement the protection provisions of the anti-trafficking act, as outlined in the implementing regulations and the updated national action plan, including by allocating resources to the victim assistance fund; increase funding and training to law enforcement authorities for proactive victim identification and the implementation of standardized policies and procedures related to victim identification and referral to protective services; amend the anti-trafficking act to remove the provision of fines as an alternative to incarceration; continue efforts to enforce the 2008 Anti-Trafficking in Persons Act by investigating and prosecuting trafficking offenses, convicting trafficking offenders and imposing adequate penalties; continue to train judges and prosecutors to identify trafficking crimes and delineate differences between trafficking and smuggling; increase the budget allocation for the anti-trafficking committee and anti-trafficking secretariat to implement the national action plan to combat trafficking; and develop and use a trafficking-specific law enforcement and victim protection database at the national level that differentiates between forced labor and sex trafficking.

### PROSECUTION

The government increased its anti-trafficking law enforcement efforts. The 2008 Anti-Trafficking in Persons Act prohibits all forms of trafficking and prescribes punishments of one to 10 years imprisonment or a fine between one and 150 million Tanzanian shilling (TZS) (\$459 and \$68,871), or both. When allowing for a fine in lieu of imprisonment, the prescribed punishment is not commensurate with those for other serious crimes, such as rape. However, during the reporting year the Anti-Trafficking Secretariat (ATS)—the lead government agency on

trafficking that includes representatives of all ministries involved in anti-trafficking efforts—officially endorsed a proposal to eliminate the alternative sentence of fines, which it sent to the attorney general's office.

The government did not have a system to compile comprehensive law enforcement statistics so reported data may be inexact. In 2016, the government reported investigating approximately 100 suspected trafficking cases, compared to 12 during the previous year. The government reported prosecutions of at least 23 defendants and convictions of at least 19 traffickers in 2016, compared with 10 prosecutions and one conviction in 2015, all under the 2008 anti-trafficking act. Prosecution of four cases remained ongoing. For the first time, courts sentenced traffickers to significant punishments including imprisonment, sentencing one trafficker to 10 years imprisonment, two traffickers to seven years imprisonment, three traffickers to five years imprisonment, and three traffickers to two years imprisonment. Nonetheless, 13 of the 19 convicted traffickers were given the option to pay fines; however, none were able to pay the fine and all went to prison. In one case the courts convicted, and sentenced to five years imprisonment, three traffickers for fraudulently recruiting nine girls for forced labor in Oman. The government continued to include human trafficking components in standard police academy training, which reached approximately 100 new recruits. The government also incorporated information on root causes of trafficking and effective use of victim referral manuals into the curriculum of standard law enforcement training. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses despite widespread claims of corruption within the judicial system.

### PROTECTION

The government made inadequate protection efforts. Officials inconsistently applied the implementing regulations for the protection provisions of the 2008 anti-trafficking law. The government did not establish a database to track and compile information on victims identified and referred for protective services, which the implementing regulations required. The implementing regulations also required police and immigration authorities to follow standardized procedures and use standardized forms for case investigation, and victim identification and referral; however, such procedures were not widely used in 2016, partly due to a lack of government funding for dissemination. The government was not able to estimate how many victims were identified during the reporting period. The government identified 80 domestic and four foreign trafficking victims (Burundian forced child labor victims), and referred all identified victims for care to NGOs, where they received assistance. The government did not operate any trafficking shelters, but it streamlined its referral process to more effectively place victims in NGO-run shelters. NGO-run shelters provided medical care, psycho-social counseling, and family tracing for victims. Government officials offered psycho-social support for victims in those shelters, though it was not able to estimate how many victims received services. An international organization estimated that at least 100 trafficking victims received assistance from the government. The government placed children in special shelters, where they were enrolled in government schools or given vocational training.

There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. However, officials detained a large number of Africans for immigration offenses without proactive screening as mandated by the implementing

regulations. The 2008 anti-trafficking law provides foreign victims legal alternatives to their removal to countries where their safety or that of their families may be endangered; however, the government did not grant residency or temporary stay to any victims during the reporting period. The government-funded and facilitated the repatriation of four Tanzanian victims during the reporting period, including three from India and one from China; a significant decrease from 22 repatriations in the previous reporting period. Victims typically testify in trafficking cases, but the Whistle Blowers and Witness Protection Act of 2015 gives any victim of crime the option to refuse to participate in the prosecution; however, the government did not report whether this occurred during the reporting period.

## PREVENTION

The government maintained its efforts to prevent trafficking. For the third consecutive year, the government allocated a budget of 80 million TZS (\$36,731) to the ATS. In February 2015, the ATS updated the national action plan, effective through 2017, which incorporated the implementing regulations of the 2008 anti-trafficking law; however, efforts to implement the revised plan or allot funding for its implementation remained minimal, although the government did commit in-kind support.

Several government agencies conducted periodic inspections of large employers to detect cases of forced labor. During the inspections, labor commissioners verified whether employers had work permits for foreign workers. The commission of labor monitored employment abroad by requiring Tanzanians to have a letter of permission which is approved when an official examines valid passports, and inspects labor contracts for salary, leave, and health care provisions. In the semi-autonomous region of Zanzibar, the Ministry of Labor assists and oversees the contracts for Zanzibaris who are seeking employment abroad. Zanzibari officials continued to conduct anti-trafficking public awareness campaigns across the island. Immigration officials on the mainland disseminated informational brochures on trafficking for use at public events; however, the government lacked sufficient resources to effectively raise awareness among its nationals on trafficking issues. The government, in partnership with an international organization, collaborated on an anti-trafficking public awareness campaign called “Be Their Voice.” The campaign targeted primary and secondary school students through performances in 50 schools in Dar es Salaam, Arusha, Mwanza, and Dodoma. Officials made no discernible efforts to reduce the demand for commercial sex acts during the reporting period. A foreign donor facilitated specialized anti-trafficking training for Tanzanian troops prior to their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

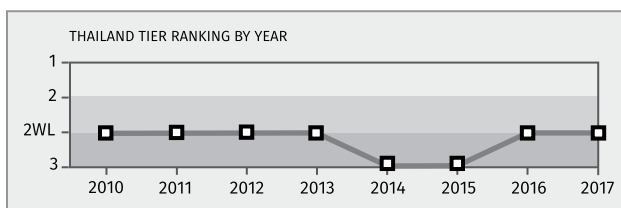
## TRAFFICKING PROFILE

As reported over the past five years, Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking and characteristically facilitated by victims’ family members, friends, or intermediaries offering assistance with education or securing employment in urban areas. Impoverished children from the rural interior remain most vulnerable to trafficking. Girls are exploited in domestic servitude throughout the country and in sex trafficking particularly in tourist hubs and along the border with Kenya. Children are subjected to forced labor on farms—including as cattle herders and occasionally as hunters—and in mines and

quarries, the informal commercial sector, and on fishing vessels operating on the high seas. Some unscrupulous individuals manipulate the traditional practice of child fostering—in which poor children are entrusted into the care of wealthier relatives or respected community members—to subject children to domestic servitude and other forms of exploitative labor. Previous media reports indicate Tanzanian children with physical disabilities are transported to Kenya for forced begging or to work in massage parlors, and girls are subjected to sex trafficking in China. Tanzanian nationals are sometimes subjected to forced labor, including domestic servitude, and sex trafficking in other African countries, the Middle East, Europe, Asia, and the United States. Trafficking victims from other countries—particularly children from Burundi, Rwanda, and Kenya, as well as adults from India, Nepal, and Yemen—are subjected to forced labor in Tanzania’s agricultural, mining, and domestic service sectors; some are also subjected to sex trafficking. Citizens of neighboring countries may transit Tanzania before being subjected to domestic servitude or sex trafficking in South Africa, Europe, and the Middle East.

## THAILAND: TIER 2 WATCH LIST

The Government of Thailand does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by seizing more than 784 million baht (\$21.91 million) from traffickers, reporting more investigations, prosecutions, and convictions, convicting a business owner complicit in forced labor in the fishing sector, and extending the amount of time foreign trafficking victims and witnesses may be permitted to stay and work in Thailand. The government continued to increase dedicated anti-trafficking resources and approved a policy to allow hiring foreign nationals as interpreters in order to increase the number of available interpreters for labor inspections and interviews. The government implemented new guidelines to improve the victim identification process used by multidisciplinary teams and provided numerous anti-trafficking trainings for government officials. However, the government did not demonstrate increasing efforts compared to the previous reporting period. It did not aggressively prosecute and convict officials complicit in trafficking crimes, and official complicity continued to impede anti-trafficking efforts. Officials identified fewer victims compared to the previous reporting period, and although forced labor investigations slightly increased, the number of labor trafficking investigations was low compared to the scale of the problem. Although the government continued to increase the number of inspection centers at fishing ports, inspections resulted in relatively few identified victims and criminal investigations. Therefore, Thailand remained on Tier 2 Watch List for the second consecutive year.



## RECOMMENDATIONS FOR THAILAND

Proactively investigate and prosecute officials allegedly complicit

in trafficking, and convict and punish those found guilty with dissuasive sentences; improve efforts to proactively screen for and identify victims among vulnerable populations, including migrants, fishermen, stateless persons, children, and refugees; prosecute and convict traffickers through proactive law enforcement employing a victim-centered approach; increase training for law enforcement and first responders who are not assigned to anti-trafficking units and to recognize cases of forced labor where physical coercion is absent; continue to train and increase resources for multidisciplinary teams and labor inspectors to improve the quality of fishing vessel inspections that result in the identification of victims and criminal investigations; increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases, including by providing foreign trafficking victims legal alternatives to their removal to countries in which they would face retribution or hardship, continuing to increase opportunities for victims to work, providing witness protection services, and providing restitution and compensation to victims from forfeiture or other funds; fully implement new guidelines to improve the consistency for victim identification and interview procedures; regulate and investigate labor recruitment practices for migrant workers and investigate indicators of trafficking; foster greater collaboration with civil society in investigating and reporting human trafficking crimes; increase and improve anti-trafficking awareness efforts, including those directed at employers and clients of commercial sex, such as sex tourists; and improve migrant workers' rights, legal status, and labor migration policies to minimize the risk of trafficking.

## PROSECUTION

The government maintained law enforcement efforts. The 2008 anti-trafficking law as amended in 2016 prohibits all forms of trafficking and prescribes penalties up to 12 years imprisonment and a maximum fine of 1.2 million baht (\$33,550), and up to 20 years imprisonment for trafficking a child; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The amendment also expanded the definition of exploitation to include "practices similar to slavery" and the definition of forced labor to include debt bondage. The Beggar Control Act, which went into effect in July 2016, imposed new penalties of up to three years imprisonment for recruiting, employing, supporting, encouraging, or seeking benefits from beggars, including additional penalties for official complicity in forced begging.

The government reported investigating 333 trafficking cases (317 in 2015), prosecuting 301 cases (251 in 2015) involving 600 suspects (690 in 2015), and convicting 268 traffickers (205 in 2015) in 2016. Despite the prevalence of forced labor in Thailand, the government reported only 83 investigations (72 in 2015) and 62 prosecutions involving suspected cases of forced labor. The government did not report disaggregated numbers of convictions it obtained for forced labor and sex trafficking. Fifty-seven percent (64 percent in 2015) of convicted traffickers received prison sentences greater than five years, and 82 percent (84 percent in 2015) received sentences of more than three years imprisonment. The anti-money laundering office seized over 784 million baht (\$21.91 million) in nine trafficking cases in 2016, compared to 210 million baht (\$5.87 million) seized in 2015. These funds were not known to be used for the restitution of trafficking victims or dedicated to other protection measures. In addition, civil courts ordered the forfeiture of 87 million baht (\$2.43 million) in six cases. The government investigated ship owners, captains, and brokers for labor trafficking in the

fishing industry in 43 cases (39 in 2015); five ship owners, 36 captains, and 26 others were arrested as a result of these investigations, and prosecutions were initiated in 37 cases. In one case, a business owner and five others were convicted on trafficking charges and sentenced to 14 years imprisonment for their involvement in the forced labor of minors on fishing trawlers; four others were acquitted. This represents the first conviction of a business owner complicit in forced labor in the fishing sector in Thailand. Of the 23 investigations initiated in 2014 related to the trafficking on the Indonesian islands of Ambon and Benjina, the government initiated prosecutions in 21 cases in 2016 and received convictions in four cases; three cases were acquitted.

Law enforcement officials cooperated with foreign counterparts to investigate Thai traffickers and victims abroad, and foreign nationals involved in trafficking in Thailand; this resulted in the arrest of at least 41 alleged traffickers in 2016. The government-funded trainings focused on anti-trafficking laws for 799 police, prosecutors, and other law enforcement officials. In an effort to improve the quality of trafficking prosecutions across the country, authorities appointed additional prosecutors and established a sub-unit within the Office of the Attorney General's (OAG) trafficking unit to provide guidance and mentoring for provincial law enforcement, prosecutors and other court officials. The government required all judicial branch officials to report all trafficking-related cases into an integrated case database, which became operational in 2016. An international training center partially funded by the government trained more than 2,000 Thai police officers. In addition, more than 300 judges and prosecutors were trained on how to prosecute and adjudicate trafficking cases. However, in some cases first responders, prosecutors, and judges did not adequately enforce and interpret trafficking laws, especially for forced labor. Notably, NGOs closely monitored developments of a case in Ranong province involving physical and verbal abuses in the fishing sector that could set precedent for the interpretation of human trafficking in future cases.

This reporting period represented the first full year in which the full complement of specialized anti-trafficking divisions within the Bangkok Criminal Court, OAG, and the Royal Thai Police (RTP) were fully functioning. The Human Trafficking Criminal Procedures Act, which took effect in May 2016, introduced an inquisitorial system in trafficking cases, allowing courts to proactively investigate cases and more easily order restitution for victims. In addition, the act allows courts to use pre-trial testimony and video conferences in witness cross-examination and strengthens bail criteria to prevent trafficking suspects from fleeing. During the reporting period, courts cleared the backlog of cases submitted in 2014 and reduced the backlog from 2015 to six cases. Some victims were reluctant to participate in prosecutions due to fear of detention, an inadequate understanding of the Thai legal process, language barriers, and preferring repatriation over lengthy stays in shelters, which may cause them to forego livelihood opportunities. The government continued to increase resources and leverage legislation enacted in 2015, which criminalized the possession and distribution of child pornography, to build cases against those involved in internet-facilitated child sex trafficking. Officers assigned to the Thai Internet Crimes Against Children Task Force (TICAC) investigated 64 allegations of child exploitation, including four human trafficking cases. TICAC partnered with and assigned police officers to Thailand's two child advocacy centers (CACs), and signed an agreement with a U.S.-based NGO in March 2017, giving police direct access to information regarding cases of child sexual exploitation.



The government made some efforts to address official complicity, but corruption and official complicity in trafficking crimes continued to impede anti-trafficking efforts. In 2016, the government filed criminal charges against 10 officials, as compared to 34 officials in 2015. It investigated and charged 10 police officers allegedly complicit in sex trafficking crimes; authorities dismissed one officer from the government and the other nine remained under investigation by the public sector anti-corruption commission at the end of the reporting period. From January to March 2017, the government investigated an additional six police officers and one local politician allegedly complicit in trafficking crimes. The government also initiated an investigation involving high ranking officials and police officers allegedly complicit in exploiting children in sex trafficking in one province. During the reporting period, of the 34 officials initially investigated in 2014 or 2015, two were convicted on human trafficking charges and one was convicted for procurement, and sentenced to 36 years imprisonment, 16 years imprisonment with a fine of 360,000 baht (\$10,060), and two years and six months imprisonment with a fine of 75,000 baht (\$2,100), respectively. The charges against one official were dismissed and 29 remained under investigation or consideration for prosecution at the end of the reporting period. Trial proceedings were ongoing for a case initiated in 2015 involving 22 officials, including a senior military officer, and several other police, military, and local officials associated with trafficking of Rohingya migrants; civil courts ordered the seizure of 11.1 million baht (\$310,320) in assets from the military officer and a local politician.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims. The government identified 824 trafficking victims in 2016, compared with 982 victims in 2015. The Ministry of Social Development and Human Security (MSDHS) reported providing assistance to 561 victims at 76 temporary and nine long-term government shelters in 2016 (compared with 471 in 2015), including 207 Thai victims (126 in 2015) and 360 foreign victims (345 in 2015.); 317 were victims of forced labor and 244 were victims of sex trafficking. Thailand ratified the ASEAN Convention against Trafficking in Persons, especially women and children (ACTIP), of which the government was a co-author, in July 2016, and signed the ASEAN Plan of Action against Trafficking in Persons in November 2016. Government agencies participating in multidisciplinary teams who deployed to screen for indications of trafficking among vulnerable populations used a standard questionnaire to guide interviews with potential victims. Some NGOs asserted that the government improved the consistency of its use of the standard questionnaire; however, at least one local NGO noted implementation of identification procedures may not have been consistent outside large cities. To address varying levels of effectiveness among multidisciplinary teams, the government implemented new guidelines in December 2016 on improving the efficiency of the victim identification process. A local NGO noted a short authorized period for victim identification limited proactive screening and may have led to unidentified victims except in the most obvious cases of trafficking. Police working under specialized anti-trafficking units were often successful in identifying trafficking victims; however, in at least one province, first responders who lacked adequate training on human trafficking placed unidentified victims in immigration detention centers (IDCs). Some officials failed to recognize non-physical indicators of trafficking. Labor inspectors could be held personally liable for claims of abuse of power, which limited their ability or willingness to perform their work. In

addition to trainings for law enforcement, the government trained more than 2,500 multidisciplinary team members, labor inspectors, social workers, and interpreters on victim identification and referral systems.

The government continued to screen for trafficking indicators among fishermen returning to Thailand and on fishing vessels in Thai waters, as well as among workers in seafood processing facilities. NGO observers noted both at-port and at-sea inspections conducted by multidisciplinary teams of the Command Center for Combating Illegal Fishing (CCCIF) resulted in few identified trafficking victims. Observers said that during the reporting period, interviews were conducted in front of ship captains, or ship captains acted as interpreters, which hindered workers from speaking freely and may have led to unidentified trafficking victims. Others reported the inspection process often only consisted of a review of documents, and in some cases, inspectors reportedly did not board vessels or speak to crew members. Following recommendations from NGOs and international organizations, the government reported efforts to expand inspections to interview workers away from employers, utilize standard interview forms, and automate the documentation process to increase available resources for interviews. An international organization stated workers often did not feel comfortable sharing information on possible exploitation or abuse to authorities until undergoing multiple interviews, and one organization reported interviewing trafficking victims exploited on fishing vessels who had never been identified by the government as trafficking victims during CCCIF inspections.

To address the shortage and quality of interpreters available for certain languages, which limited some government efforts to identify and protect victims, the prime minister ordered that, as of November 2016, non-Thai nationals can be employed as interpreters for labor inspections and interviews. The government registered and trained 115 additional interpreters in 2016 and hired 11 at the beginning of 2017, bringing the total number of available interpreters to 265; MSDHS provided refresher training for 63 existing interpreters. The government also initiated the hiring of two additional interpreters for each of the 32 port-in-port-out inspection centers; 49 had been hired by the end of the reporting period. The government continued to refer victims to the 76 short-stay shelters or the nine long-term regional trafficking shelters operated by MSDHS, where they had access to counseling, legal assistance, medical care, civil compensation, financial aid, witness protection, education or vocational trainings, and employment. In partnership with several NGOs, the government opened a second CAC in Pattaya, which serves as a child-friendly space in which law enforcement, NGOs and social workers can conduct forensic interviews of child trafficking victims with a victim-centered approach. The Beggar Control Act provides health and social services to beggars, some of whom may be trafficking victims. The government and civil society groups partnered to open a service center for fishermen to provide workers information on their rights, skills training, health screenings, and other resources. In 2016, the government disbursed 5.8 million baht (\$162,150) from its anti-trafficking fund to 648 victims (472 in 2015). Seventy-three trafficking victims received civil restitution from traffickers and under labor laws in the amount of 5.45 million baht (\$152,360); and 23 trafficking victims received restitution from the government for criminal injuries totaling 455,000 baht (\$12,720). In complicated cases, MSDHS hired human rights lawyers to serve as victim advocates, participating in interviews and coordinating and preparing witnesses for trial. Following a significant influx of Rohingya and Bangladeshi migrants in 2014

and 2015 and the discovery of largely abandoned smuggling/trafficking camps and mass graves on the Thai-Malaysian border, 202 Rohingya remained in Thailand at the end of the reporting period, including at least 49 trafficking victims. During the reporting period, in coordination with UNHCR and IOM, 69 Rohingya trafficking victims were resettled in third countries and 15 Bangladeshis were repatriated. Other potential unidentified victims, including some Rohingya men and children, and those whose nationalities could not be determined, continued to be housed at IDCs, sometimes for periods longer than a year, despite IDCs being designated for stays up to only 15 days.

NGOs reported concerns over the lack of appropriate options for foreign children whose families were complicit in their trafficking or whose identity could not be established. Boys were more likely to be sent to juvenile detention facilities than to receive specialized services. Although past reports indicated judicial officials did not always follow procedures to ensure the safety of witnesses, some local NGOs said during the reporting period, judicial officials closely followed procedures in cases involving children to prevent any further victimization. The government increased efforts to ensure adult trafficking victims were able to travel, work, and reside outside shelters as provided by Thailand's anti-trafficking law. In 2016, 35 percent of victims in government shelters worked outside the shelter, compared to 10 percent in 2015. Of the 561 victims in government shelters, 196 were employed either inside or outside shelters (compared to 47 in 2015) during the course of legal proceedings. Others were reportedly either in the process of being formally repatriated, in the recovery period, chose not to work, or were too young to work. At least 14 male Rohingya victims were able to work outside shelters during the reporting period; however, many other male victims whose nationalities could not be verified, including among Rohingya, were not given permission to leave the shelters. The government approved a daily allowance of 300 baht (\$8.39)—which is the minimum wage in most parts of Thailand—to victims residing in MSDHS shelters who wish to work but are unable to do so due to security concerns or are awaiting an employment opportunity, as well as some victims not residing in MSDHS shelters who intend to work. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries. Authorities assisted in repatriating 323 victims (401 in 2015), including 80 Thais exploited abroad and 243 foreign victims exploited in Thailand, through a government-to-government process if they were unwilling to testify or following the conclusion of legal proceedings. The government facilitated the return of 30 Thai victims from the Indonesian islands of Ambon and Benjina in 2016 and assisted them to claim wages or civil compensation from employers. The government extended the amount of time foreign trafficking victims and witnesses may be permitted to stay and work in Thailand. During the previous reporting period the government increased the limit from six months to one year, allowed foreign victims to renew work permits after the completion of their case, streamlined the process of obtaining works permits from 45 days to 10 days, and stated all witnesses of human trafficking cases would be automatically entitled to the witness protection program; 335 victims and witnesses in trafficking cases have benefitted from these measures since they were enacted. In December 2016 a cabinet resolution then extended the stay permit for trafficking victims and witnesses to two years and allowed victims and witness to work in all sectors, whereas they were previously limited to working in labor-intensive sectors and domestic work. Since the government fully implemented the regulation in January 2017, it granted two victims this right.

All victims and witnesses who entered MSDHS shelters fell under the previous resolution approved in March 2016, but will be eligible to request annual one-year extensions to their temporary residency status.

The law protects victims from prosecution for acts committed as a result of being subjected to human trafficking; however, flaws in the government's implementation of victim identification procedures and its efforts to arrest and soft deport immigration violators increased victims' risk of being re-victimized and treated as criminals. A local NGO reported the government arrested child victims of forced labor in the fishing industry, detained them in youth correctional facilities, and prosecuted them with immigration, prostitution, and illegal fishing charges, and prosecuted women from Europe and Africa for immigration violations after failing to identify them as trafficking victims. Advocates expressed concerns the conviction of a labor rights activist on criminal defamation charges and violations of the Computer Crimes Act had the effect of silencing other human rights advocates and preventing research of forced labor in supply chains. This development also inhibited a climate conducive to discovering and reporting trafficking crimes, identifying and protecting victims, and apprehending additional traffickers. The government amended the anti-trafficking law in 2015 to provide protection to whistleblowers but did not report whether this new provision has been applied.

## PREVENTION

The government maintained efforts to prevent trafficking. It increased funding for migrant labor management and anti-trafficking efforts from 2.08 billion baht (\$58.15 million) in fiscal year 2016 to 2.58 billion baht (\$72.1 million) in fiscal year 2017. The government allocated an additional 625.75 million baht (\$17.49 million) in fiscal year 2017 to the CCCIF, which has some responsibilities for addressing forced labor in the fishing and seafood processing sectors. It conducted campaigns through newspapers, television, radio, social media, and billboards, and handouts to raise public awareness of human trafficking throughout the country. Given the low literacy rate and diversity of languages among at-risk persons, however, this information remained inaccessible to many. MSDHS and the Ministry of Labor (MOL) operated hotlines with operators fluent in foreign languages; the MSDHS hotline received 269 calls related to possible trafficking cases in 2016. MSDHS increased the number of available hotline interpreters to 43 in 2016, and MOL maintained 15 interpreters for its hotlines in 2016. In an effort to prevent trafficking of children, both CACs provided social service interventions, including acute care needs, to children vulnerable to exploitation, and childcare was offered at a service center for fishermen.

A royal ordinance increasing regulations for employing migrant workers in Thailand went into force in August 2016 (and the implementing regulations in November 2016), further defining mechanisms for migrant workers to enter Thailand either directly through employers or through recruitment agencies. Recruitment agencies are now required to apply for a license from the government and pay a deposit fee that will be applied toward a worker repatriation fund; unregistered agencies are liable to three years imprisonment and/or fines up to 60,000 baht (\$1,680). The rules also mandate employers to cover all costs, including recruitment fees and transportation, associated with bringing migrant workers to Thailand. From November 2016 to March 2017, 59 agencies from Cambodia, Laos, and Burma were licensed and 2,697 employers requested permits under the new rules. The government established three post-arrival centers

to assist migrant workers entering Thailand through formal MOU channels and 10 migrant workers assistance centers; these centers assisted 105,647 workers from August 2016 to February 2017 by providing resources in multiple languages, including for trafficking awareness, and assisting the migrant workers to register with the government. The government registered and offered work permits (“pink cards”) to 45,441 undocumented migrant workers in the fishing sector from November 2015 to July 2016 and to 143,528 undocumented migrant workers in the seafood processing sector from November 2015 to August 2016 in an attempt to regularize their legal status. However, observers reported that some multidisciplinary teams and labor inspectors have assumed a worker with a pink card could not be a trafficking victim or be working under exploitive situations, leading to the misidentification of victims. In 2016, the government found unlawful practices in nine of the 202 labor recruitment agencies that facilitate overseas and domestic employment. For these cases, the government suspended the licenses of three agencies and filed criminal charges against six agencies. It further initiated prosecutions against 108 illegal brokers under the Employment and Job-Seeker Protection Act in 91 cases involving 187 Thai laborers.

Critical gaps in Thailand’s labor laws preventing migrant workers from forming labor unions may contribute to exploitation. In addition, NGOs and international organizations widely reported that the government did not adequately enforce the application of minimum wages in sectors with high employment of migrant workers. The government continued efforts to reduce the costs for Thais in overseas guest worker programs, but excessive fees incurred by some Thai workers to obtain employment abroad, which the government was ineffective in regulating, made them vulnerable to debt bondage or exploitive conditions. While the number of migrant workers entering Thailand through formal government-to-government migration systems increased, most migrant workers did not use this mechanism due to high costs tied to corruption on both sides of the border, lack of information, lengthy processing times, and difficulties in changing employers. However, the government reduced the processing time for migrant workers to enter through these systems in 2016 and reported providing some flexibility for workers to change employers before the end of their employment contract.

The Department of Labor Protection and Welfare (DPLW) conducted 1,346 labor inspections at high-risk workplaces, including sugarcane farms, garment factories, shrimp and fish processing facilities, pig farms, and poultry farms in 2016, finding 136 violations, taking three legal actions, and collecting fines in the amount of 45,000 baht (\$1,260). The CCCIF established four additional port-in-port-out centers in 2016 (32 in total) plus 19 additional forward inspection points, which perform inspections at port, at sea, and on land to ensure that fishing vessels are operating legally and workers have contracts, work permits, and identity documents. In 2016 the multidisciplinary teams of the CCCIF inspected 415 on-land seafood processing workplaces and found 66 cases of illegal employment from October to November 2016. In addition, the CCCIF found 35 seafood processing factories violated employment laws or the Royal Ordinance on Fisheries Act. The government subsequently prosecuted these factories and issued administrative orders to suspended business operations for 10-30 days. The CCCIF also found 64 factories in violation of labor protection laws and issued orders to correct the violations and pay unpaid wages. The government did not report how many of these cases and violations had direct ties to trafficking. Civil society and government officials expressed concerns

that due to varying levels of enforcement at port-in-port-out centers, some boat captains choose ports where inspections and enforcement were weaker. In order to thwart interference with technical monitoring, the government passed new fisheries regulations in February 2017, prohibiting captains from moving or turning off vessel monitoring systems equipment. The new law imposed penalties (ranging depending on the size of the boat) for those who violate these regulations.

The government continued to grant citizenship to stateless persons in 2016 and approved two regulations to provide legal residency to non-Thai children born in Thailand and to grant citizenship to stateless or abandoned children. In an effort to prevent the crossing of both traffickers and vulnerable populations at risk of exploitation, the government strengthened border control enforcement. To prevent child sex tourism, the government reported it denied entry to 2,054 known foreign sex offenders, an increase from 511 in 2015. The Ministry of Tourism organized six trainings for 417 local government officials, tourism sector workers, students, youth, and civil society organizations on prevention of child sexual exploitation in the tourism industry. The government took steps to decrease the demand for commercial sex acts, including a public awareness campaign to inform tourists and Thai citizens of the severe criminal punishment for those found to be involved in child sexual exploitation. The Ministry of the Interior inspected “high risk” adult entertainment venues and ordered 238 to cease business activity for five years. The government made efforts to decrease demand for forced labor, including by publicizing investigations and prosecutions of prominent forced labor cases in the export-oriented commercial fishing and seafood processing sectors. The government provided anti-trafficking training to its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Some of Thailand’s 65 million people and some of the estimated four million migrant workers in Thailand are forced, coerced, or defrauded into labor or sex trafficking. Labor trafficking victims are exploited in commercial fishing and related industries, the poultry industry, factories, agriculture, and domestic work, or forced into street begging. Thailand’s commercial sex industry remains vast, increasing vulnerabilities for sex trafficking. Women, men, boys, and girls from Thailand, Laos, Cambodia, Vietnam, Burma, Philippines, Sri Lanka, Russia, Uzbekistan, and African countries are subjected to labor and sex trafficking in Thailand. One local NGO reported an increase in male sex trafficking victims from Africa in Thailand, including some who were reportedly exploited by foreign criminal organizations. Thailand is also a transit country for victims from China, North Korea, Vietnam, Bangladesh, India, and Burma subjected to sex trafficking or forced labor in countries such as Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in Western Europe.

Thai nationals have been subjected to forced labor and sex trafficking in Thailand and in countries in North America, Europe, Africa, Asia, and the Middle East. Members of ethnic minorities, highland persons, and stateless persons in Thailand have experienced instances of abuse indicative of trafficking. Children from Thailand, Burma, Laos, and Cambodia are victims of sex trafficking in brothels, massage parlors, bars, karaoke lounges, hotels, and private residences. Some parents or brokers force children from Thailand, Cambodia, and Burma



to sell flowers, beg, or work in domestic service in urban areas. Separatist groups in southern Thailand continue to recruit and use children to commit acts of arson or serve as scouts. Many foreign trafficking victims migrate willingly to Thailand seeking employment, through irregular channels without identity or travel documents. Instances of human trafficking, smuggling, abduction, and extortion of migrants occur as migrants move between Thailand and neighboring countries. Traffickers, including some registered and unregistered labor brokers of Thai and foreign nationalities, bring foreign victims into Thailand through both formal migration and smuggling routes and serve as intermediaries between job-seekers and employers. Some brokers charge substantial fees or collaborate with corrupt law enforcement officials, and some Thai and migrant workers incur significant debts to obtain employment and are subjected to debt bondage. There are reports that some brokers and employers continue to confiscate identity documents. Thai men and women who migrate overseas also rely on registered and unregistered labor brokers to facilitate acquisition of low-skilled contract work or agricultural labor and are sometimes subjected to conditions of forced labor and debt bondage. Trafficking in the fishing industry remains a significant concern. Thai, Burmese, Cambodian, Vietnamese, and Indonesian men and boys are subject to forced labor on Thai and foreign-owned fishing boats. Some remain at sea for several years, are paid very little or irregularly, work as much as 18 to 20 hours per day for seven days a week, or are reportedly threatened, physically beaten, drugged to work longer, and even killed for becoming ill, attempting to escape, or disobeying orders. Some trafficking victims in the fishing sector had difficulty returning home due to isolated workplaces, unpaid wages, and the lack of legitimate identity documents or safe means to travel.

Corruption continues to undermine anti-trafficking efforts. Reports persist that some government officials are directly complicit in trafficking crimes, including through accepting bribes from business owners and brothels where victims are exploited. Migrant workers, especially those who are undocumented, are fearful of reporting trafficking crimes and cooperating with authorities due to lack of awareness of their rights and minimal protections both in Thailand and in countries of origin and a general fear of authority that may stem from their country of origin or their experience in Thailand. Some government officials reportedly profit from bribes and direct involvement in the extortion of migrants and their sale to brokers. Some of these migrants are kidnapped and held for ransom, which increases their vulnerability to sexual servitude, forced labor, or debt bondage. Credible reports indicate some corrupt officials protect brothels and other commercial sex venues from raids and inspections and collude with traffickers.

## TIMOR-LESTE: TIER 2

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Timor-Leste remained on Tier 2. The government demonstrated increasing efforts by significantly increasing the number of investigations and prosecutions of trafficking cases; promulgating draft anti-trafficking legislation; conducting training sessions for law enforcement; and taking steps to strengthen its interagency capacity and coordination with civil society to address key anti-trafficking deficiencies.

However, the government did not meet the minimum standards in several key areas. Efforts to establish a standard operating procedure on victim identification were incomplete at the end of the reporting period. Authorities charged some suspected trafficking victims with immigration violations and confiscated their passports, and detained and deported without proper screening dozens of foreign women who may have been subjected to sex trafficking while working in establishments suspected of forced prostitution. Shelters upon which the government relied for victim protection were largely unable to provide adequate accommodations due to space constraints. The government did not obtain any convictions for trafficking offenses during the reporting period.



## RECOMMENDATIONS FOR TIMOR-LESTE

Adequately fund law enforcement agencies to conduct thorough investigations of trafficking offenses, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials, in accordance with new anti-trafficking legislation; strengthen efforts to ensure victims do not face arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; finalize, implement, and train officials on formal procedures for victim identification among vulnerable populations, such as individuals in prostitution, domestic workers, and migrant workers on fishing vessels, and ensure proper screening procedures are employed upon detention or prior to initiating deportation; increase resources for protective services focusing on trafficking victims, and establish and train officials on standard operating procedures to ensure victims are consistently referred to appropriate care; conduct training for prosecutors and judges, including on how to integrate victim protection throughout the duration of court proceedings; finalize data collection procedures through the Interagency Trafficking Working Group; and increase anti-trafficking education and awareness campaigns for the public.

## PROSECUTION

The government made increased law enforcement efforts and took steps to strengthen relevant legislation. Articles 163 and 164 of the criminal code criminalize all forms of trafficking and prescribe eight to 25 years imprisonment—penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In February 2017, the government promulgated the Law on Preventing and Combating Human Trafficking to amend the criminal code, extending criminal liability for trafficking to “legal persons,” such as corporations. The new law prescribes fines, judicial dissolution, and asset forfeiture as penalties, and authorizes compensation of victims.

The government reported that it investigated 176 cases of suspected trafficking—a significant increase from 12 in 2015. It confirmed 79 of these as genuine trafficking cases and initiated 16 prosecutions, an increase from six in 2015. For the fourth consecutive year, the government did not obtain

any convictions; all prosecutions remained pending at the end of the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In the past, police officers reported using their own personal funds to pursue trafficking investigations due to inadequate resource allocation from the government. The government held an anti-trafficking training for 20 national police (PNTL) officers, 20 immigration officers, and 10 serious crimes investigators, and allocated a PNTL chief investigator to the Bali Process Regional Support Office in Bangkok for a three-month secondment. Despite these efforts, police and prosecutors generally lacked adequate training in victim-centered approaches to law enforcement and legal proceedings.

## PROTECTION

The government demonstrated increased efforts to protect victims. Among the 176 suspected trafficking victims identified, the PNTL referred 21—all Chinese nationals—to short-term shelter and protective services run by a local NGO. This was an increase from 10 in 2015. It is unclear how many identified victims, if any, benefited from protective services made available directly by the government. The justice ministry continued to develop standard operating procedures to formalize victim identification intended to replace the current methodology, in which police ask 25 probative questions largely reliant on the presence or lack of movement to determine whether or not a case is human trafficking. It was unclear how often police employed this process during the reporting period. The government allocated funds to two NGOs to provide psycho-social and shelter services to trafficking victims; however, with space for only four victims at a time, the primary protective service NGO experienced severe logistical constraints in accommodating the aforementioned 21 victims. Most female victims received services available to victims of other crimes, such as domestic violence and sexual assault; according to one international organization, this arrangement complicated provision of protective services to male victims of trafficking.

The government's referral system employed Ministry of Social Solidarity field staff to receive tips from local communities and coordinate with police and NGOs, which reported improved cooperation through the referral network. An unknown number of victims received vocational training, legal assistance, or reintegration support from NGOs, some of which received government funds. According to immigration officials, police, and media sources, foreign women in prostitution—many of whom were possible victims of sex trafficking—were sometimes detained en masse during law enforcement raids and then deported without proper screening, or as a result of arresting officers' inability to derive pertinent information from the women due to their having been coached to provide identical accounts. For this reason, PNTL officers claimed they were not able to obtain sufficient evidence to prosecute the owners of a karaoke bar who may have subjected 67 foreign women to sex trafficking during the reporting period. The PNTL reported karaoke bar owners confiscated the passports of foreign workers and only surrendered them if the police ordered the foreign workers' deportation. Authorities also charged some suspected victims with immigration violations, after which they appeared at initial court hearings and were made to forfeit their passports to secure their reappearance. Authorities believed this arrangement pushed some of the victims to return to their offending places of work rather than face deportation. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship

or retribution, and it is unclear if it assisted in the voluntary repatriation of any victims.

The 2017 Law on Preventing and Combating Human Trafficking provides extensive protections for victims, including those specific to victims testifying in criminal cases. The new law also authorizes a period of reflection and potential residence permits to foreign victims as well as voluntary repatriation of Timorese victims from abroad. The Ministry of Justice began working with an international organization to formulate implementing regulations for the new law during the reporting period.

## PREVENTION

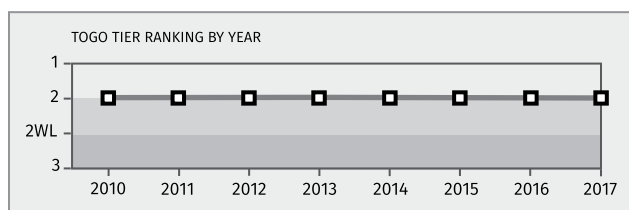
The government demonstrated increased efforts to prevent trafficking. The government did not conduct research to assess the trafficking problem in the country, nor did it systematically monitor its anti-trafficking efforts, but it took steps to initiate the process. It set up a monitoring committee intended to measure the progress of its Interagency Trafficking Working Group in effectively implementing the National Action Plan on Combating Human Trafficking. It also formed a joint government and civil society-led data collection sub-working group to help address key anti-trafficking deficiencies. According to the Secretary of State for Professional Training and Employment, Timor-Leste will only enter into bilateral government-to-government labor agreements—and not with members of private industry—to protect Timorese laborers from exploitation abroad; during the reporting period, the government rebuffed private firm offers from Malaysia and Dubai due to these concerns. Unlike in previous years, the government conducted anti-trafficking trainings for its diplomats in partnership with IOM. It did not take measures to reduce the demand for forced labor or commercial sex.

## TRAFFICKING PROFILE

As reported for the last three years, Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking, and is a source for women and girls sent to Indonesia and other countries for domestic servitude. Timorese women, girls, and occasionally young men and boys from rural areas are led to the capital with the promise of better employment or education prospects and are subjected to sex trafficking or domestic servitude; there are reports of official complicity in these practices. Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Foreign women, including those from Cambodia, China, Indonesia, the Philippines, and Vietnam, are vulnerable to sex trafficking in Timor-Leste. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and they appear to rotate foreign victims of sex trafficking in and out of the country for the length of a 90-day tourist visa in order to avoid raising suspicions or calling attention to the crime through visa overstay violations. NGOs report fishermen on foreign vessels operating in Timorese waters may be vulnerable to trafficking. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally, and in prior years have been identified as clients of commercial sex venues investigated for suspected trafficking.

## TOGO: TIER 2

The Government of Togo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Togo remained on Tier 2. The government demonstrated increasing efforts by providing assistance to more transnational child trafficking victims and increasing the number of labor inspectors. The government also employed a network of “vigilance committees” in nearly every village in the country to provide education on trafficking and report cases to the government. However, the government did not meet the minimum standards in several key areas. The government did not report any efforts to identify or assist adult victims or victims within Togo.



### RECOMMENDATIONS FOR TOGO

Increase efforts to prosecute and punish traffickers involved in trafficking of adults and forced child labor crimes using the amended penal code; develop a formal system to identify trafficking victims, including adults and victims within Togo, and train law enforcement, immigration, and social welfare officials on victim identification; effectively track the number of trafficking victims who receive services from the government, are referred to NGOs, or are returned to their families; develop a system among law enforcement and judicial officials to track and report on human trafficking investigations and prosecutions; enact anti-trafficking legislation that includes provisions for victim protection; allocate sufficient funds to operate the two government-run centers for victims; and increase efforts to raise public awareness about the dangers of human trafficking, including the trafficking of adults.

### PROSECUTION

The government maintained law enforcement efforts. Togolese laws criminalize all forms of trafficking, but not all prescribed penalties are sufficiently stringent or commensurate with other serious crimes. The penal code, revised in 2015, prohibits all forms of trafficking in articles 317 to 320 and prescribes penalties of 10 to 20 years imprisonment and fines between 10 and 50 million CFA franc (FCFA) (\$16,000 and \$79,980). Article 317 criminalizes the use of force, fraud or coercion for specific purposes, including sexual exploitation, forced labor, slavery, servitude and begging. Article 319 provides enhanced penalties in certain circumstances. Article 320 removes the requirement of proving force, fraud or coercion when the trafficking victim is a child. Penalties for child trafficking crimes are increased to 20-30 years imprisonment and a 20-50 million FCFA (\$31,990-\$79,980) fine; article 321 prescribes application of the maximum penalty and a fine of 25-100 million FCFA (\$39,990-\$159,960) in egregious circumstances. Article 326 makes trafficking victims acting under duress not responsible for crimes they commit as a result of being trafficking victims.

Although article 317 makes forced labor a trafficking offense subject to the penalties set forth in article 318, article 338 also specifically prohibits forced labor prescribing penalties of five to 10 years imprisonment and a fine of 5-20 million FCFA (\$8,000-\$31,990). Articles 346-349 prohibit exploitative begging prescribing penalties of six months to 20 years and fines, depending on the age and vulnerability of the victim; these penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. Other laws that predate the 2015 penal code amendments also address trafficking offenses and impose significantly lower penalties. For example, article 4 of the 2006 labor code prohibits forced and compulsory labor, with prescribed penalties of three to six months imprisonment, which are not sufficiently stringent. The 2007 child code criminalizes all forms of child trafficking and prescribes penalties of two to five years imprisonment, which are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The 2005 Law Related to Child Smuggling criminalizes abducting, transporting, or receiving children for the purposes of exploitation with prison sentences of three months to 10 years imprisonment; these penalties are not commensurate with other serious crimes. The government did not take action during the reporting period to enact draft comprehensive anti-trafficking legislation, pending since 2009, that would include provisions for victim protection.

The government reported investigating 101 traffickers and convicting 60 traffickers in 2016, compared with 123 investigations and 59 convictions of traffickers in 2015. The government did not report details on the provisions under which it tried these suspects or provide sentencing data. The government did not provide any trafficking-specific training to its law enforcement officials. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Experts reported judges were often reluctant to convict or fine parents who subjected their children to trafficking, as they felt it would exacerbate the economic situation that drove a parent to commit the crime. The government cooperated with the governments of Benin, Ghana, and Nigeria under a joint agreement on the control and monitoring of borders to prevent child trafficking, repatriate victims, and extradite traffickers. Additionally, the government cooperated with all west African states under the West African Multilateral Accord and with all west and central African states under the Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central Africa.

### PROTECTION

The government maintained modest protection efforts. The government assisted in the repatriation of, and provided services for, transnational child trafficking victims. The government-funded and facilitated the repatriation of 99 Togolese victims of child trafficking in 2016, including 78 girls and 21 boys, who were returned from Nigeria, Gabon, and Cote d'Ivoire; this was an increase from 20 repatriations the previous year. The government provided these victims with health services, food, and lodging during their reintegration and reunited them with their families. However, the government did not report identifying or providing any services to adult trafficking victims or other internal trafficking victims, nor did it provide details on any cases, and data collection remained a gap. The government also did not report the number of victims referred to care facilities.

In Lome, the Ministry of Social Affairs (MSA) continued to run a toll-free 24-hour helpline, Allo 10-11, which received



4,000 calls regarding child trafficking and other forms of child abuse. The National Committee for the Reception and Social Reinsertion of Trafficked Children, Togo's national anti-trafficking committee comprising government officials and NGOs, continued to operate jointly with the police an ad hoc referral system to respond to hotline tips. MSA continued to operate two shelters; the Tokoin Community Center served as an intermediary shelter for child victims before transfer to care facilities managed by NGOs, while another shelter, CROPESDI, provided shelter, legal, medical, and social services to child victims up to age 14. The government did not report its budget for victim assistance and protection. The government did not offer temporary or permanent residency status to foreign victims facing hardship or retribution upon return to their country of origin. The government did not have a formal process to encourage victims' participation in the investigation and prosecution of their traffickers, and it is unclear whether any victims did so during the reporting period. There were no reports of child victims being penalized for unlawful acts committed as a direct result of being subjected to trafficking.

## PREVENTION

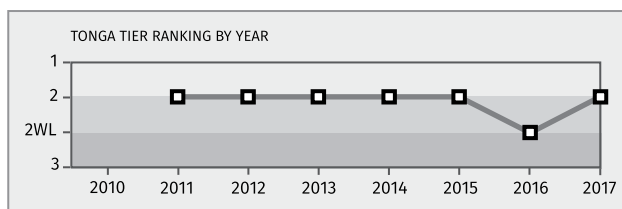
The government increased efforts to prevent child trafficking and initiated minimal efforts to prevent adult trafficking. The government coordinated its anti-child trafficking efforts and dissemination of information through MSA's Anti-Trafficking in Persons Cell, previously the National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT). The Anti-Trafficking in Persons Cell acted as a central hub of information and tracked statistics on trafficking of children in Togo, including the repatriation of child victims; however, data collection and reporting remained weak during the reporting period. In 2016, the government expanded CNARSEVT's scope to include adults and re-designated it as the Anti-Trafficking in Persons Cell. The government employed a network of "vigilance committees" in nearly every village in the country to provide education on trafficking and report cases to the government, although the effectiveness of these committees varied greatly. The government employed 167 labor inspectors across all five regions during the reporting period, an increase of 58 inspectors from the previous year. Despite the increase, there were still too few inspectors compared to the scale of child labor in the country, much of which could constitute trafficking. An NGO reported inspectors often did not address even obvious cases of child labor in large, open-air markets in urban centers. During the reporting period, the Anti-Trafficking in Persons Cell identified 246 children in child labor. The government did not regulate foreign labor recruiters. The government reduced the demand for forced labor through the continuation of a program partnering with 30 traditional religious leaders to eliminate exploitation through the practice of religious "apprenticeships"—a practice in which children are entrusted to religious leaders who exploit them in forced domestic work, or, in some cases, sexual slavery when parents are unable to pay school fees. In 2016, the government co-drafted a Charter on Maritime Security and Development in Africa that aims to combat transnational crime, including child trafficking. The government distributed birth certificates with the assistance of NGOs. The government had not updated its national action plan since 2008. The government did not take any discernible measures to reduce the demand for commercial sex acts. The government provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Togo is a source, transit and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The western border of the Plateau region, which provides easy access to major roads leading to Lome, and Accra, Ghana, was a primary source for trafficking victims during the reporting period. Most Togolese victims are children exploited within the country. Forced child labor occurs in the agricultural sector—particularly on coffee, cocoa, and cotton farms—as well as in stone and sand quarries. Traffickers bring children from rural areas to Lome, where they are subjected to forced labor as domestic servants, roadside vendors, and porters, or exploited in child sex trafficking. Boys are subjected to forced labor in construction, in salvage yards, mines, and as mechanics, often working with hazardous machinery. Children from Benin and Ghana are recruited and transported to Togo for forced labor. Girls from Ghana are exploited in sex trafficking in Togo. Togolese boys and girls are transported to Benin, Cote d'Ivoire, Democratic Republic of the Congo, Gabon, Ghana, and Nigeria and forced to work in the agricultural sector. From September to April, many Togolese adults and children migrate in search of economic opportunities to Benin, Burkina Faso, Niger, and Mali, where many are subjected to labor and sex trafficking. In Nigeria, Togolese men are subjected to forced labor in agriculture and Togolese women are exploited in domestic servitude. Togolese women have been fraudulently recruited for employment in Saudi Arabia, Lebanon, the United States, and Europe, where they are subjected to domestic servitude or forced prostitution.

## TONGA: TIER 2

The Government of Tonga does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Tonga was upgraded to Tier 2. The government demonstrated increasing efforts by providing training to police recruits on human trafficking, coordinating its efforts through an anti-trafficking taskforce, funding an NGO capable of assisting victims, and posting a police officer trained to speak Mandarin Chinese to liaise with Chinese community members, including those who may be vulnerable to trafficking. However, the government did not meet the minimum standards in several key areas. Authorities did not initiate any trafficking prosecutions, establish formal procedures to proactively identify victims, or conduct awareness-raising campaigns.



## RECOMMENDATIONS FOR TONGA

Develop and fully implement procedures for proactive identification of trafficking victims among vulnerable groups; increase efforts to investigate and prosecute trafficking crimes, including child sex trafficking; amend trafficking laws to criminalize the full scope of trafficking crimes, including offenses

lacking cross-border movement; utilize the newly appointed Asian liaison position to facilitate proactive identification of foreign victims and their referral to care; increase training for law enforcement officials and labor inspectors on human trafficking, including on how to identify and assist victims; provide explicit protections and benefits for trafficking victims, such as restitution, legal and medical benefits, and immigration relief; develop a national action plan; develop and conduct anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organized Crime Act defines trafficking as the recruitment, transportation, transfer, harboring, or receipt of a person for the purpose of exploitation; however, it does not prohibit all forms of trafficking because it defines trafficking only as a transnational crime and does not define exploitation nor include elements of force, fraud or coercion. This law prescribes penalties of up to 15 years imprisonment for trafficking offenses involving adult victims and 20 years imprisonment for offenses involving children; these penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Since convicting its first trafficker in April 2011, the government has not prosecuted any trafficking cases. During the reporting period the government continued one investigation of a case involving Bangladeshi men in conditions indicative of debt bondage. The Tongan police force continued providing anti-trafficking trainings for new police recruits during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government maintained minimal efforts to protect trafficking victims. The government identified no trafficking victims during the reporting period. The government did not develop or employ systematic procedures for victim identification among at-risk groups, such as migrant workers or women in prostitution. However, Tongan police posted a new Asian liaison officer trained to speak Mandarin Chinese, increasing the police force's ability to engage with Chinese citizens living in Tonga who may be vulnerable to trafficking; nonetheless, it was unclear if this resulted in attempts to identify victims proactively during the reporting period. The government continued to provide 50,000 pa'anga (\$23,223) to an NGO for operations to assist women and children victims of crime, including shelter, counseling, and legal services. Although none were identified, trafficking victims would be eligible for these services. The government has procedures to refer victims of crime, including potential trafficking victims, to the NGO. There are no shelter facilities available to male victims older than 15 years old. Under the immigration act, the principal immigration officer has broad discretionary authority to grant trafficking victims permits to stay in the country for any length of time necessary for their protection. Victims could be granted asylum in Tonga if they feared retribution or hardship in their country of origin, although no trafficking victim has ever requested asylum. Victims had the ability to file civil cases against their traffickers, but none filed such cases in 2016. There were no reports officials penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking.

### PREVENTION

The government maintained minimal efforts to prevent human trafficking. The government did not develop a national action plan to combat trafficking or conduct educational campaigns to increase awareness of trafficking in Tonga. However, the government's human trafficking taskforce led its anti-trafficking efforts alongside the transnational crime unit of the police force. Tongans participating in seasonal worker programs overseas received orientation briefings from the government, which included information on workers' rights. The government did not take action to reduce the demand for commercial sex acts or forced labor during the reporting period, nor did it provide anti-trafficking training to its diplomatic personnel. Tonga is not a party to the 2000 UN TIP Protocol.

### TRAFFICKING PROFILE

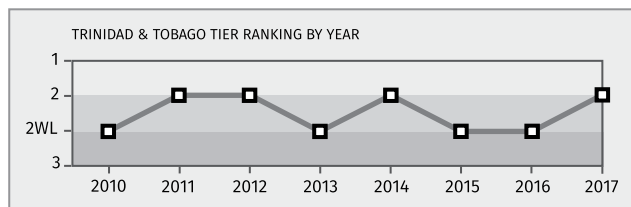
As reported over the past five years, Tonga is a destination country for women subjected to sex trafficking and, to a lesser extent, a source country for women and children subjected to domestic sex trafficking and forced labor. East Asian women, especially those from China, are exploited in prostitution in clandestine establishments operating as legitimate businesses; some East Asian women are recruited from their home countries for legitimate work in Tonga, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Some Tongan women and children are reportedly subjected to involuntary domestic servitude. Reports indicate Fijians working in the domestic service industry in Tonga experience mistreatment indicative of trafficking. Tongan adults working overseas, including in Australia and New Zealand, are vulnerable to exploitation, including through withholding of wages and excessive work hours. Some workers are rushed to sign employment contracts and may not fully understand employment terms; others are unable to retain copies of their contracts, exacerbating the potential for employers to exploit these workers. There are reports of foreign men who attempted to transit Tonga in situations of potential debt bondage.

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## TRINIDAD AND TOBAGO: TIER 2

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The Government of Trinidad and Tobago does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Trinidad and Tobago was upgraded to Tier 2. The government demonstrated increasing efforts by adopting and beginning to implement a new national action plan for 2016-2020, advancing prosecutions to the high court, addressing inefficiencies in the judicial system, and identifying more victims. It also changed immigration procedures to increase accountability and minimize the opportunities for immigration officials to receive bribes. However, the government did not meet the minimum standards in several key areas. It has yet to secure a conviction under its anti-trafficking law. The government decreased funding for its anti-trafficking unit and victim care. Victims were not provided specialized services, including during legal proceedings. The government did not have policies or laws regulating foreign labor recruiters and had no basis for holding them civilly and criminally liable for fraudulent recruitment.



## RECOMMENDATIONS FOR TRINIDAD AND TOBAGO

Increase efforts to investigate, prosecute, and convict traffickers, including complicit government officials; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence; provide adequate funding for robust victim services and anti-trafficking efforts; improve coordination and communication between the counter-trafficking unit, relevant agencies, and NGOs; implement procedures to guide front-line officials in the identification and referral of potential sex and labor trafficking victims, especially among foreign women in prostitution, migrant workers, and children; improve regulation of private labor recruitment agencies; and raise public awareness, especially among the migrant population, about forced labor.

## PROSECUTION

The government increased law enforcement efforts, but it had yet to convict a trafficker; official complicity and inefficiencies in its judicial system continued to hamper government efforts. The Trafficking in Persons Act of 2011 prohibits both sex trafficking and forced labor and prescribes penalties of 15 years to life imprisonment and fines, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government's anti-trafficking unit investigated 46 possible cases of trafficking, compared with 53 cases in 2015 and 35 in 2014. The government initiated the prosecution of five suspects for sex trafficking under the anti-trafficking law (five in 2015 and one in 2014). Additionally, two previously charged traffickers had hearings before the magistrate court and were committed to stand trial in high court. From previous reporting periods, a total of 23 prosecution cases awaited scheduling at the magistrate court.

Experts noted the improving quality of investigations by the counter-trafficking unit (CTU) within the national security ministry, which has led to more efficiency in bringing cases to prosecution. The CTU led efforts to investigate sex trafficking and forced labor but continued to suffer from poor coordination and communication among stakeholders; police and immigration officers on the CTU reported to their respective agencies and not to the head of the unit. The government decreased the unit's budget to three million Trinidad and Tobago dollars (TTD) (\$448,430) for FY 2016-2017, compared to eight million TTD (\$1.2 million) for FY 2015-2016, and five million TTD (\$747,384) for FY 2014-2015. Due to decreased government revenues related to lower oil and gas export earnings, all government ministries received significantly reduced budgets during the reporting period. Nonetheless, to address overall inefficiencies in the judicial system that resulted in a significant backlog of cases, the attorney general hired 30 new prosecutors to help bring cases to trial more expeditiously.

Law enforcement and civil society organizations reported some police and immigration officers allegedly facilitated trafficking and exploited sex trafficking victims, but the government did

not report any new prosecutions or convictions of government employees complicit in human trafficking offenses during the reporting period. Experts noted some victims feared police complicity and were reluctant to report their cases to the CTU. Immigration authorities arrested and charged one officer with selling visa extensions, but it was unclear if this was related to trafficking. The CTU conducted anti-trafficking training with assistance from an international organization for more than 115 new police and prison officers, compared to 100 officers trained in 2015. There were 18 labor inspectors in 2016, compared with 10 in 2015, trained to identify and report on indicators of forced labor involving children. The government collaborated with authorities in St. Vincent and the Grenadines on a child trafficking case.

## PROTECTION

The government increased protection efforts. The government identified and referred 13 trafficking victims to care (five in 2015 and eight in 2014). The 13 victims included one male child, three male adults, and seven female adults exploited for labor trafficking, and two female adults exploited for sex trafficking. The victims originated from Venezuela, St. Vincent and the Grenadines, India, and Nepal. Some experts asserted labor and internal trafficking cases, including of children, were under-reported.

The government trained all new immigration officers on the anti-trafficking law and screening procedures to identify potential trafficking victims. The government trained school officials, social workers, labor inspectors, and officials who worked with child protective services on identification and screening techniques related to trafficking. The CTU, via Interpol, provided sensitization training to judges to avoid re-traumatization of trafficking victims during court proceedings. Authorities referred all suspected adult human trafficking cases to the CTU. Authorities referred child victims through the child protective services agency. The CTU and child protective services reported working to clarify the procedures for referrals between their agencies.

The CTU spent approximately 700,000 TTD (\$104,634) on victim care and protection, a decrease from one million TTD (\$149,477) in 2015 and 2014. The government separately provided additional funding to NGOs through the Ministry of Social Development and the Ministry of Gender; the CTU directly provided assistance to victims housed at all shelters. The CTU partnered with NGOs and public hospitals to provide basic services to all 13 victims. Other government-funded victim services provided to victims included food, clothing, medical assistance and services for victims with disabilities, translation services, psychological counseling, legal services, and arranging contact with families. Domestic violence shelters received modest government funding and provided accommodation to adult female trafficking victims. In the case of men and children, the government provided accommodations by securing private safe houses through NGOs; there is no dedicated shelter for male victims. In 2016, the CTU acquired a property to establish a dedicated shelter for male and female victims. Victims housed in NGO-run shelters were allowed freedom of movement after an initial security assessment by the government; however, victims housed in domestic violence shelters were not permitted to leave unchaperoned or at will. Language translation services were available for counseling sessions and police interviews; however, experts reported shelters did not have bilingual staff or volunteers. In addition, some government officials noted a shortage of interpreters available to assist with foreign national



victim testimony. Fourteen victims assisted with criminal investigations during the reporting period. There were no reports the government penalized trafficking victims for crimes committed as a direct result of being subjected to trafficking; however, some victims may have been penalized due to lack of identification from officials.

The government provided two victims with work and residence permits to remain in the country to assist law enforcement investigations. The government provided witness protection to five sex trafficking victims who chose to participate in the trial process and allowed them to return to their home countries between court hearings. The courts were in the process of acquiring technology to accept video testimony. The government provided minimal support to repatriate victims and relied on an international organization to do so.

## PREVENTION

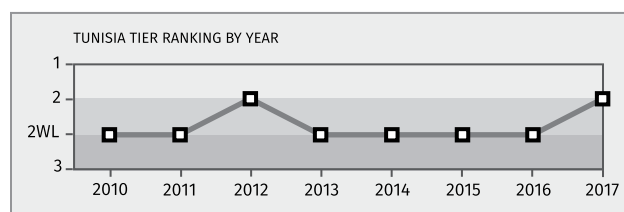
The government increased efforts to prevent trafficking. The government approved and began implementing the 2016-2020 national plan of action. The CTU assesses its activities every two years, most recently in November 2015. The CTU, in collaboration with NGOs, launched awareness campaigns at schools and youth camps, as well as a six-month nationwide child anti-trafficking campaign. The CTU also promoted the national broadcast of a locally produced movie, "Trafficked," and aired public service announcements during the broadcast. The labor inspectorate provided educational materials to educate and inform workers, including migrant workers, of their rights and the labor laws to prevent labor exploitation. The CTU conducted sensitization training with visa officers from various embassies in the country. The national trafficking hotline provided information used by the counter trafficking unit for investigations. The immigration authority changed its procedures for issuing visa extensions to provide greater accountability and reduce the opportunity for smugglers and traffickers to bribe officials. The government made efforts to reduce the demand for commercial sex acts by developing bilingual messages and two public service announcements targeting buyers of commercial sex. There were no specific laws regulating private labor recruitment agencies. The government provided training and awareness-raising sessions for diplomats and staff scheduled for overseas postings.

## TRAFFICKING PROFILE

As reported over the past five years, Trinidad and Tobago is a destination, transit, and source country for adults and children subjected to sex trafficking and forced labor. Women and girls from the Dominican Republic, Guyana, Venezuela, and Colombia are subjected to sex trafficking in brothels and clubs, often lured by offers of legitimate employment, with young women from Venezuela especially vulnerable. NGOs have previously heard reports about the availability of child sex trafficking victims advertised through classified ads and children are subjected to sex trafficking for commercial sex by Trinbagonians and foreign sex tourists. Economic migrants from the Caribbean region, especially Guyana, and from Asia, in particular those lacking legal status, are vulnerable to forced labor in domestic service, the retail sector, and potentially security companies and health spas. International criminal organizations are increasingly involved in trafficking and young boys are coerced to sell drugs and guns. Police corruption has in the past been associated with facilitating prostitution and sex trafficking.

## TUNISIA: TIER 2

The Government of Tunisia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increased efforts compared to the previous reporting period; therefore, Tunisia was upgraded to Tier 2. The government enacted anti-trafficking legislation that prohibits all forms of trafficking and trained officials on its application. The government investigated and prosecuted more traffickers and identified significantly more trafficking victims and referred them to care. It provided care to victims in various government-run centers for vulnerable populations and worked with NGOs to provide victims additional services. The government raised awareness of trafficking throughout the reporting period. However, the government did not meet the minimum standards in some key areas. Despite efforts to identify victims during the course of investigations, the government did not proactively screen for victims among vulnerable groups; it did not finalize and implement standard operating procedures for victim identification or the national referral mechanism during the reporting period. Some trafficking victims may have remained unidentified and therefore vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations.



## RECOMMENDATIONS FOR TUNISIA

Implement formal procedures to screen and proactively identify trafficking victims among vulnerable groups, such as street children, undocumented migrants, domestic workers, and persons in prostitution, and train officials on their use; implement and use the anti-trafficking law to investigate, prosecute, and convict traffickers and train judicial and law enforcement officials on the law's application; provide adequate protection services to all trafficking victims, including appropriate shelter and rehabilitative services tailored to trafficking victims; fully implement the national victim referral mechanism to ensure all trafficking victims are referred to appropriate protection services, and train law enforcement and judicial authorities on appropriately referring victims to care; train staff at government-operated centers for vulnerable populations to provide trafficking victims with specialized care; develop procedures to ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution and immigration violations; provide funding or in-kind support to NGOs that provide care to trafficking victims; and allow trafficking victims the right to work while under temporary residency status.

## PROSECUTION

The government significantly improved its anti-trafficking law enforcement efforts. In July 2016, the government enacted anti-trafficking legislation that criminalizes all forms of human

trafficking and prescribes penalties ranging from 10 years to life imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Various pre-existing and disparate criminal code provisions, which do not appear to have been repealed by the new law, also prohibit sex trafficking and forced labor; however, these provisions prescribe penalties that are not sufficiently stringent or commensurate with penalties prescribed for other serious crimes, such as rape. The criminal code prescribes one to three years imprisonment for forced prostitution of an adult and three to five years imprisonment for sex trafficking of a child, neither of which are commensurate and sufficiently stringent. The criminal code prescribes only one to two years imprisonment for forced child begging and penalties of up to 10 years imprisonment for capturing or detaining a person for forced labor.

The government did not fully implement and utilize the 2016 anti-trafficking law and thus investigated and prosecuted alleged trafficking crimes using other pre-existing criminal code provisions. The data in this reporting period is an improvement from the previous reporting period when the government did not report prosecutions or convictions of traffickers. During the reporting period, the Ministry of Interior (MOI) investigated 134 potential trafficking crimes, which included 46 cases of sexual exploitation of women; six cases of domestic servitude involving three male, one female, and two child victims; and 82 cases of economic exploitation of children, which included 72 male and 10 female child victims who were involved primarily in forced begging crimes. Of these investigations, the MOI investigated, broke up, and arrested the alleged perpetrators of a child begging ring in Sfax. The MOI also investigated a sex trafficking case of three alleged traffickers for fraudulently recruiting 10 Tunisian women to work in a nightclub in Lebanon and forcing the victims into prostitution, confiscating their passports and holding them in debt bondage. The MOI also investigated and referred for prosecution a case of a 15-year-old child in domestic servitude. In 2016, the Ministry of Justice (MOJ) reported 495 prosecutions of crimes involving forced begging and 22 prosecutions involving forced prostitution. The MOJ also reported 135 violations of the labor code involving forced child labor or forced labor of adults. The MOJ reported that all 657 of the prosecutions in this reporting period led to convictions, some of which may have been for trafficking-related crimes under the criminal code, but it did not provide details on the sentences given to the perpetrators. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government held multiple anti-trafficking trainings for officials during the reporting period. In addition, since the passage of the 2016 anti-trafficking law, the government held two conferences—both in cooperation with international organizations—on implementation of the law for judges and lawyers. In March 2017, the government also began a training program for judicial police on application of the 2016 anti-trafficking law.

## PROTECTION

The government significantly increased its efforts to identify and provide protection services to trafficking victims and it worked with NGOs to do so. The government lacked formal victim identification procedures and relied on NGOs to identify and provide care to trafficking victims; however, it worked in cooperation with civil society groups to train key law enforcement, judicial, immigration, and social services personnel to identify victims among high-risk populations.

During the course of investigations in 2016, the MOI reported identifying 134 trafficking victims, including 46 female sex trafficking victims, six victims of domestic servitude, and 82 child victims of forced begging. This demonstrated a substantially higher number of identified victims than the previous reporting period when the government identified three victims. Based on the 2016 anti-trafficking law, the government developed in 2016 a new national victim referral mechanism for officials to refer trafficking victims to government-operated social centers or NGO-run shelters; it began training officials on its implementation at the end of the reporting period. In 2016, the Ministry of Social Affairs (MSA) signed cooperation agreements with two NGOs to assist those at risk of abuse and exploitation, including trafficking victims; the MSA also organized capacity-building trainings for NGOs on irregular migration patterns and treatment of vulnerable groups, including trafficking victims. Of the victims identified in 2016, the MOI referred for protection services all adult victims to the MSA and all child victims to the Delegation for the Protection of Children at the Ministry of Women, Family, and Childhood. The government provided medical and psychological treatment to a 15-year-old child victim of domestic servitude. Among the victims identified by an international organization in 2016, the government provided shelter and health services to 18 victims and provided repatriation assistance to 28 victims.

The MSA continued to operate centers for vulnerable populations, including trafficking victims, victims of domestic violence and sexual assault, asylum-seekers, unaccompanied minors, and the homeless. Through these shelters, the government provided vulnerable groups, including trafficking victims, with food, clothing, full and free medical care, and psychological services, as well as legal aid through a network of pro bono lawyers. Four of these centers in Tunis, Sousse, and Sfax had designated areas available for victims of all forms of trafficking and the MSA increased trafficking-specific care available at these shelters; the center in Sfax caters to migrants and refugees, although none of the shelters are dedicated only to trafficking victims. The MSA collaborated with an international organization to assess and improve shelter capacity and services dedicated to trafficking victims. The center in Tunis held a dedicated office for male and female trafficking victims with a trained social worker and offered medical and psychological exams. This center also allowed foreign embassies access to their nationals to provide assistance, including provision of legal documents and repatriation services. During the reporting period, the MSA—in cooperation with an international organization—provided victim identification and protection training to the staff of the Sfax and Sousse shelters.

The government offered foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution. During the reporting period, the government offered all foreign trafficking victims relief from deportation and, for those who chose to return home, repatriation services. Trafficking victims could not seek legal employment while under temporary residency status. However, in 2016, the government offered permanent residence, which includes the ability to seek employment, to four trafficking victims who chose not to return home. Under the new anti-trafficking law, the government encouraged victims to participate in the prosecution of their traffickers and provided psychological and physical protection services to victims and witnesses of trafficking crimes. The new law institutionalizes the principle that the government should not punish or prosecute trafficking victims. Nevertheless, the government did not implement systematic policies and procedures to protect unidentified

victims from being punished for unlawful acts committed as a direct result of being subjected to human trafficking, such as women in prostitution, child sex trafficking victims, or illegal immigrants.

## PREVENTION

The government continued to improve its efforts to prevent trafficking. The MOJ-led national anti-trafficking committee—which included representatives from 12 ministries, two experts from civil society, one media expert, and a member of National Commission for Human Rights—met several times during the reporting period to develop an anti-trafficking strategy and implement the national anti-trafficking action plan. In February 2017, the MOJ appointed a member of the Tunisian Judges Union to be the president of the commission for a five-year term. Throughout the reporting period, the government conducted numerous anti-trafficking public awareness and information campaigns. In April 2016, the government—in cooperation with an international organization—launched a national anti-trafficking public awareness campaign. Additionally, during the reporting period, the MOI placed announcements on social media sites and newspapers to inform the public about fraudulent work contracts and forced labor. The government reported efforts to reduce the demand for forced labor. During the reporting period, the government began to implement its national action plan for the elimination of child labor, in coordination with an international organization. The labor inspectorate at the MSA designated 25 labor inspectors and 24 social workers trained as specialized points of contact for trafficking victims. To address fraudulent labor recruitment practices, the Ministry of Vocational Training and Employment filed complaints against 15 private employers for cases of fraud, extortion, or unauthorized abuses of Tunisians employed abroad; it also took action against 26 private employers who recruited workers without proper registration. The government did not report efforts to reduce the demand for commercial sex acts or child sex tourism. The government provided anti-trafficking training for its diplomatic personnel.

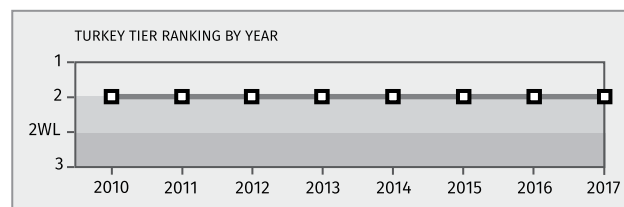
## TRAFFICKING PROFILE

As reported over the past five years, Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. According to a baseline study published in 2013, Tunisian youth are subjected to various forms of trafficking. According to the study and as reported by an NGO in 2016, some Tunisian girls, mainly from the northwest, working as domestic servants for wealthy families in Tunis and major coastal cities experience restrictions on movement, physical and psychological violence, and sexual abuse. International organizations report an increased presence of street children and rural children working to support their families in Tunisia since the 2011 revolution; according to the baseline study, these children are vulnerable to forced labor or sex trafficking. Tunisian women have reportedly been forced into prostitution under false promises of work both within the country and elsewhere in the region, such as Lebanon, United Arab Emirates, and Jordan. Civil society organizations report an increase in women, primarily from West Africa, subjected to domestic servitude in private homes in Tunis, Sfax, Sousse, and Gabes. According to international organizations, nationals from Cote d'Ivoire are exploited in Tunisia after accepting fraudulent job offers in Europe. Migrants fleeing unrest in neighboring countries continue to be vulnerable to trafficking in Tunisia. Security officials reported in 2016 that organized

gangs force street children to serve as thieves and beggars and transport drugs.

## TURKEY: TIER 2

The Government of Turkey does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Turkey remained on Tier 2. The government demonstrated increasing efforts by adopting a national action plan, identifying more trafficking victims, training government and security personnel on trafficking issues, and creating a specialized anti-trafficking unit within the Turkish national police (TNP). The government continued prosecuting traffickers, and opened two specialized shelters for female sex trafficking victims. However, the government did not meet the minimum standards in several key areas. The government ordered the permanent closure of an NGO-run shelter and offered insufficient funding for another NGO-run shelter, resulting in its closure. Interagency cooperation remained weak, leading to obstacles in victim identification. Efforts to identify Turkish victims and protect the growing and highly vulnerable refugee and migrant communities in the country continued to need improvement.



## RECOMMENDATIONS FOR TURKEY

Vigorously investigate, prosecute, and convict traffickers, including forced labor offenders; significantly increase proactive victim identification efforts among vulnerable populations, such as refugees, Turkish and foreign women and girls in prostitution, and children begging in the streets; establish a multi-disciplinary victim-centered framework for victim identification and provide specialized care for all victims, including Turkish citizens, children, and male victims; enhance training for law enforcement officers, prosecutors, and judges on a victim-centered approach to effective prosecution of trafficking cases; provide stable funding for shelters and institutionalize partnerships with NGOs, international organizations, and civil society representatives to provide victim services; increase training for law enforcement and other first responders on victim identification, including recognizing the signs of non-physical methods of control used by traffickers; ensure effective interagency cooperation and allocate adequate funding to implement the national action plan; and make trafficking-related data, especially disaggregated statistics on victims and on prosecutions and convictions of perpetrators, available to the public on a regular basis.

## PROSECUTION

The government maintained law enforcement efforts. Article 80 of the penal code prohibits both sex and labor trafficking by use of force, threats, or abuse of power and prescribes punishment



of eight to 12 years imprisonment. Article 227(1) prohibits the facilitation of child prostitution and prescribes punishment of four to 10 years imprisonment. Punishments under both articles are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Ministry of Justice (MOJ) prosecuted 53 new cases with 257 defendants in 2016, compared to 50 cases with 238 defendants in the first three quarters of 2015. The MOJ continued to prosecute 187 cases with 1,594 defendants from the previous year. Courts convicted 40 traffickers, compared to 37 traffickers in 2015. All convicted traffickers received prison sentences and 37 traffickers also received a fine. Courts acquitted 272 suspected traffickers.

The government created the Department of Combatting Migrant Smuggling and Human Trafficking (DCMH), a specialized unit within the TNP. DCMH consisted of 50 officers and opened regional offices to coordinate with local law enforcement. Observers reported law enforcement did not proactively investigate trafficking offenses related to migrants and refugees. Corruption and official complicity in trafficking crimes remained concerns, and credible observers reported corruption may have inhibited law enforcement action in certain cases during the year. The government reported investigating media and other allegations of official complicity and found no evidence to support the allegations. The government, independently and in cooperation with international organizations, provided anti-trafficking training to law enforcement, coast guard, labor inspectors, social workers, and immigration officials. The government reported cooperating regionally, but provided limited information on international cooperation and extradition; observers reported insufficient international cooperation in combating trafficking.

## PROTECTION

The government maintained victim protection efforts. The government identified 181 foreign-born trafficking victims, compared to 108 trafficking victims in 2015; of these, 163 victims were female and 18 were male (91 female victims and 17 male in 2015); 29 victims were children (26 in 2015); and 143 were victims of sex trafficking and 38 of forced labor. NGO- and government-run shelters provided 141 of the 181 victims with at least short-term support and a temporary residence permit for 30 days, which could be extended up to three years. The government reported Turkish citizens were victims of trafficking within Turkey, although it did not report identifying any Turkish victims in 2016. International organizations and NGOs reported assisting Turkish victims in Azerbaijan and Israel; however, the government reported no requests for assistance or repatriation of Turkish victims subjected to trafficking abroad.

During the previous reporting period, the government approved a new regulation that further defined the roles and reporting lines across government agencies in the national referral mechanism. Among other things, the regulation required law enforcement to conduct preliminary interviews and refer potential victims to the Directorate General for Migration Management (DGMM), Turkey's lead agency on trafficking issues, to make the official identification. Observers generally reported weak interagency coordination, which may have resulted in some potential victims not receiving official victim status and the government services such status affords. The Ministry of Health and the Ministry of Family and Social Policies (MOFSP) deployed specialized staff to government-operated migrant and refugee camps to screen camp residents for indicators of trafficking; however, observers reported the government did not make sufficient victim identification efforts in the highly vulnerable refugee

and migrant communities located outside of camps or provide sufficient protection resources to address trafficking in these communities. NGOs expressed concern that the government had increasingly removed them from identifying and providing services to victims.

The law entitles trafficking victims to shelter, medical and psycho-social services, work options, education, translation services, temporary residency, repatriation assistance, and legal counseling. The government reported providing funding for three NGO-run shelters in conjunction with funding from an EU project but did not provide budget numbers. After the EU project ended, government-offered funding was not sufficient for NGO-run shelters to continue operations and all three NGO run shelters that provided the majority of support services to trafficking victims since 2004 closed operations during the reporting period. One NGO-run shelter chose to close due to security concerns; the second chose to close in response to the government funding shortfall; and the third was closed by the DGMM. DGMM opened a specialized shelter in the fall of 2016 in Kirikkale, a city near Ankara, and the Ankara municipality opened a specialized shelter in early 2017. The two government-run shelters accommodated female sex trafficking victims and provided psychological support, health care, access to legal aid, and vocational training. After the closure of the NGO-run shelters, DGMM transferred all trafficking victims sheltered in the NGO-run shelters to the government-run shelter in Kirikkale. The government offered facilities for Turkish citizen, male, and child trafficking victims through MOFSP, these services were not specialized for trafficking victims. NGOs reported significant hurdles for victims in the work permissions process, including a requirement that victims move out of trafficking shelters to be eligible to work. The government did not require victims to participate in investigations or court procedures to receive support services. There were no reports that authorities detained, fined, or penalized trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. Turkish law makes witness protection measures available to victims who participate in the investigation and prosecution of their alleged traffickers; the government did not provide statistics on trafficking victims who participated in criminal investigations or legal procedures. The government provided protection to migrants and refugees from returning to countries where they would face hardship.

## PREVENTION

The government maintained prevention efforts. The government adopted a new national action plan that prioritized strengthening coordination with NGOs and capacity building, and coordinated with an international organization to identify sources of funding. A senior-level national committee formed to coordinate interagency anti-trafficking activities convened for the first time in March 2017. The government ratified the Council of Europe's Convention on Action against Human Trafficking, which has an independent monitoring mechanism. DGMM assumed the management of a national trafficking hotline from an international organization and trained new employees on trafficking issues, though observers reported a decrease in capacity to handle trafficking cases, possibly due to budget shortfalls to maintain the hotline. The government continued to prepare and distribute brochures on trafficking in six languages. DGMM published annual data reports on its website for 2013-2015. Law enforcement developed flowcharts illustrating the national referral mechanism and informed relevant actors on how provincial TNP units combat trafficking. The government continued to implement comprehensive migrant registration

protocols by registering approximately three million Syrians and providing birth registrations for newly born refugee children and reported efforts to prevent trafficking among Syrian refugees by fostering educational opportunities within government-operated camps. The government did not report efforts to reduce the demand for commercial sex acts or possible forced labor. Observers reported two Turkish nationals arrested in Moldova for providing children to Turkish nationals engaging in child sex tourism; however, the government identified no cases of child sex tourism within Turkey. Turkish armed forces participated in anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not report providing anti-trafficking training to diplomatic personnel.

## TRAFFICKING PROFILE

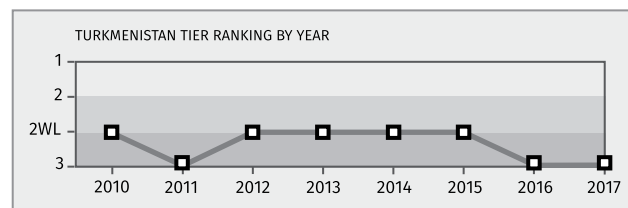
As reported over the past five years, Turkey is a destination and transit country, and to a lesser extent source country, for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Syria, Indonesia, and Morocco. Of the 183 victims identified in 2016, Syrians made up the largest number of victims (36) from a single country, followed by Kyrgyz (33), Georgians (23), and Uzbeks (16); the other 73 victims were from a range of countries including Indonesia, Moldova, Morocco, Pakistan, and Turkmenistan. Some Georgian men and women are subjected to forced labor. Foreign victims are commonly promised jobs in entertainment, modeling, or domestic work, but upon arrival, traffickers force them into forced labor or prostitution in hotels, discos, and homes. Some Turkish men are subjected to trafficking at least in Azerbaijan and Israel. The government and NGOs reported traffickers use psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Traffickers increasingly use social media to recruit victims and employ foreign females as recruiting and management assistants. Unknown numbers of ethnic Roma and refugee children may be vulnerable to trafficking while working on the street collecting garbage, selling flower and other items, or begging.

Turkey continues to host a large refugee population that is increasingly vulnerable to trafficking: approximately three million displaced Syrians, 120,000 Afghans, and 125,000 Iraqis resided in Turkey during the reporting period. Unknown numbers of Syrian refugee and other children engaged in street begging and also reportedly worked in restaurants, textile factories, markets, mechanic or blacksmith shops, and agriculture, at times acting as the breadwinners for their families; some are vulnerable to forced labor. Experts reported children worked long hours, with low wages, in some cases in substandard working conditions. Syrian refugee women and girls are vulnerable to sex trafficking by prostitution rings. Some Syrian and other girls have reportedly been sold into marriages in which they are vulnerable to domestic servitude and sex trafficking. Reports indicate some youth in Turkey, sometimes under coercion, joined the Kurdistan Workers' Party (PKK), a U.S.-designated terrorist organization.

## TURKMENISTAN: TIER 3

The Government of Turkmenistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Turkmenistan

remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including the continued implementation of its national action plan for trafficking in persons, adoption of a new anti-trafficking law in October 2016, and amending its criminal code to criminalize trafficking in persons. The government also allows for free legal assistance to those applying for recognition as trafficking victims. However, the new criminal code provision defines the crime of trafficking in a manner not fully consistent with international law and has not yet been implemented. Further, the government continued to use the forced labor of reportedly tens of thousands of its adult citizens in the harvest during the reporting period. It actively dissuaded monitoring of the harvest by independent observers through harassment, detention, penalization, and, in some cases, physical abuse. The government did not fund any victim assistance programs, despite being required to do so under domestic law.



## RECOMMENDATIONS FOR TURKMENISTAN

Take action to end the use of forced adult labor during the annual cotton harvest, particularly by modifying government policies that create pressure for mobilizations of labor; provide victim care services directly or by funding civil society to do so, as required under the 2016 anti-trafficking law; train police to recognize and investigate sex and labor trafficking crimes; finalize and adopt formal written procedures to identify and refer victims to protection services and train police, migration officers, and other relevant officials on such procedures; while respecting due process, investigate and prosecute suspected sex and labor trafficking offenses using article 129/1 of the criminal code and convict and punish traffickers, including officials complicit in trafficking; expand training for relevant government authorities on implementation of the provisions of the 2016 anti-trafficking law and article 129, as amended in 2016; and increase awareness of trafficking among the general public through government-run campaigns or financial support for NGO-run campaigns.

## PROSECUTION

The government maintained minimal anti-trafficking law enforcement efforts. Article 129/1 of the criminal code, as amended in November 2016, defines trafficking in persons as acts done by force, fraud, or coercion, but it does not appear to include in its definition the purpose of the crime, which is exploitation. It also exempts trafficking victims from criminal responsibility for acts committed as a result of being trafficked. Article 129/1 prescribes penalties of four to 25 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2016, the government amended its administrative code to include punitive fines and penalties for failure to prohibit forced labor, the disclosure of information that could harm a victim, or the failure to provide assistance to victims. Penalties range from 200 to 500 manat (\$57 to \$143) for private citizens, 500 to 1,000 manat (\$143 to \$286)

for government officials, and fines from 1,000 to 2,000 manat (\$286 to \$573) or administrative suspension of up to three months for businesses.

The government reported it independently trained officials on trafficking-related issues. It initiated prosecution of three cases in 2016, the same number as in 2015, and compared to six cases in 2014. The government reported convictions of three traffickers in 2016, compared with nine in 2015, and nine in 2014. Despite continued reports of widespread corruption, it did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking, nor did it report any efforts to end officials' mobilization of persons for forced labor. In October 2016, the government arrested and charged with fraud Gaspar Matalaev, a reporter who published an article documenting the use of forced labor in the annual cotton harvest. Authorities allegedly tortured Matalaev and forced him to confess to taking and distributing photographs of the cotton harvest; Matalaev was sentenced to three years in a labor camp and remains imprisoned.

## PROTECTION

The government maintained minimal protection efforts. The government identified 11 victims in 2016, compared to 12 in 2015, 19 in 2014, and 33 in 2013. An international organization reported assisting 25 victims, but estimated the total number of victims was significantly higher, as evidenced by the 7,200 calls to the country's two foreign-funded trafficking hotlines. The government did not provide comprehensive services to all victims of trafficking, nor did it fund international organizations or NGOs to provide such services. An NGO operated one shelter for female trafficking victims in Turkmenistan with foreign donor funding. The shelter provided comprehensive services to 11 female victims in 2016, including reintegration in society and locating legal employment. In accordance with the national action plan, the government worked with an international organization to develop formal identification and referral mechanisms. Authorities remained without formal written procedures to identify victims or refer them to care providers, but informally referred suspected trafficking victims to an international organization for services. Some law enforcement agencies only identify individuals as trafficking victims if their cases lead to trafficking convictions. The prosecutor general's office reported victims could apply for physical protection and assistance in obtaining free medical care; however, officials did not provide details of specific cases in which such assistance was provided during the year, and NGOs indicated previously that some victims were required to pay for their own treatment. The 2016 anti-trafficking law provides that victims, including those who participate in criminal proceedings, are exempt from administrative or criminal liability for conducting unlawful acts as a direct result of being subjected to trafficking, and are guaranteed employment. It also requires law enforcement agencies to respect the confidentiality of victims. An additional amendment to the legal code, effective February 2017, provides free legal assistance to trafficking victims who apply for official status as such. The 2016 law provides that victims are eligible for a wide range of services from the government; however, all services available during the reporting period were provided by foreign-funded NGOs and international organizations. Prosecutors reported they would not pressure victims into giving information in support of prosecution efforts. There were no reports of victims seeking or obtaining restitution in civil suits. The government made no attempts to identify sex trafficking victims among women arrested for engaging in prostitution. Consequently, officials may have penalized

sex trafficking victims for prostitution offenses. After some Turkmen, including trafficking victims, returned home following their deportation from other countries, the migration service reportedly blocked them from exiting Turkmenistan for a period of up to five years; the government reported that it stopped fining its citizens deported to Turkmenistan from abroad, including potential victims.

## PREVENTION

The government increased efforts to prevent human trafficking, primarily through the establishment of a legal and institutional framework for the implementation of its national action plan; however, it did not take steps to end the use of forced labor during the cotton harvest. The 2016 anti-trafficking law calls for the creation of an interagency anti-trafficking committee, comprised several cabinet-level agencies and under the authority of the cabinet of ministers, to coordinate, plan, monitor, and report on the government's anti-trafficking efforts and analyze trends, improve victim protection measures, raise awareness, and monitor implementation of the national action plan. The 2016 law also assigns responsibilities for anti-trafficking efforts among government agencies and charges the cabinet of ministers with planning, funding, and implementing anti-trafficking policy. The government made efforts to implement its national action plan, adopted in March 2016, by requesting assistance from the ILO and working with another international organization to draft standard operating procedures for victim identification and referral. Government officials also attended seminars and workshops on implementation of the national action plan, conducted by an international organization, with some funding by the government.

The law requires the Ministry of Internal Affairs to record data on trafficking crimes; however, the government has not reported any systematic efforts to monitor its anti-trafficking efforts, and government data on the incidence of trafficking and trafficking-related prosecutions was not publicly available. The government maintained an official website that provided information on the risks of becoming a trafficking victim and cooperated with NGOs to conduct awareness campaigns in rural areas targeting vulnerable populations. The campaigns included newspaper advertisements for two foreign-funded telephone hotlines, which provided information to potential migrants and offered legal assistance and psychological counseling to trafficking victims. In July 2016, the government-funded a public awareness event, organized in cooperation with international organizations, to mark the World Day against Trafficking in Persons. The government did not report efforts to punish labor recruiters or brokers involved in the fraudulent recruitment of workers. The stateless population in Turkmenistan, mostly consisting of former Soviet citizens, was vulnerable to trafficking; in 2016 the migration service worked with UNHCR to grant Turkmen citizenship to 1,381 stateless persons. The government reported an international organization provided anti-trafficking training for its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts by routinely arresting purchasers of commercial sex, but did not make efforts to reduce the demand for forced labor.

## TRAFFICKING PROFILE

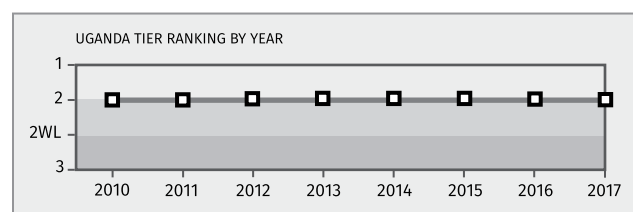
Turkmenistan is a source country for men, women, and children subjected to forced labor and sex trafficking. Forced labor constitutes Turkmenistan's largest trafficking problem; in 2016, an ILO Committee of Experts' report noted "with deep concern the widespread use of forced labor in cotton production." To



meet government-imposed quotas for the cotton harvest, local authorities require university students, private-sector institutions, soldiers, and public sector workers (including teachers, doctors, nurses, and others) to pick cotton without payment and under the threat of penalty. Government officials threatened public sector workers with dismissal, reduced work hours, or salary deductions. Authorities threatened farmers with loss of land if they did not meet government-imposed quotas. In addition, the government compulsorily mobilized teachers, doctors, and other civil servants for public works projects, such as planting trees. Workers in the construction sector are vulnerable to forced labor. Turkmen men and women are subjected to forced labor after migrating abroad for employment in the textile, agricultural, construction, and domestic service sectors. Turkmen women are also subjected to sex trafficking abroad. Turkey, Russia, and India are the most frequent destinations of Turkmen victims, followed by other countries in the Middle East, South and Central Asia, and Europe. Residents of rural areas in Turkmenistan are most at risk of becoming trafficking victims, both within the country and abroad.

## UGANDA: TIER 2

The Government of Uganda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Uganda remained on Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and achieving convictions in more cases than in the previous reporting period. Unlike previous years, the government initiated criminal prosecution of labor recruitment agencies for allegations of their involvement in trafficking. The government also elevated Uganda's Coordination Office to Combat Trafficking in Persons (COCTIP) to an official department with a small permanent budget allocation, which enabled the office to improve its anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. Insufficient funding, in general, hindered government efforts, especially in victim protection. Corruption may have impeded government oversight of labor recruitment agencies. The government did not employ systematic procedures to assist victims, and availability of victim services was inconsistent. The government has not institutionalized anti-trafficking training among law enforcement and front-line officials. Despite its elevation of COCTIP, the government remained without an official lead agency with authority to manage, fund, and drive the efforts of the national taskforce and ensure effective country-wide measures to combat trafficking.



## RECOMMENDATIONS FOR UGANDA

Significantly increase the availability of victim services by allocating resources for government-provided care or to NGOs that assist victims; increase efforts to work with destination

country governments and recruitment agencies to facilitate the release and repatriation of Ugandan migrant workers exploited by employers abroad; establish formal policies and procedures for all front-line officials to identify trafficking victims and formally refer victims to assistance; authorize an official entity to lead and coordinate national anti-trafficking efforts between ministries and oversee services for trafficking victims to ensure appropriate services are rendered; increase resources dedicated to anti-trafficking efforts within the Ministry of Internal Affairs (MIA), the External Employment Unit (EEU), and COCTIP; continue efforts to prosecute and convict suspected traffickers, including allegedly complicit officials; increase funding to Ugandan embassies to assist trafficking victims abroad; finalize regulations to fully implement the protection and prevention provisions of the 2009 Prevention of Trafficking in Persons (PTIP) Act; complete amendments to labor export regulations and use existing laws to proactively investigate and punish labor recruiters who fraudulently recruit Ugandans and exploit them in forced labor or prostitution abroad; institutionalize anti-trafficking training, including victim identification techniques, for all front-line officials, including diplomatic personnel; establish a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; expand the anti-trafficking public awareness campaign, and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 PTIP Act criminalizes all forms of trafficking, prescribing punishments of 15 years to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The law includes both sexual exploitation and forced labor, which are explicitly included in the 2000 UN TIP Protocol definition; however, it also includes both illegal adoption, child selling, and human sacrifice, which are not included in the listing of forms of exploitation in the protocol. Amendments to the PTIP Act, proposed by the EEU, would increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters; however, it remained pending for the fifth consecutive year. In May 2016, amendments to the Children (Amendment) Act came into effect, including an amendment to article 8, which prohibits the unlawful use of "children in prostitution," subject to a fine not exceeding one hundred currency points or imprisonment for five years; these punishments are well below that required by the 2009 PTIP Act for sex trafficking of children. Another amendment to article 8 also prohibits the "harmful or hazardous employment" of children under 16, which includes slavery, trafficking in persons, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, pornography, and illegal activities. These terms are not defined and there is an overlap and potential conflict with the PTIP Act, which criminalizes these exploitative acts. Furthermore, it is not clear what punishments are imposed for their breach under the 2016 amendments. In addition, the Children (Amendment) Act of 2016 amends article 42 by imposing extensive reporting requirements on government officials engaged in child protection where such officials have grounds to believe, among other things, that a child has been subjected to child trafficking. Furthermore, contrary to the requirements of the UN TIP Protocol definition and contrary to the 2009 PTIP Act, it defines child trafficking to require that force, fraud, or coercion have been used to exploit the child.

The government reported 114 trafficking investigations,

prosecutions of 32 defendants in 20 cases, and convictions of 16 traffickers in 2016 under the 2009 PTIP Act, compared to 108 investigations, 15 prosecutions, and three convictions in 2015. The 16 convictions may have included cases of human sacrifice, a non-trafficking crime also prohibited under the 2009 PTIP Act; additional details were unavailable. Of the 20 prosecuted cases, nine cases involved transnational trafficking, four of which ended in convictions, and nine cases involved internal child trafficking for labor or sexual exploitation, six of which ended in convictions. Unlike previous years, the government also pursued criminal prosecution of two labor recruitment agencies under the 2009 PTIP Act. The 2015 trial of an Indian national charged with trafficking 43 Indian citizens to South Africa through Uganda for labor exploitation remained ongoing. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, following a November 2015 request from the Department of State, the Ugandan government declined to waive immunity to allow the prosecution of a Ugandan diplomat and his spouse for labor trafficking and related offenses. The couple has departed the United States. Additionally, the media reported several high-level officials associated with the labor recruitment agencies impeded investigations of suspected trafficking offenses committed by such agencies. An NGO reported that some complicit immigration officers at border-crossings facilitated passage of trafficking victims. The government organized several workshops and working group meetings during the reporting period. The immigration department conducted monthly sessions to train its officers on anti-trafficking issues, and the MIA collaborated with an NGO to develop an anti-trafficking training curriculum for the immigration department. However, some police and immigration officers lacked an understanding of the anti-trafficking law, and may have misclassified cases or encouraged victims to accept financial compensation from traffickers in exchange for dropping their cases.

## PROTECTION

The government maintained uneven protection efforts. The government reported identifying at least 270 victims, a decrease from 347 the previous reporting period; however, data from this reporting period was more precise than years past. Of the 270 trafficking victims, 42 children and 206 adults were victims of forced labor, and six children and 16 adults were victims of sex trafficking. Of the 42 child victims of forced labor, eight children were identified in the Democratic Republic of the Congo (DRC) as potential child soldiers from Uganda, who were separated from an armed group, the Allied Democratic Front (ADF). The vast majority of identified victims (222) was foreign, including persons from Somalia and Rwanda, and was made to transit Uganda to other countries; Saudi Arabia, Oman, the United Arab Emirates, Kenya, and the DRC were the most common destination countries. The government continued to employ victim identification and assistance guidelines for adult and child trafficking victims, developed in the previous reporting period in partnership with NGOs; the immigration department distributed these guidelines to immigration officers and provided training on their implementation. The government did not enact the implementing regulations for the 2009 PTIP Act or allocate funding for the implementation of its victim protection provisions; however, the government held various working group meetings to review and edit the draft regulations. The government reported providing an unknown number of victims with medical treatment, counseling assistance, emergency shelter, and transportation through police clinics. However, it continued to rely on NGOs and

international organizations to provide the vast majority of victim services via referrals to NGO-operated shelters, which provided psychological counseling, medical treatment, family tracing, resettlement support, and vocational education without contributing in-kind or financial support. Victim care remained inadequate and available services were primarily for children and women, with few NGOs offering shelter for adult males. Child victims in need of immediate shelter often stayed at police stations, sometimes sleeping in impounded vehicles, or at a juvenile detention center while awaiting placement in more formal shelters. Occasionally, due to a lack of government funding and procedures for victim referral, police and other government employees temporarily sheltered victims in their homes. The government did not report, and does not collect information about, how many victims it referred to care.

The government did not provide adequate shelter for many Ugandan citizen victims identified outside Uganda; it lacked funding and safe housing to temporarily house victims. The government generally provided replacement travel documents to facilitate the repatriation of its citizens from abroad, while an NGO provided funding for travel; however, there were reports that some Ugandan diplomatic missions were unwilling to provide trafficking victims with assistance or provide new travel documents. The MIA reported the government facilitated the repatriation of and assisted 129 Ugandan victims abroad in 2016, while 87 remained awaiting repatriation. According to the MIA, all 48 victims of internal trafficking received assistance. This figure did not include the eight children separated from an armed group in the DRC, who remained there due to difficulties with family tracing. While the PTIP Act prohibits the penalization of trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, and the government generally encourages, but does not require victim cooperation, reports indicated that the government detained some trafficking victims, including children, in an attempt to compel them to cooperate with criminal investigations. Police intermittently rounded up street children, including potential trafficking victims, and held them for a number of days at a juvenile rehabilitation center before returning them to their families. Authorities sent some of the children to a youth training center that provided food, counseling, and three months of vocational training, before being returned to their families. Reports also indicated police and communities sometimes treated street children as criminals, arbitrarily arresting, detaining, and beating them, and forcing them to clean detention facilities. Ugandan law permits foreign trafficking victims to remain in Uganda during the investigation of their case and to apply for residence and work permits. The government worked to keep victims' identities anonymous by using voice distortion and video link facilities. The law allows for victims to file civil suits against the government or their alleged traffickers for restitution; however, there were no reports this occurred during the reporting period.

## PREVENTION

The government maintained modest prevention efforts. The National Taskforce continued to coordinate all anti-trafficking efforts, with COCTIP serving as its secretariat, led by an MIA Permanent Secretary. During this reporting period, the government elevated COCTIP to an official department within the MIA with a small permanent budget allocation; however, the national taskforce remained without a lead ministry, strategic mandate, or direct funding. COCTIP and the taskforce coordinated information-sharing and cooperation with NGOs and international organizations on victim assistance. However,

they had limited effectiveness without an official mandate to drive national anti-trafficking efforts or authority to fund and propose improvements and activities for participating agencies. In 2016, the government continued its national awareness campaigns—composed of talks, media outreach, and distribution of written materials. The national taskforce and COCTIP, with funding from MIA, coordinated with NGOs to conduct awareness campaigns through broadcast media and billboards, purposefully targeted at potential victims, including community outreach to schools and at religious centers. MIA produced trafficking brochures and hung posters at locations where Ugandan job seekers frequented, and passport and immigration officers often co-unseled potentially at-risk Ugandans seeking passports about the dangers of trafficking. The Office of the Prime Minister conducted an awareness campaign against child trafficking among the refugee community and several NGOs conducted awareness forums with youth leaders and students and an anti-trafficking awareness walk in Kampala.

In January 2016, the government banned Ugandans from traveling abroad for domestic work due to reports of abuse, including trafficking. Immigration officials scrutinized travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries. According to the government, authorities intercepted a total of 250 Ugandan travelers before departure en route to countries in which there was a high risk of them becoming a victim of trafficking, or could not adequately explain the purpose for their travel. The government continued its oversight of labor recruitment agencies. The government held various meetings to review the Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, and Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad. The Ministry of Gender, Labor, and Social Development (MGLSD) reported it required labor recruitment companies to register and undergo a thorough vetting process. Registered companies were required to maintain a minimum bank deposit and a credit line, to ensure they maintained the financial resources to repatriate workers if they became trafficking victims. The MGLSD reported vetting all labor requests received by local companies and all contracts executed between international employers and the Ugandan business. COCTIP reported conducting pre-departure briefings for migrant workers. As part of the government's public awareness campaign, it published a list of the 63 licensed labor recruitment companies and urged the public to only seek work through those agencies.

In an effort to protect migrant workers, the government worked with labor recruitment agencies to ensure that the relevant Ugandan embassies were aware of their citizens working in those countries. The government did not report making efforts to close unlicensed recruitment agencies or suspend the licenses of those suspected of facilitating human trafficking. Corruption reportedly inhibited EEU oversight of labor recruitment firms, as did insufficient staffing. In October 2016, the MGLSD signed a bilateral labor agreement with the Kingdom of Jordan's Ministry of Labor to increase labor protections for Ugandans working in Jordan. The government did not provide anti-trafficking training for its diplomatic personnel and the government did not report whether Uganda's peacekeepers received anti-trafficking training prior to deployment. The government did not make discernible efforts to reduce the demand for commercial sex acts or forced labor. Uganda is not a party to the 2000 UN TIP Protocol.

## TRAFFICKING PROFILE

As reported over the past five years, Uganda is a source, transit,

and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children as young as seven are exploited in forced labor in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, carpentry, steel manufacturing, street vending, bars, restaurants, and domestic service. Girls and boys are exploited in prostitution. Recruiters target girls and women aged 13-24 years for domestic sex trafficking, especially near sports tournaments and road construction projects. An international organization reported that most internal trafficking victims are Ugandans, the majority of which are exploited in forced begging. Young boys and girls were the most vulnerable to internal trafficking, mainly for labor or begging in Kampala and other urban areas. Authorities subjected some prisoners in pre-trial detention to forced labor.

During the reporting period, Ugandan victims were identified in neighboring countries, including Kenya, South Sudan, and the DRC. Children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and exploited in prostitution in Uganda. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking. Some Ugandans abducted by the Lord's Resistance Army (LRA) prior to 2006 remain unaccounted for, and may remain captive with LRA elements in the DRC, Central African Republic, and the disputed area of Kafia Kingi, which is claimed by both Sudan and South Sudan.

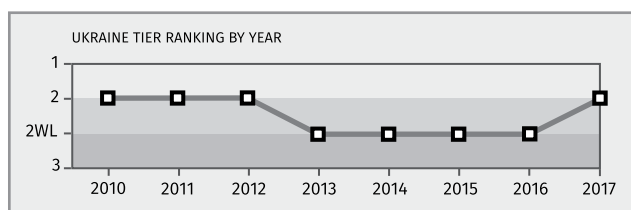
Young women remained the most vulnerable to transnational trafficking, usually seeking employment as domestic workers in the Middle East; at times Ugandan women were fraudulently recruited for employment and then exploited in forced prostitution. Ugandan migrant workers are subjected to forced labor and sex trafficking in United Arab Emirates (UAE), Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, and Algeria. Despite the government's complete ban in 2016 on Ugandans' travel abroad for domestic work, some licensed and unlicensed agencies circumvented this ban by sending Ugandans through Kenya and Tanzania. An international organization reported identification of 14 victims in Malaysia and Thailand and additional victims in Poland, Switzerland, and Ukraine. Official complicity may have hindered government oversight of labor recruitment agencies. Traffickers, who appear to be increasingly organized, are frequently relatives or friends of victims, or may pose as wealthy women or labor recruiters promising vulnerable Ugandans well-paid jobs abroad or in Uganda's metropolitan areas. Some traffickers threatened to harm the victims' family or confiscated travel documents.

## UKRAINE: TIER 2

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Ukraine was upgraded to Tier 2. The government demonstrated increasing efforts by investigating, prosecuting, and convicting officials complicit in trafficking, increasing interagency coordination and training for government officials, and taking some steps to improve law enforcement efforts. The government secured slightly more convictions in 2016, ending a five-year downward trajectory. The government also improved its efforts to protect trafficking victims in Ukraine, increasing subsistence payments to victims and drafting legislation that



would better protect foreign victims. However, the government did not meet the minimum standards in several key areas. It did not vigorously investigate and prosecute traffickers, initiating progressively fewer investigations and prosecutions for the last six years. Lax sentencing, likely aggravated by corruption, meant most convicted traffickers avoided imprisonment, which is inadequate to deter trafficking crimes and disproportionately low compared to the seriousness of the crime. Foreign donors and NGOs continued to fund and provide most victim services. International organizations continued to identify far greater numbers of victims than the government, indicating inadequate identification efforts by the government and a continuing lack of trust in the government's ability to protect victims and ensure their fair treatment. Ongoing Russian aggression continued to drain Ukrainian government resources, displacing close to two million people, and making a large population vulnerable to exploitation.



## RECOMMENDATIONS FOR UKRAINE

Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes, and ensure convictions result in proportionate and dissuasive sentences; certify more victims to ensure they are afforded their rights under the trafficking law and modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge sensitive information; provide adequate resources for and fully implement the 2016-2020 national action plan; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labor, a victim-centered approach, and how to gather evidence outside of victims' testimony; develop victim/witness protection measures and take active measures to end intimidation of victims during legal procedures; increase training for officials on victim identification, particularly in proactive screening for labor trafficking and of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons; increase law enforcement monitoring of recruitment firms engaged in fraudulent practices associated with exploitation; increase funding for services to support trafficking victims, including rehabilitation centers; increase cooperation with law enforcement officials in countries where Ukrainians are subjected to human trafficking; and harmonize the trafficking law and the Law on the Legal Status of Foreigners to ensure foreign victims are entitled to remain in the country and access to victim services.

## PROSECUTION

The government slightly increased law enforcement efforts and took action on official complicity. Article 149 of the criminal code prohibits all forms of trafficking and prescribes penalties from three to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government drafted legislation that will better align legal definitions of trafficking

in persons and punishments with international standards. Law enforcement investigated 112 trafficking offenses in 2016, compared with 111 in 2015. These cases included 72 instances of sexual exploitation, nine for labor trafficking, 26 for "forced involvement in criminal activity", three for trafficking of children, and two for forced begging. Authorities initiated prosecutions of 45 cases in 2016, compared to 59 cases in 2015. The government convicted 28 traffickers in 2016 under article 149 (25 in 2015), ending a five-year downward trajectory. Of the 26 convicted traffickers who were sentenced in 2016, 21 (81 percent) did not receive prison sentences, five received prison sentences (19 percent) which ranged from two to 10 years, and the government confiscated assets from two defendants; 20 of the 32 (62 percent) traffickers convicted in 2015 did not receive prison sentences, and six had property confiscated. The repeated issuance of suspended or significantly reduced sentences to convicted traffickers is indicative of weakness in government prosecution efforts. Experts noted law enforcement, prosecutors, and judges demonstrated limited understanding and capacity to identify and prosecute labor trafficking cases.

The government increased coordination among agencies engaged in anti-trafficking efforts and issued several directives prioritizing anti-trafficking work.

The prosecutor general issued directives that prioritized the use of surveillance resources for trafficking cases; authorized penalties for Office of the Prosecutor General officials complicit in trafficking; called for investigations of alleged complicity in other government offices; and mandated disciplinary penalties for investigators and prosecutors who downgraded trafficking offenses to lesser charges. Additional directives instructed prosecutors to insist on pretrial detention for alleged traffickers and called for stricter sentencing for trafficking offenses. Authorities collaborated with foreign governments on transnational investigations and extraditions, including Poland, Czechia, France, and Germany.

Official complicity and willful negligence have resulted in the abuse of children in state-run institutions and orphanages, who are especially vulnerable to trafficking. Institutional reforms in Ukraine over the past two years have led to widespread turnover in many government institutions, notably within the ranks of the national police and the judiciary. The recertification and restructuring of police units that took place during the reporting period included mandatory training and testing on human trafficking, with assistance from an international organization, and reduced the number of officers suspected of corruption. The government, in conjunction with international funding and partners, significantly increased training for judges, prosecutors, law enforcement, and other government officials. The government increased its law enforcement efforts against official complicity, compared to the previous reporting period during which it did not report any investigations, prosecutions, or convictions of public officials. The government began investigating and arresting several officials allegedly complicit in trafficking, including the commander of the Kyiv City police counter-trafficking unit. In addition, courts convicted two police officers and sentenced them to six months in prison; three police officers remained under house arrest pending trial. Authorities arrested a teacher at a government-run boarding school for orphans in Kharkiv who attempted to sell one of her students.

## PROTECTION

The government increased efforts in some areas of protection.

An interagency working group submitted draft legislation that is intended to help ensure the safety of persons with disabilities from exploitation, improve procedures for establishing victim status, expand the network of victim service providers, and improve protections for foreign victims and stateless persons. The government continued to rely on international organizations and NGOs, with international donor funding, to identify victims and provide the vast majority of victim protection and assistance. The government increased identification through the national referral mechanism and identified 103 victims in 2016 (83 in 2015). In 2016, an international organization in Ukraine assisted 1,105 victims, compared with 699 in 2015. International organizations reported that the majority of the victims who received assistance were victims of labor trafficking. As was the case in the two prior years, law enforcement and other officials identified less than 10 percent of the victims referred to an international organization in 2016. Authorities approved 110 out of 124 applications requesting official victim status in 2016, compared to 83 out of 91 in 2015 and 27 out of 48 in 2014. The government's current procedure to identify victims primarily relies on the victims—often exiting traumatic situations—to self-report and provide evidence of their victimization; unless police and other government officials are sensitive to the hurdles victims face and adopt a victim-centered approach, many victims will refuse to go through the process. Although the law directs law enforcement officials to proactively identify trafficking victims, observers reported police did not display a willingness to screen individuals in prostitution for signs of trafficking. Experts report law enforcement officials often do not understand the international definition of labor trafficking and therefore do not adequately identify labor trafficking victims.

The government significantly increased its funding for victim assistance and anti-trafficking efforts during the reporting period. The government disbursed 98,800 hryvnia (\$3,659) to the national budget and 219,220 hryvnia (\$8,119) to local budgets for anti-trafficking measures in 2016, compared to 46,300 hryvnia (\$1,715) to the national budget and 215,900 hryvnia (\$7,996) to local budgets in 2015. The government provided officially recognized victims with financial assistance. In November 2016, the government tripled the amount of its financial assistance payment to trafficking victims, raising it to 4,630 hryvnia (\$171), three times the official subsistence level.

Ukraine's trafficking law outlines protection requirements for victims and entitles victims to receive free temporary housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training, regardless of whether a criminal case proceeds or the victim cooperates with law enforcement. Trafficking victims whom the government has granted official status are assigned a case management team, which provides referrals to care facilities, NGOs, or other services according to an individual plan. Some victims requiring shelter stayed at a rehabilitation center run by an international organization with funding from international donors, housed in a state-run hospital; the government has considered taking on responsibility for the center, but has not yet committed to doing so. Adult victims could also stay at government-run centers for socio-psychological assistance for up to 90 days and receive psychological and medical support, lodging, food, and legal assistance. The government increased the number of centers for socio-psychological assistance from 18 to 20 and opened 36 additional social services centers, bringing the total to 692. Observers reported the provision of assistance was problematic due to funding shortfalls and shortage of trained staff. Child victims could be accommodated in centers for socio-psychological rehabilitation of children for

up to 12 months and receive social, medical, psychological, education, legal, and other types of assistance. The government, often in cooperation with international organizations, provided significantly more training for government officials on victim identification and assistance during the reporting period. The Ministry for Social Policy (MSP), in cooperation with an international organization, has developed an interactive e-learning module on the identification and referral of trafficking victims. The government reported it assisted in the repatriation of 15 citizens in 2016 to Ukraine who had been subjected to trafficking abroad: eight from Kuwait; two each from Lebanon, Cyprus, and Jordan; and one each from Malaysia and Poland.

Victims have the legal right to file civil suits for restitution, and courts ordered restitution payments for 79 trafficking victims in 2016. Various protective measures were legally available inside courtrooms for victims who testified at trial, but in practice, authorities rarely applied these measures and often did not treat trafficking victims serving as witnesses in a victim-sensitive manner. NGOs reported the government often did not provide legal assistance, other support, or protection to victims during criminal cases.

Officials asserted that illegal migrants are screened for indicators of trafficking, and migrants determined to be trafficking victims are offered official status and referrals to services. There were no reports the government punished or deported victims for crimes committed as a direct result of being subjected to trafficking; however, due to uneven screening, authorities may have detained, deported, or punished trafficking victims. There is no legal way for foreign victims to extend their stay, change legal residency, secure employment rights, or seek protection from being returned to countries where they face hardship or retribution. The government's interagency working group presented draft amendments to the legislature that would allow foreign victims to remain in Ukraine for extended periods and work legally in the country.

## PREVENTION

The government increased prevention efforts. The government allocated full funding of anti-trafficking programs in its 2017 budget, in accordance with its national action plan. Authorities coordinated with NGOs and international organizations, carrying out a wide range of awareness campaigns, including television programs, street advertising, public events, and community policing. National and regional educational institutions developed and implemented lectures and training sessions for students and teachers on victim identification and trafficking prevention. Authorities placed 40 billboards and distributed 4,000 flyers publicizing the government-run Counter-Trafficking and Migrant Advice Hotline, which assists over 20,000 persons annually.

Police conducted investigations of both formal and informal recruitment networks, resulting in the arrest and investigation of several members of criminal groups engaged in the fraudulent recruitment of Ukrainian citizens who were forced to smuggle drugs across borders. The State Labor Inspectorate added 190 labor inspectors to its force, but observers noted business inspections and oversight of compliance with labor laws remained inadequate, as the government extended a moratorium on labor inspections through December 2017, limiting the ability of police to proactively investigate small businesses. The MSP continued to maintain a list of licensed recruitment companies. The government conducted counter-trafficking pre-deployment trainings for Ukrainian troops assigned to

multinational missions and provided anti-trafficking training for its diplomatic personnel. The government did not demonstrate specific efforts to reduce the demand for commercial sex acts or forced labor.

### TRAFFICKING PROFILE

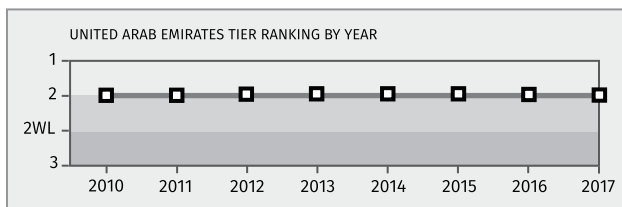
As reported over the past five years, Ukraine is a source, transit, and destination country for men, women, and children predominantly subjected to forced labor and to a lesser extent, to sex trafficking. Ukrainian victims are subjected to sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East. Ukrainian women and children are subjected to sex trafficking within the country. Some Ukrainian children and vulnerable adults are subjected to forced begging. A small number of foreign nationals, including those from Moldova, Russia, Vietnam, Uzbekistan, Pakistan, Cameroon, and Azerbaijan, are subjected to forced labor in Ukraine in a variety of sectors including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging; experts report the number of foreign victims in Ukraine has fallen dramatically since the beginning of hostilities in eastern Ukraine. Although the government lacks a centralized system for tracking migrants, the government reported that it continued to be a route for human smugglers attempting to smuggle people between Europe, Central Asia, and the Middle East; such migrants are vulnerable to human trafficking en route or in Ukraine. The approximately 82,000-200,000 children institutionalized in state-run orphanages were especially vulnerable to trafficking. Officials of several state-run institutions and orphanages were allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

Fueled by Russian aggression, the conflict in eastern Ukraine has displaced nearly two million people, and this population is especially vulnerable to exploitation. In areas controlled by the Russia-led separatists, the situation has become particularly challenging. Employment options are limited and separatist “authorities” have restricted international humanitarian aid that would help meet civilian needs. Women and girls from conflict-affected areas have been kidnapped for the purposes of sex and labor trafficking in Ukraine and Russia. Internally displaced persons were subjected to trafficking, and some Ukrainians were subjected to forced labor on territory not under government control, often via kidnapping, torture, and extortion. The large displaced population and economic crisis has increased vulnerability of Ukrainians to trafficking throughout the country. International experts reported the demographics of Ukrainian trafficking victims has shifted since the beginning of the conflict to include more urban, younger, and male victims subjected increasingly to forced labor and criminality, such as drug trafficking and couriers. Russian-backed militants issued decrees calling for the conscription of minors and continued to regularly use children as soldiers, informants, and human shields. The OSCE Special Monitoring Mission in Ukraine reported children as young as 15 continued to take part in active combat as part of combined Russian-separatist forces. Children ages 15 to 17 were actively being recruited to participate in militarized youth groups that teach children to carry and use weapons. Children who excel in this training were encouraged to form their own reconnaissance and sabotage groups and begin to fight. A Ukrainian government official reported that one children’s battalion associated with this training program, the St. George the Victor Battalion, may include children as young as 12 years. The recruitment of

children by militant groups took place on territory not under the control of the government and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict.

## UNITED ARAB EMIRATES: TIER 2

The Government of the United Arab Emirates (UAE) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, the UAE remained on Tier 2. The government demonstrated increasing efforts by initiating the direct oversight of domestic laborers by the Ministry of Human Resources and Emiratization (MOHRE, formerly the Ministry of Labor) and implementing other labor reforms intended to prevent and reduce forced labor among foreign workers in the private sector. The government increased the number of labor trafficking prosecutions and overall trafficking convictions compared to the previous reporting period. The government also launched a five-year trafficking prevention plan targeting victims, witnesses, staff, and government authorities that included a program for trafficking survivors to educate vulnerable groups on the risks of trafficking. In addition, the government increased penalties for delayed salary payments and enhanced cooperation with source country governments in regulating labor recruitment. However, the government did not meet the minimum standards in several key areas. Officials did not strengthen the UAE’s enforcement of a prohibition on withholding workers’ passports by employers, which remained a problem throughout the country. Legal and regulatory protections for domestic workers remained weak, and criminal trafficking prosecutions focused predominantly on sex trafficking victims rather than labor trafficking.



### RECOMMENDATIONS FOR THE UNITED ARAB EMIRATES

Finalize and implement comprehensive laws that conform with international standards and regulations to provide protections for domestic workers; strictly enforce prohibitions on withholding workers’ passports; continue to expand usage of standard procedures for victim identification among foreign workers subjected to forced labor, particularly domestic workers who have fled their employers; provide protection services to all trafficking victims, including by increasing services for forced labor victims; increase efforts to investigate, prosecute, and punish trafficking offenses, especially labor trafficking involving domestic workers, and labor-related crimes such as fraud, restrictions on movement, or using force to compel labor; convict and punish labor traffickers, including exploitative recruitment agents and employers; allow labor trafficking victims access to services at shelters; and, increase published data and access to information pertaining to labor practices, trafficking crimes, and anti-trafficking efforts.



## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Federal law 51 prohibits all forms of trafficking and prescribes penalties ranging from one year to life in prison, as well as fines and deportation. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government prosecuted 106 alleged traffickers in 25 cases, of which nine cases were brought to final verdicts, while the remaining 16 were ongoing at the close of the reporting period. This is compared with 54 prosecutions in 17 cases, of which the government concluded three in the previous reporting period. In 2016, sentences ranged from one year plus a fine to life in prison. Of the 25 cases officially registered as human trafficking, 22 related to sex trafficking, while the remaining related to attempts to sell children. No labor violations were officially registered as human trafficking cases under anti-trafficking federal law 51; however, media reports indicated the government prosecuted more than 10 individuals for forced labor-related allegations, such as restrictions on movement or physical threats and abuse to compel labor. This compares with two labor-related trafficking cases in 2015. The government did not uniformly enforce a prohibition on employers withholding workers' passports, which remained a pervasive problem, especially for domestic workers. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking crimes.

The government continued its extensive monitoring and inspection program for private sector manual laborers, including automated electronic monitoring of salary payments for 95 percent of the private sector workforce via the Wage Protection System (WPS), identifying and settling delayed wage payments for tens of thousands of workers, and carrying out more than 200,000 labor-related inspections. However, labor law violations containing indicators of trafficking, such as delayed wage payments, unpaid overtime, or substandard housing, are rarely processed criminally but rather as regulatory violations, typically resulting in fines or the cancellation of business licenses; fines for trafficking in lieu of imprisonment are inadequate to deter the crime.

The government continued to train its officials on human trafficking in 2016. The national committee to combat human trafficking (NCCHT), Dubai police, and the Dubai judicial institute completed a first and began a second four-month, 95 classroom hour diploma program to train relevant government officials on trafficking issues, including investigations, victim protection, forced labor, and interagency and inter-emirate coordination. As of early 2017, more than 50 senior officials from police, judicial, social services, and other government ministries had enrolled in the diploma program. In addition, the Ministry of Interior (MOI) conducted 35 specialized anti-trafficking programs and lectures for judges, prosecutors, immigration officials, and workers, with total participation of more than 2,700 individuals. The MOI and Dubai police conducted eight anti-trafficking workshops and training programs for more than 200 government and private sector personnel engaged in counter-trafficking initiatives, as well as eight anti-trafficking lectures with more than 1,000 participants.

## PROTECTION

The government maintained limited protection efforts. Its efforts to provide protective services focused almost entirely on sex trafficking victims, rather than labor trafficking. To identify victims, the government continued to rely predominantly

on third-party referrals from foreign embassies; religious institutions; reactive police investigations; or tips received through hotlines, smartphone applications, and the internet; and to a lesser degree proactive screening mechanisms employed by officials, such as at border entry points. During the reporting year, the government identified 34 trafficking victims, an increase from 24 victims in the previous year. Of the total identified, 24 were transferred to protective services during the reporting year. Authorities continued to implement a system to move suspected trafficking victims from detention centers, or facilities run by home country embassies or consulates, to shelters, upon the completion of victim identification; however, some victims continued to express fear of being sent to prison for immigration or other violations rather than being accepted into a shelter. The government maintained funding for its shelters offering housing and assistance for female and child victims of sex trafficking and abuse in Abu Dhabi and Dubai; protective services included medical, psychological, legal, educational, rehabilitation and reintegration, and vocational assistance. During the reporting year, the government closed two additional shelters in the emirates of Sharjah and Ras al Khaimah because they were reportedly not being utilized. The government also continued to fund a shelter for male victims, but it was not used during the reporting period. According to a MOU between the MOI and the government-funded shelters, police were responsible for referring and escorting victims safely to shelters, though officials reported some victims voluntarily seek assistance at the shelters. Some foreign domestic workers, including potential trafficking victims, sought shelter assistance at their respective embassies and consulates in part due to fears of arrest and to a lack of government shelters for forced labor victims.

The government allocated 65,000 dirham (\$17,700) in 2016 to help with repatriation expenses such as housing, children's education, medical expenses, and business start-up grants. The government exempted from fines trafficking victims who had overstayed their visas. It also offered trafficking victims shelter, vocational training, counseling, and immigration relief. The government did not provide permanent or formal temporary residency status to victims; however, it permitted their stay in shelters to recover and participate in court proceedings, and worked with international organizations to resettle in third countries victims who could not return to their countries of origin. Laborers were entitled to seek new employment in the country after 60 days of wage non-payment by their existing employer. The government trained labor inspectors and immigration officers at all UAE borders to screen for potential trafficking victims, and authorities provided educational materials in multiple languages to foreign workers at points of entry. Dubai International Airport maintained billboards in its arrival halls warning against human trafficking and providing emergency contact information for victims who need assistance.

## PREVENTION

The government sustained its robust efforts to prevent human trafficking. In 2016, the government began implementation of three labor decrees intended to reduce forced labor practices among private sector workers. Ministerial decree 764 requires employers to give potential employees a contract at the time an offer is made, which meets standard criteria and is in a language the individual understands, prior to the prospective employee applying for a work visa to enter the country. The contract must then be signed by the worker a second time within one week of entering the country, making it legally enforceable in the UAE and eliminating employers' ability to alter the

terms of the original job offer. Ministerial decree 765 makes it easier for employees, unilaterally or in mutual agreement with an employer, to terminate job contracts. Ministerial decree 766 ensures an employee may seek employment with a new employer as long as the old employment relationship was terminated as stipulated by the aforementioned decree. However, the three decrees, announced in 2015 and enacted in 2016, do not apply to domestic workers. A draft law protecting the rights of domestic workers was approved by the cabinet in January 2012, and revised in early 2017; however, it still awaits final approval and enactment for the fifth consecutive year. In December, the MOHRE commenced regulatory jurisdiction over domestic workers and opened 12 centers to review domestic worker contracts for legal compliance. In addition, MOHRE took over the full regulation of domestic workers in the emirate of Dubai. The government continued to investigate workers' complaints of unpaid wages through a dispute resolution process and the WPS, intended to ensure workers are paid according to their contracts, and employers are punished with administrative and financial penalties for failing to comply. During the reporting period, the government tightened the timelines for enforcement from 30 days of delayed payments to 15 days, and helped recover overdue financial payments for tens of thousands of workers. Workers filed thousands of labor complaints through smartphone applications, telephone hotlines, websites, email, and formally with MOHRE offices and mobile units.

The government continued to carry out its national action plan to address human trafficking. The NCCHT hosted a website with information on its anti-trafficking strategy and produced an annual publication of the government's efforts. In April 2016, labor officials launched the second phase of a multilingual "Know Your Rights" campaign that targeted manual laborers living in labor dormitories. The government also continued a two-year national awareness campaign—launched in October 2015—aimed at recruitment agencies for domestic labor. The campaign consisted of police visits to recruitment agencies to educate recruiters on their legal requirements and how to recognize signs of human trafficking. The campaign also included the distribution of literature to domestic workers arriving at airports warning them of recruiting scams and providing information on how to seek help. The Dubai police and representatives from the Dubai Foundation for Women and Children commenced a five-year anti-trafficking plan during the reporting period targeting victims, witnesses, staff, and government authorities. The plan included a program for trafficking survivors to educate vulnerable groups on the risks of trafficking when they return to their respective home countries and communities. Radio stations frequently aired segments alerting the public to human trafficking risks, indicators, and options for reporting suspected trafficking activity or seeking help for trafficking crimes. To assess the effectiveness of its anti-trafficking awareness efforts, the government conducted surveys during the reporting period showing 94 percent of people polled had at least some awareness of human trafficking risks and the options for reporting suspected trafficking cases or seeking help. In August, the UAE began a joint program with India, the largest labor source country, to help oversee manual laborers. Under the program, Indian officials verify the terms of a contract offered to an Indian worker, and confirm the terms match those filed with, and approved by, the UAE before a worker is allowed to travel to the UAE, thus curtailing the ability of recruiters to provide workers fraudulent visa or job offers. The MOHRE continued an extensive labor inspection program, conducting tens of thousands of housing and work site inspections using a team of 380 full-time labor inspectors,

in addition to seven dedicated anti-trafficking inspectors. The government did not take measures to reduce the demand for commercial sex acts in the UAE. The Ministry of Foreign Affairs and International Cooperation maintained provision of workshops and awareness programs on human trafficking for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, the UAE is a destination and transit country for men and women subjected to forced labor and sex trafficking. Foreign workers, recruited globally, comprise more than 95 percent of the UAE's private sector workforce. Low wage positions, including most manual labor and a significant portion of the service sector, are occupied almost entirely by migrant workers predominantly from South and Southeast Asia and the Middle East, with a small but growing percentage from East and West Africa. Some of these workers are subjected to practices indicative of trafficking, such as passport retention, abuse of the legal process, non-payment of wages, fraudulent employment promises, fraudulent documentation, substandard food and housing provisions, and physical abuse, and may be victims of forced labor. Women from some of these countries travel willingly to the UAE to work as domestic workers, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but some are subjected to forced labor or sex trafficking after arrival. Sponsorship laws contribute to vulnerability to trafficking, particularly for domestic employees, by restricting the ability of employees to leave or change employers, and giving employers the power to cancel residence permits, deny employees permission to leave the country, and threaten employees with abuse of legal processes. Although under UAE laws employers must cover the cost of recruitment, and the UAE government has taken steps to further regulate recruitment in both the corporate and domestic sectors, many source-country labor recruiters charge workers exorbitant fees, causing workers to enter service in the UAE owing debts in their respective countries of origin, increasing vulnerability to trafficking through debt bondage. Reports persisted in the domestic labor sector of deceitful employment promises, which were subsequently broken after individuals arrived in the country. Similar cases were reported among workers who circumvented labor protections by entering the country on tourist visas, with the intention of later converting these to work visas. Some women, predominantly from Eastern Europe, Central Asia, South and Southeast Asia, East Africa, Iraq, Iran, and Morocco, are subjected to forced prostitution in the UAE.

## UNITED KINGDOM: TIER 1

The Government of the United Kingdom (UK) fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, the UK remained on Tier 1. The government demonstrated serious and sustained efforts by launching a wide variety of national awareness campaigns, identifying more potential victims and prosecuting more traffickers than in the previous reporting period, and strengthening enforcement of labor standards in sectors with high vulnerability to trafficking. The government continued to implement provisions of The Modern Slavery Act enacted in 2015 that strengthened existing laws to pursue perpetrators, increased protections for victims, and established the UK's first Independent Anti-Slavery Commissioner. Although

the government meets the minimum standards, the victim identification and referral system, did not consistently assist all those requiring help, and the quality of care varied between jurisdictions in the UK. The government did not always ensure victim care following a 45-day reflection period, after which authorities in many cases deported foreign victims who were not assisting in an investigation and prosecution.



## RECOMMENDATIONS FOR THE UNITED KINGDOM

Increase funding for, and access to, specialized services for trafficking victims across all UK jurisdictions, regardless of their immigration status; provide a trafficking-specific long-term alternative to deportation or repatriation for foreign victims; consider extending the reflection and recovery period beyond 45 days for all service providers; increase efforts to prosecute, convict, and sentence traffickers with strong sentences; establish a database on sentencing of convicted traffickers across the UK, categorized by type of trafficking conviction; expand the independent child trafficking advocate program nationally; make training on trafficking mandatory for all social workers and care providers working with trafficking victims, especially those working with children; increase training for law enforcement, public defenders, prosecutors, judges, and front-line responders, including in UK overseas territories, to improve responses to trafficking victims and ensure victims are not prosecuted for crimes committed as a result of being subjected to trafficking; and develop a comprehensive monitoring and evaluation framework for effective implementation of the Modern Slavery Act and related anti-trafficking laws and regulations across UK jurisdictions.

## PROSECUTION

The government maintained prosecution efforts. The Modern Slavery Act of 2015, applicable to England and Wales, prohibits trafficking and prescribes penalties up to and including life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Northern Ireland and Scotland enacted similar legislation in 2015, also with sufficiently stringent and commensurate penalties. For a conviction in a trial following an indictment, the sentence is life imprisonment. Provisions in the Modern Slavery Act that became effective in August 2016, provide law enforcement authority to pursue criminals, including human traffickers at sea, and including authority to board, divert, and detain vessels; make arrests; and seize evidence while investigating potential offenses at sea. Laws across the UK now allow for the seizure of convicted traffickers' assets for payment to victims.

The government did not report the total number of trafficking investigations initiated in 2016. The government reported the Crown Prosecution Service, which handled cases in England and Wales, prosecuted 343 suspected traffickers and convicted 216 traffickers between 2015 and 2016, an increase from the previous year's prosecution of 295 individuals and conviction of 192 individuals. Authorities in Northern Ireland reported

investigating eight trafficking cases and three convictions in 2016, with sentences ranging from one year to two and a half years imprisonment; one trafficking case was pending trial. In Scotland, there were nine prosecutions and three convictions in 2015. The UK government did not report the proportion of convictions that were for sex trafficking versus labor trafficking and did not report statistics on sentences imposed on convicted traffickers. NGOs expressed concern that prosecutions lag and court-imposed sentences and fines have been minimal and insufficient to deter potential perpetrators.

In November, a court convicted five Czech nationals of labor trafficking; sentences in the case ranged from two years to six and a half years in prison. In August, a Nigerian woman was convicted and received a 22-year prison sentence for sex trafficking Nigerian victims in France, after transiting through Heathrow Airport, following her arrest under Operation Hudson, targeting organized trafficking groups, and led by UK Immigration Enforcement. In January, a court convicted two Polish citizens and sentenced each to six years in prison for forcing migrant workers to work in a sporting equipment factory and withholding wages.

The government provided varying levels of anti-trafficking training to law enforcement officers, prosecutors, and justice officials. All new police recruits and detectives were mandated to complete training modules on human trafficking. An NGO published a set of trafficking survivor care standards that the government disseminated widely and included in law enforcement training materials. The Independent Anti-Slavery Commission implemented guidelines for training for all 43 police forces in England and Wales, including a training manual for use by each unit in conducting their own trainings. In Northern Ireland, the police service trained 1,788 front-line officers by the end of 2016 and focused external training on call-handlers who often have first contact with potential trafficking victims. The Northern Ireland police service continued providing around-the-clock support to front-line officers and other agencies through their dedicated anti-trafficking unit. The UK government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government increased protection efforts. Through the national referral mechanism (NRM), authorities identified 3,805 potential trafficking victims in 2016, compared with 3,266 potential victims in 2015. This 17 percent increase followed a 40 percent increase in 2015; these were concurrent with expanded public awareness efforts and implementation of the Modern Slavery Act. Of these potential victims, 51 percent were female, 49 percent were male, and five potential victims were transgender, while 67 percent were adults and 33 percent were children. Victims came from 108 countries, with 66 percent from the UK. Among adult victims, 13 percent were referred for domestic servitude, 44 percent for other forms of labor trafficking, 38 percent for sex trafficking, and five percent for unknown exploitation. Overall, the percentage of minors referred as potential victims increased by 30 percent from 2015. Authorities referred eight percent of the minors for domestic servitude, 37 percent for other forms of labor trafficking, 28 percent for sex trafficking, and 27 percent for unknown exploitation. The Modern Slavery Act includes a "duty to notify" requiring specific government agencies report all potential adult victims encountered to authorities under the guidelines of the NRM. In July 2016, by executive decrees, the



government required that when police refer a potential victim to the NRM, they must also record the encounter as a potential crime of human trafficking under the Modern Slavery Act. Despite increases in identification of victims resulting from this effort, the Independent Anti-Slavery Commissioner reported in August that data from 43 regional police forces across the UK revealed failings in the comprehensive recording of modern slavery crimes in England and Wales.

The UK operates the NRM as a process for identifying and providing care and support for trafficking victims. The initial referral to the system is generally made by a first responder, such as the police, the border patrol, or local authorities. Following the initial referral, the NRM has two steps for identification: a preliminary finding of “reasonable grounds” that an individual is likely a trafficking victim and a final decision of “conclusive grounds” that triggers victim protection measures. There is no formal appeal process for preliminary or final decisions, but a reconsideration of the decision can be requested. The UK Visas and Immigration in the Home Office and the UK Human Trafficking Centre makes these determinations. Once a reasonable grounds decision is made, the victim enters a 45-day period and program of reflection and recovery with access to services such as accommodation, health care, and counseling. During this period the victim decides whether to assist in the investigation and potential prosecution of the perpetrator. The Modern Slavery Act requires that victims receive a determination on their status as a victim under the NRM within 45 days, although in many cases the government did not meet this deadline, leaving some potential victims in limbo.

The UK government-funded a £9 million (\$11.08 million) contract with an NGO to coordinate the provision of care for adult victims in England and Wales under the NRM during the 45-day recovery and reflection period for the 2015-2016 fiscal year. In Wales, the Anti-Slavery Leadership Group tailored an individual plan that can extend beyond the 45-day reflection period. In Northern Ireland, authorities contracted NGOs to work in tandem with government agencies to provide care for victims; however, there was a lack of government funding for victims who do not enter the NRM or who require support following conclusive decisions on their trafficking cases and remain in Northern Ireland. Victims of trafficking in Scotland also had the right to access support and assistance, and the Scottish government provided £700,000 (\$862,070) to two victim support organizations reflecting the priority for victim care in the government strategy launched in October 2016. For victims who choose to return voluntarily to their country of origin, the UK government provides up to £2,000 (\$2,460) toward their reintegration there.

Foreign victims who assist with investigations may be granted temporary residency for up to one year. However, authorities otherwise typically deported foreign victims. Long-term legal alternatives to removal to countries where victims might face hardship or retribution were only available through asylum procedures. NGOs in Northern Ireland criticized this practice and noted legal representatives of potential victims often discourage them from entering the referral system because applying for asylum is a more promising route to remain in Northern Ireland longer. NGO representatives reported potential victims in Northern Ireland were typically deported one year from a positive decision under the NRM and were not allowed to apply for asylum, whereas asylum-seekers typically spend many years in Northern Ireland and often become permanent residents.

Government funding of NGOs tripled over the past four years to £9 million (\$11.08 million) but some NGOs say care is insufficient for the growing number of identified victims once the 45-day reflection period ends, and that no record is kept once the victims leaves the system. The government is currently reviewing the NRM system, including a determination whether to extend the 45-day reflection period. NGOs reported cases of victims returning to prostitution or being re-trafficked due to lack of long-term support. The Wales Anti-Slavery Leadership Group established a “Survivor Care Pathway” with a long-term individual plan for survivors. North Wales implemented a multi-faceted victim reception model designed to be operational in support of a victim within two hours after identification.

Local children’s services offices were charged with providing support for children, but NGOs raised concern that with no mandatory training for social workers, children did not receive adequate care. The Modern Slavery Act provides for the appointment of Independent Child Trafficking Advocates (ICTA), to represent and support children victims within the legal system. However, the government did not expand the program nationwide pending a second pilot program to assess effectiveness of the model, and NGOs expressed disappointment in this decision. The government announced in June 2016 a plan to provide training for all ICTAs, and provided £3 million (\$3.69 million) over the next three years, to address the issue of missing children at risk of re-victimization. Scotland’s Human Trafficking and Exploitation Act also provides for an independent child trafficking guardian. Northern Ireland’s Human Trafficking and Exploitation Act 2015 provides for an independent legal guardian for children subjected to trafficking and unaccompanied children who arrive without a parent or primary caregiver.

Under the Modern Slavery Act, victims have a statutory defense for crimes committed as a consequence of their trafficking. Similar provisions exist under Northern Ireland and Scotland law, although NGOs in Northern Ireland raised concerns some individuals who were prosecuted may have been trafficking victims. UK and Northern Ireland law protects victims during court hearings by allowing them to testify by video, behind a screen, or with the public removed from the court. Courts may confiscate assets of convicted human traffickers and compensate victims through reparation orders, and now can include assets accrued over the past six years.

The government implemented provisions of the Modern Slavery Act allowing foreign domestic workers who are trafficking victims to change employers during the six-month period for which they are admitted. Effective April 2016, any domestic worker determined to be a victim is allowed to remain in the UK for an additional two years. All domestic workers entering on an employment visa into the UK for more than 42 days must attend a session to inform them of their rights and available protections. Some observers still argued this system of “tied” visa status to actual employment continued to leave workers vulnerable, as it discouraged victims from reporting abuses.

## PREVENTION

The government increased prevention efforts. The Independent Anti-Slavery Commissioner published an annual report in October 2016, highlighting achievements one year into the 2015-2017 strategic plan. Results included increased awareness raising, efforts to improve the recording of potential trafficking victims, and increased protection of vulnerable children. Under the Slavery and Trafficking Risk Orders provision in the Modern

Slavery Act, there were 19 individuals determined under court order as posing a high risk of committing a human trafficking offense, and restricted from such activities as working with children, employing staff, or traveling to specific countries. Similar orders were available in Scotland and Ireland through their anti-trafficking laws. A national helpline launched in early 2016, received 468 calls between October and December, with 47 percent being potential trafficking cases. The Immigration Act 2016 significantly expanded the scope of the Gangmasters Licensing Authority to enforce labor standards in high-risk sectors by allowing the agency to investigate regulatory and criminal offenses in employment, and created a new position of Director of Labour Market Enforcement, responsible for setting priorities for labor market enforcement to fight worker exploitation. In July the Prime Minister announced she would chair a new taskforce, which began meeting regularly, and set up to improve the operational response to slavery, to develop an international strategy, and to increase coordination among government agencies, and between the government and service organizations. In November the government announced a new £8.5 million (\$10.47 million) Police Transformation Fund, which includes a Joint Slavery and Trafficking Analysis Centre within the National Crime Agency, focused on research and developing best practices in trafficking-related issues such as cybercrime, child protection, immigration crime, financial crime, effective training, and awareness building.

Under The Modern Slavery Act, all businesses with annual revenue exceeding £36 million (\$44.34 million) must publish an annual statement detailing efforts to ensure its operations and supply chains are free of human trafficking. This approach seeks to create a "race to the top" among companies through transparent reporting and inter-industry collaboration. The anti-slavery commissioner noted the UK is a leader in developing this approach, and many companies are tackling the issue directly, developing toolkits, running training programs, and introducing agreements with suppliers. However, consistent use of best practices was sporadic and critics noted the lack of monetary or criminal penalties for non-compliance.

Authorities may prosecute citizens for sexual offenses committed against children overseas, but the government did not report any actions against UK nationals engaged in child sex tourism. All registered sex offenders must notify the government of foreign travel, enabling the police to share information with other jurisdictions or apply for a sexual harm prevention order, preventing such travel. The government did not report anti-trafficking training provided to its diplomatic personnel or members of the military prior to deployment abroad as part of international peacekeeping missions in 2016.

National awareness campaigns included a broad range of activities, including press communications by the Home Office regarding transparency in supply chains, as well as promoting activities and events on Anti-Slavery Day, October 18. Officials in Scotland used the day for an interagency operation to visit business premises, including food productions companies, agricultural firms, car washes, and beauty shops, and identified 11 potential trafficking victims in the process. Wales includes an anti-trafficking module in school curriculum, as well as poster campaigns in public buildings.

## TRAFFICKING PROFILE

As reported over the past five years, the United Kingdom is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including

domestic servitude. The government estimates there may be up to 13,000 persons subject to trafficking, with one-fourth to one-third children. Most identified victims are subject to labor trafficking. Most foreign trafficking victims come from Africa, Asia, and Eastern Europe. Albania, Vietnam, Nigeria, Romania, and Poland were the top countries of origin during the past year. UK children continue to be subjected to sex trafficking within the country. Children in the care system and unaccompanied migrant children are particularly vulnerable to trafficking. Migrant workers in the UK are subjected to forced labor in agriculture, cannabis cultivation, construction, food processing, factories, domestic service, nail salons, food services, car washes, and on fishing boats. In Northern Ireland, migrants from Albania and Romania are particularly vulnerable to forced labor, including in agricultural work.

## OVERSEAS TERRITORIES OF THE UNITED KINGDOM

### BERMUDA

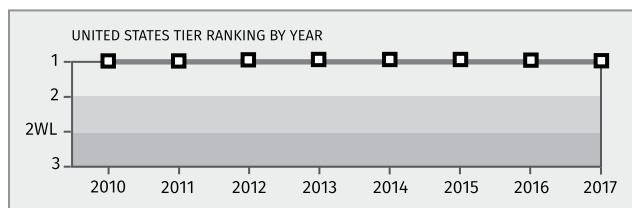
Bermuda is a limited destination territory for women and men subjected to forced labor. Some foreign migrant workers from Asia and Latin America are vulnerable to domestic servitude and abuse or to forced labor in the construction and agricultural industries in Bermuda. The Department of Immigration received several reports of suspected forced labor cases, but after investigation determined them not to be trafficking cases. The government did not report any other investigations, prosecutions, or convictions of trafficking offenses in 2016. Some employers reportedly confiscate passports, withhold wages, deny benefits, and threaten migrant workers with repaying the cost of airline tickets. Migrant workers in Bermuda operate under a strict system of government work permits obtained by employers on behalf of foreign workers. The Transnational Organized Crime Act 2013 criminalizes all forms of sex and labor trafficking and prescribes penalties of up to 20 years imprisonment. Government resources were inadequate to conduct inspections to identify possible exploitation of foreign workers. No government officials were prosecuted or convicted for involvement in trafficking or trafficking-related criminal activities in 2016.

### TURKS AND CAICOS

Turks and Caicos Islands are a destination for men, women, and children subjected to sex trafficking and forced labor. According to local experts, the large population of migrants from Haiti, the Dominican Republic, and Jamaica are vulnerable to sex trafficking and forced labor, with stateless children and adolescents especially at risk. Local stakeholders, including law enforcement officials, have reported specific knowledge of sex trafficking occurring in bars and brothels and noted trafficking-related complicity by some local government officials was a problem. The government did not report any updates on anti-trafficking legislation, introduced in 2012, which was still pending at the end of the previous reporting period. Penalties under the proposed legislation include up to ten years imprisonment. The government did not report protection or prevention efforts undertaken during the reporting period. Four government officials participated in a regional anti-trafficking training session in June. The absence of specific legislation criminalizing trafficking as defined by the 2000 UN TIP Protocol; the absence of victim identification, screening, and protection procedures; and limited awareness of human trafficking on the part of officials and the public continued to hinder anti-trafficking efforts.

## UNITED STATES OF AMERICA: TIER 1

The Government of the United States fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore, the United States remained on Tier 1. The government demonstrated serious and sustained efforts by investigating and prosecuting both sex and labor trafficking, and significantly increasing the number of convictions; providing services to a greater number of trafficking victims and increasing overall funding levels for these services; providing various types of immigration relief for foreign national victims, including a pathway to citizenship; granting T nonimmigrant status to more trafficking victims and extending Continued Presence from one to two years duration to allow victims to remain in the United States temporarily during the investigation and prosecution of their traffickers; enhancing outreach to and engagement with survivors to improve training, programs, and policies on human trafficking; expanding industry- and sector-specific outreach initiatives; and continuing funding for an NGO-operated national hotline and referral service. Although the government meets the minimum standards, advocates called for increased efforts to investigate and prosecute labor trafficking cases and continued to urge more consistent, victim-centered implementation of anti-trafficking laws and policies, including increased efforts to ensure more trafficking victims have timely access to immigration relief. Furthermore, NGOs reported continued instances of state and local officials detaining or prosecuting trafficking victims for criminal activity related to their trafficking, notwithstanding “safe harbor” laws in some states. Advocates called for the U.S. Congress to adopt a federal *vacatur* bill that would allow trafficking victims to vacate any such convictions and encouraged the government to enhance protections for foreign workers, who are particularly vulnerable to labor trafficking.



### RECOMMENDATIONS FOR THE UNITED STATES

Increase investigation and prosecution of labor trafficking cases and cases involving nonviolent forms of coercion; dedicate additional resources for and increase access to comprehensive services across the country, including appropriate housing for all trafficking victims and economic opportunities for survivors; encourage state, local, and tribal authorities to adopt policies not to criminalize victims; increase training of prosecutors and judges on criminal restitution for trafficking victims; strengthen survivor engagement and incorporate survivor input in policies and programs; increase protections for foreign workers in the United States; ensure federal law enforcement officials apply in a timely and consistent manner for Continued Presence for eligible victims; enhance screening procedures to improve identification of trafficking victims among vulnerable populations; enforce federal acquisition regulations aimed at preventing trafficking in federal contracts, including pertaining to providing strong grievance mechanisms for workers, and increase transparency related to any remedial actions against federal contractors; strengthen prevention efforts aimed at

populations vulnerable to human trafficking and the demand for commercial sex and labor trafficking; increase training for state, local, and tribal agencies on victim identification and available benefits; improve data collection on prevalence and on victims identified and assisted; and support federal legislation to allow victims to vacate federal convictions that are a direct result of being subjected to trafficking.

### PROSECUTION

The U.S. government increased federal anti-trafficking law enforcement efforts. The Trafficking Victims Protection Act of 2000 (TVPA), as amended, prohibits all forms of human trafficking. U.S. law also prohibits conspiracy and attempts to violate these provisions, as well as obstructing their enforcement and benefitting financially from these acts. Additionally, a criminal statute on fraud in foreign labor contracting prohibits the use of fraud to recruit workers abroad to work on a U.S. government contract performed within or outside the United States, on U.S. property, or on military installations outside the United States. Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Penalties can include up to life imprisonment. Several bills that address human trafficking were introduced in the U.S. Congress during the reporting period, including the Trafficking Survivors Relief Act, which would allow victims to vacate federal convictions of crimes committed as a direct result of being subjected to trafficking. Advocates noted support for the adoption of federal *vacatur* legislation.

The Department of Justice (DOJ), Department of Homeland Security (DHS), and Department of State (DOS) are the primary investigating agencies for federal trafficking offenses, with federal human trafficking cases prosecuted by DOJ. DOJ, DHS, and the Department of Labor (DOL) continued to develop complex human trafficking investigations and prosecutions through the Anti-Trafficking Coordination Team (ACTeam) Initiative and delivered advanced training to federal agents, prosecutors, and victim assistance professionals. DOJ provided \$15.8 million in fiscal year (FY) (October 1 through September 30) 2016 to 22 law enforcement agencies and victim service providers that make up 11 Enhanced Collaborative Model (ECM) anti-trafficking task forces in partnership with other federal, state, local, and tribal law enforcement entities and community partners. This represents a decrease from 16 ECM task forces funded in FY 2015. NGOs noted ECM task force grantees should receive additional training and technical assistance and called for an evaluation of the model to assess its effectiveness and identify best practices in task force development and operations.

To improve identification of labor trafficking cases, DOJ launched a labor trafficking initiative to strengthen efforts through training, enhanced intelligence models, and strategic outreach. DOL, with assistance from DOJ, enhanced its protocols for detection and referral of potential labor trafficking cases.

The federal government reports its law enforcement data by fiscal year. In FY 2016, DHS reported opening 1,029 investigations possibly involving human trafficking, compared to 1,034 in FY 2015. DOJ formally opened more than 1,800 human trafficking investigations, a significant increase from 802 in FY 2015. DOJ's ECM task forces separately initiated 982 investigations, a slight decrease from 1,011 in FY 2015. DOS reported opening 288 human trafficking-related cases worldwide during FY 2016, an increase from 175 in FY 2015. The Department of Defense (DoD) reported investigating at least 13 human trafficking-



related cases involving U.S. military personnel, compared to 10 in FY 2015. The Department of the Interior (DOI) investigated one human trafficking case involving a victim of sex trafficking, which led to a conviction and a 22-year sentence.

DOJ initiated a total of 241 federal human trafficking prosecutions in FY 2016, a decrease from 257 in FY 2015, and charged 531 defendants, an increase from 377 in FY 2015. Of these prosecutions, 228 involved predominantly sex trafficking and 13 involved predominantly labor trafficking, although some involved both. DOJ and DHS partnered with Mexican law enforcement counterparts to initiate prosecutions on both sides of the U.S.-Mexico border that disrupted international criminal enterprises.

During FY 2016, DOJ secured convictions against 439 traffickers, a significant increase from 297 convictions in FY 2015. Of these, 425 involved predominantly sex trafficking and 14 involved predominantly labor trafficking, although several involved both.

These prosecutions and convictions include cases brought under trafficking-specific criminal statutes and related non-trafficking criminal statutes, but do not include child sex trafficking cases brought under non-trafficking statutes. Sentences ranged from 12 months to life imprisonment. Advocates continued to call on federal prosecutors to seek and for courts to award mandatory restitution for victims of human trafficking.

Advocates urged for increased efforts to investigate and prosecute labor trafficking cases and more systematic efforts to prioritize these cases. Advocates continued to call for increased prosecution of trafficking cases involving nonviolent forms of coercion and called for an increased role for DOL and the Equal Employment Opportunity Commission (EEOC) to investigate labor trafficking.

State laws form the basis of most criminal actions in the United States. All U.S. states and territories have anti-trafficking criminal statutes. NGOs continued to report state and local law enforcement demonstrated uncertainty regarding their authority over forced labor cases and lacked formal structures to increase the identification of such cases. Although at least 34 states have “safe harbor” laws, advocates reported the continued criminalization of victims for crimes committed as a direct result of being subjected to trafficking, and urged federal, state, local, and tribal agencies to adopt policies not to criminalize victims. In addition, 36 states have *vacatur* laws allowing survivors to seek a court order vacating or expunging criminal convictions entered against them that resulted from their trafficking situation, and advocates noted increased efforts to provide remedies for survivors who have criminal records as a result of their exploitation. Advocates also reported inconsistencies between federal and state treatment of child trafficking victims due to differences in how child trafficking is defined, and urged states to use the definition in the TVPA.

The federal government continued to collect state and local data on human trafficking investigations during the reporting period through the Uniform Crime Reporting Program; however, not all state and local jurisdictions participated. Data from 2015 collected from participating jurisdictions are publicly available. In 2015, jurisdictions reported a total of 387 human trafficking offenses resulting in arrest or solved for crime reporting purposes, an increase from 120 in 2014, due in part to more state and local participation in the reporting program. NGOs noted an increase in law enforcement efforts to investigate and prosecute human trafficking by street gangs. There is no formal mechanism to track prosecutions at the

state and local levels.

The government continued to take some actions to address official complicity at both the federal and state levels. Authorities arrested an Army service member for sex trafficking involving a 15-year-old and administratively discharged him under other than honorable conditions for a pattern of misconduct. A federal contractor working overseas was convicted in the United States of child sexual exploitation and child sex trafficking. Law enforcement officers from several agencies around the San Francisco Bay Area were charged with crimes related to their sexual misconduct involving a child sex trafficking victim, including obstruction of justice and failure to report.

The U.S. government expanded efforts to train officials. Federal agencies collaborated with survivors to improve law enforcement strategies for victim identification, incorporate survivor-centered best practices in investigations and prosecutions, and increase efforts to prevent and detect trafficking. However, survivor advocates reported limited opportunities for input and involvement in the development of anti-trafficking training for law enforcement; they encouraged improved comprehensive training on all forms of human trafficking as well as the hiring of survivors as trainers. Advocates called for increased training of prosecutors and judges on mandatory restitution for victims of trafficking. Multiple federal agencies continued to engage in extensive capacity-building for law enforcement, judges, military personnel, pro bono attorneys, and others to more effectively investigate and prosecute trafficking cases. DOJ expanded training provided to judges and judicial officers on the dynamics of child sex trafficking of U.S. citizens and lawful permanent residents (LPR) and to law enforcement regarding the use of money laundering charges and asset forfeiture laws. DHS implemented a human trafficking training program for all transportation security and border protection employees as required in the Justice for Victims of Trafficking Act (JVTA), and collaborated with American Indians and Alaska Natives to pilot a “train the trainer” course for tribal leaders and law enforcement. DOS continued an outreach program for domestic field offices and passport centers in the United States to train personnel on human trafficking, including on investigations, prosecutions, and victim services. The Department of Health and Human Services (HHS) developed resources for courts to assist in the implementation of the Preventing Sex Trafficking and Strengthening Families Act, including the identification of and assistance to child victims of trafficking.

## PROTECTION

The U.S. government increased its efforts to protect trafficking victims. It granted T nonimmigrant status to more victims than in the prior fiscal year, significantly increased overall funding for victim services, and provided services to significantly more trafficking victims. It also continued collaboration with NGOs, victim service providers, and survivors for a multidisciplinary response to victim identification and service referrals. Advocates continued to report cases of local and state authorities detaining or prosecuting trafficking victims for conduct committed as a direct result of being subjected to trafficking.

Federally-funded victim assistance includes case management and referrals for medical and dental care, mental health and substance abuse treatment, sustenance and shelter, translation and interpretation services, immigration and legal assistance, employment and training, transportation assistance, and other services such as criminal justice advocacy. Although federal funding for victim assistance increased for a third year in FY

2016, NGOs continued to report funding remained insufficient to address the myriad needs of individual victims.

HHS issued Certification and Eligibility Letters for foreign victims to be eligible for services and benefits to the same extent as refugees, provided grant funding for comprehensive case management for foreign and domestic trafficking victims, and funded capacity-building grants for community-based organizations and child welfare systems to respond to trafficking. DOJ provided comprehensive and specialized services for both domestic and foreign trafficking victims. Record-keeping systems used by DOJ and HHS did not allow for cross-referencing to determine which victims were served by both agencies.

A Certification Letter enables foreign adult victims to be eligible for federal and state services to the same extent as refugees when Continued Presence is granted or when a victim has a bona fide or approved application for T nonimmigrant status, as described further below. An Eligibility or Interim Assistance Letter allows immediate eligibility for federally-funded benefits and services to the same extent as refugees when credible information indicates a child is or may be a victim of trafficking. HHS issued 444 Certification Letters to foreign adults in FY 2016, a decrease from 623 in FY 2015, and issued 332 Eligibility Letters to foreign children in FY 2016, an increase from 239 in FY 2015. Seventy-five percent of all adult victims certified in FY 2016, more than half of whom were male, were victims of labor trafficking; and more than 73 percent of child trafficking victims who received Eligibility Letters were labor trafficking victims. HHS awarded \$6.4 million in FY 2016 to three NGOs for the provision of case management services to foreign national victims through a nationwide network of NGO sub-recipients, a decrease from \$7.5 million in FY 2015. Through these grants, HHS supported 152 NGOs with the capacity to serve individuals at 241 sites across the country that provided assistance to a total of 1,424 individuals and their family members.

In FY 2016, HHS increased funding to serve U.S. citizen and LPR victims of human trafficking and provided \$3.4 million for coordinated victim-centered services, an increase from \$3.2 million in FY 2015. It provided an additional \$2.5 million to address trafficking within child welfare systems.

DOJ continued to significantly increase the funding allocated to victim assistance, enabling service provision to more victims. During FY 2016, DOJ funded 33 victim service providers offering comprehensive and specialized services across the United States, totaling approximately \$19.7 million, compared with \$13.8 million in FY 2015 and \$10.9 million in FY 2014. DOJ provided \$6 million in new funding to improve outcomes for child and youth human trafficking victims up to age 24, and increase services for American Indian and Alaska Native trafficking victims who reside in urban areas. DOJ also provided \$2.6 million to enhance services for victims of child sexual exploitation and U.S. citizen and LPR victims of child sex trafficking. From July 1, 2015 to June 30, 2016, DOJ grantees providing victim services reported 5,655 open client cases, including 3,195 new clients, compared with 3,889 open client cases and 2,180 new clients the year before and a respective 2,782 and 1,366 the year before that. DOJ's grantees reported that 66 percent of clients served during the reporting period were U.S. citizens or LPRs and 34 percent were foreign nationals.

DOJ published a new victim assistance rule in August 2016 that provided more flexibility for states to use increased funding for crime victims, including for trafficking victims. The Department of Housing and Urban Development, in partnership with a

local housing authority and HHS, piloted the first program in the United States to offer housing vouchers for trafficking survivors. In response to the JITA, DOJ created a webpage for survivors with information on resources and services.

NGOs and survivor advocates expressed concern that despite federally funded programs mandating comprehensive services for all victims of trafficking, services were not always provided equally, and they reported inconsistencies in the availability and delivery of services. Advocates called for increased resources and more strategic spending of funds to provide comprehensive services for all survivors across the country. NGOs reported the need for increased availability of trauma-informed services for trafficking victims. NGOs and survivor advocates continued to report insufficient access to shelter and long-term housing options for trafficking victims and called on the U.S. Congress to establish a federal housing preference for survivors of human trafficking. NGOs and survivor advocates also called for improvements to employment and training services to create more economic opportunities, including expansion of vocational training programs, career development courses, and financial counseling. An OSCE report called for increased resources to assist vulnerable youth exiting foster care.

The United States government has formal procedures to guide officials in victim identification and referral to service providers. During the year, HHS child protection specialists continued to provide training and technical assistance to overcome barriers in identifying child trafficking victims. NGOs reported continued concern that governmental efforts to detect and address labor trafficking were insufficient.

When children are placed in the care and custody of HHS, they are screened for trafficking exploitation in the United States or abroad. When appropriate, HHS makes a determination of eligibility for benefits and services, which may include long-term assistance. HHS assisted 122 child victims of trafficking through its Unaccompanied Refugee Minors Program in FY 2016, a slight decrease from 124 served in FY 2015. This program requires states to provide such child victims with the same assistance, care, and services available to foster children. HHS also developed a guide on victim identification and other related resources for child welfare agencies and continued to enhance efforts to identify American Indian and Alaska Native victims in both rural and urban areas. Advocates noted concerns about screening procedures at the U.S. borders and in detention facilities, and called for increased training of officials and better monitoring of the care provided to unaccompanied children.

DHS provides trafficking-specific immigration options through Continued Presence, which is temporary, and T nonimmigrant status (commonly referred to as the T visa). T visa applicants must be victims of a severe form of trafficking in persons, be in the United States or at a port of entry because of trafficking, and show cooperation with reasonable requests from law enforcement unless they are younger than 18 years of age or unable to cooperate due to trauma suffered. They must also demonstrate that they would suffer extreme hardship involving unusual and severe harm upon removal from the United States. T visa applicants may petition for certain family members, including certain extended family members who face a present danger of retaliation; T visa beneficiaries and their derivative family members are authorized to work and are eligible for certain federal public benefits and services. After three years, or upon the completion of the investigation or prosecution, those with T visas may be eligible to apply for lawful permanent resident status and eventually may be eligible for citizenship.

DHS granted T nonimmigrant status to 750 victims and 986 eligible family members of victims in FY 2016, a significant increase from 610 and 694 in FY 2015. In December 2016, DHS published an interim final rule amending the regulations governing the requirements and procedures for victims of human trafficking seeking a T visa to conform to legislation enacted after the initial rule was published in 2002. The rule became effective in January 2017.

DHS manages all requests from federal and state law enforcement for Continued Presence, authorizing foreign nationals identified as trafficking victims who are potential witnesses to remain lawfully and work in the United States during the investigation and prosecution of the crime. In FY 2016, DHS issued Continued Presence to 129 trafficking victims, who were potential witnesses, a decrease from 173 in FY 2015. It granted 179 extensions of Continued Presence, a decrease from 223 in FY 2015. In October 2016, DHS updated the Continued Presence guidance to law enforcement to improve consistency, extend the duration from one to two years, and increase the renewal duration from one year to up to two years. NGOs continued to call for consistent implementation of Continued Presence across the United States, making sure officials request it as soon as possible during an investigation to enhance the use of this law enforcement tool.

International organizations recommended better training for officials, especially at the local level, on the different types of immigration options available to trafficking victims as well as speeding up the process by which these benefits are granted.

Another form of immigration relief available to trafficking victims is U nonimmigrant status (commonly referred to as the U visa) for victims of certain qualifying crimes who are helpful in the investigation or prosecution of the qualifying criminal activity and meet other specific eligibility requirements. DHS no longer delineates the number of U visas issued based on the specific underlying crimes for which they are issued.

In FY 2016, a DOS program reunified 279 family members with identified victims of trafficking in the United States, compared with 244 in FY 2015. This program provided two survivors with assistance returning to their home country.

Multiple agencies across the federal government continued to provide training to federal, state, local, and tribal law enforcement, as well as to NGO service providers and health and human service providers to encourage more consistent application of victim-centered and trauma-informed approaches in all phases of victim identification, assistance, recovery, and participation in the criminal justice process. An NGO noted limited training and resources for child welfare agencies to provide trauma-informed services for trafficking victims.

Advocates reported authorities continued to arrest trafficking victims for crimes committed as a direct result of being subjected to trafficking. Survivor advocates continued to call on states to reform their laws to ensure trafficking victims are not criminalized for offenses their traffickers force them to commit. NGOs called for special conditions in federal grants to law enforcement entities that would bar the use of funds to criminalize human trafficking victims. NGOs and survivor advocates continued to report the criminalization of victims creates barriers to accessing public benefits, employment, housing, and other needs essential to avoid re-trafficking and facilitate recovery. NGOs also called on the U.S. government to address labor trafficking at the same levels as sex trafficking, as much as practicable, in anti-trafficking programs and activities.

Survivors continued to report some victims felt pressure to testify against their traffickers to obtain access to services.

## PREVENTION

The U.S. government increased efforts to prevent trafficking. Federal agencies conducted numerous awareness and training activities for their own personnel, including law enforcement and acquisition professionals, and field office staff. The Department of the Treasury (Treasury) joined the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) to bring added expertise, including in evaluating the nexus between money laundering and human trafficking. To enhance transparency and stakeholder input, the PITF included the presidentially-appointed survivor advisory council in its annual meeting and reported on agency accomplishments in combating human trafficking. The government continued to implement its strategic action plan on victim services in the United States and publicly released the second status report in December 2016. The government released a national action plan on responsible business conduct that included commitments to combat human trafficking in supply chains.

The government continued public outreach measures on the causes and consequences of human trafficking and continued efforts to increase victim identification among vulnerable populations and sectors and improve prevention efforts. HHS continued to fund an NGO to operate the national human trafficking hotline and in January 2017 launched a training and technical assistance center to enhance the public health response of communities and professionals to human trafficking. In FY 2016, the national hotline received 51,167 calls from across the United States and U.S. territories. In October 2016, the government updated the "Know Your Rights" pamphlet U.S. embassies and consulates provide applicants for temporary work and exchange visitor visas, incorporating public input, including from survivors, and featuring additional resources for workers. In FY 2016, the pamphlet generated 459 calls to the national hotline, compared to 424 calls generated by the pamphlet in FY 2015.

In 2016, DHS continued its nationwide human trafficking awareness Blue Campaign and developed new products, including a toolkit for the hospitality sector. DOJ prepared a toolkit of materials and resources for distribution during outreach events that includes victim identification practices and protocols for assisting possible trafficking victims. HHS launched a new awareness campaign that incorporated stakeholder and survivor input and continued to provide training to health care and social service professionals. The Department of Transportation (DOT) and DHS worked with survivor advocates, law enforcement, and aviation experts to revise their training module for airline personnel. In July 2016, a legislative amendment added an annual training requirement for flight attendants on recognizing and responding to potential victims of trafficking, which led to an increase in the number of airlines partnering with DOT and DHS from four to 16. In FY 2016, the EEOC conducted more than 240 trafficking outreach events, reaching more than 25,000 individuals. The Department of Agriculture (USDA) developed and distributed across the United States a pamphlet on human trafficking and industry vulnerabilities, and it conducted outreach visits to rural communities in three states to increase awareness of trafficking. Treasury continued to analyze and disseminate information received from financial institutions related to human trafficking. The U.S. Agency for International Development funded anti-trafficking activities in 34 countries and continued its mandatory



trafficking training for employees, including its acquisition workforce. The Department of Education continued outreach efforts to integrate trafficking information into school curricula and resources. DoD incorporated mandatory human trafficking training for contract and acquisition officers into its standard curricula. DOS continued to provide anti-trafficking training for its diplomatic personnel; it provided both classroom and web-based training for Diplomatic Security personnel, consular officers, and other employees. To prevent human trafficking, NGOs called for a more comprehensive approach to address the factors and conditions that increase vulnerabilities to human trafficking. Advocates asked for more specific, easily accessible data on prevalence and on victims identified and assisted.

NGOs continued to report abuses, including allegations of human trafficking, of workers in the United States on work-based or other nonimmigrant visas. Advocates urged enhanced protections for workers, including regulatory changes to uncouple work visas from an employer or sponsor, and called for the allocation of more resources to protect workers from unscrupulous recruiters.

Both the H-2A and H-2B programs prohibit directly or indirectly charging foreign workers job placement, recruitment, or other fees—including certain salary deductions—related to employment, and both require disclosure of the terms of employment. Since August 2016, DOL has maintained an online list of H-2B foreign labor recruiters to increase transparency in the recruitment process, help workers verify legitimate H-2B job opportunities in the United States, and better enforce recruitment violations. In January 2017, DHS and DOL approved an agreement to share data on employers participating in nonimmigrant and immigrant visa programs. NGOs continued to report inadequate government oversight and enforcement of the recruitment fee ban and noted that workers were still being charged prohibited fees.

DOS has implemented steps to ensure the health, safety, and welfare of participants in the J-1 Visa Exchange Visitor Program, which includes the Summer Work Travel (SWT) and the au pair programs. DOS conducted field monitoring of the SWT program in the 2016 summer and winter seasons, visiting 446 SWT exchange visitor sites in 25 states and the District of Columbia. DOS also continued outreach efforts with 25 community support structures in 19 states with significant SWT populations to educate participants on personal safety, among other things. In January 2017, DOS sought public comment on a proposed new rule amending the SWT program requirements, which adds protections for visitors and new responsibilities for sponsors. In March 2017, a Florida man was sentenced to 30 years in prison for sex trafficking in a 2011 case involving the exploitation of two SWT exchange visitors. With respect to the au pair program, DOS continued to monitor the health, safety, and welfare of au pairs. Recent media reports detailed allegations of abuse in a small number of cases under the au pair program involving au pairs working extra hours without additional pay and not receiving the appropriate wage for their placement jurisdiction.

U.S. law exempts U.S. vessels in fleets that fish for highly migratory species from a requirement that at least 75 percent of crew on vessels in U.S. waters be U.S. citizens. As a result, most workers on these fleets, which dock at ports in Hawaii and along the U.S. west coast, are foreign nationals. These workers are not eligible, based on this work, for any U.S. work-based visas to enter the United States, are not covered by U.S. labor law protections, and consistent with industry practice;

are subject to a requirement whereby vessel captains hold the crew's identity documents. DHS monitored these workers' conditions to mitigate potential risks of exploitation.

In February 2017, a federal judge certified a class of immigration detainees who allege they were forced to work in violation of the TVPA during their detention in a privately owned and operated prison company contracted by DHS. The class certification has been appealed. DHS is not party to the lawsuit.

In 2016, DOS continued to administer its In-Person Registration Program for domestic workers on A-3 and G-5 visas employed by foreign mission and international organization personnel, respectively, in the Washington, DC area and began annual renewal appointments. DOS hosted a briefing for senior foreign embassy and international organization officials to reiterate program requirements, introduce a suggested employment contract template, and emphasize foreign mission responsibility for the welfare of these workers. DOS also held a consultation with NGOs on issues related to domestic workers. Despite these efforts, an OSCE report called for expansion of the In-Person Registration Program to include all A-3 and G-5 visa holders in the United States and raised concerns that some foreign mission personnel evade current protection measures for foreign domestic workers. NGO reports called for increased efforts to prosecute domestic servitude cases involving diplomats when possible, the inclusion of all domestic workers in federal labor and employment law protections, and strengthened protections under state laws.

Civil enforcement of federal laws continued to be a significant component of the government's anti-trafficking efforts. DOL investigated complaints and conducted targeted civil labor investigations involving workers in industries and sectors known to be vulnerable to labor trafficking. In FY 2016, DOL increased enforcement activities in industries including agriculture, landscaping, seafood, reforestation, and hospitality. However, survivor advocates noted the high number of cases in hospitality, agriculture, and construction and recommended more investigations of these industries. During the reporting period, EEOC, which enforces federal employment discrimination statutes, continued to pursue cases on behalf of trafficked workers and ensure compensation for victims of trafficking, but did not file any new cases. Federal law also allows a person subjected to trafficking to independently file a civil cause of action, and there were cases in which individuals took this action during the reporting period.

The government continued its efforts to reduce the demand for commercial sex and forced labor in the reporting period. DoD investigated at least seven cases of service members allegedly violating DoD's prohibition on procuring commercial sex, compared to at least 38 investigations the previous year. DOJ continued to prosecute individuals who pay or attempt to pay for commercial sex involving children. For example, in 2016, one defendant received a sentence of 293 months in prison for engaging in a commercial sex act with a 12-year-old child. NGOs urged increased efforts to address the demand for commercial sex, including efforts to prosecute those who solicit sex from trafficking victims.

DOJ and DHS continued to proactively investigate allegations of child sex tourism offenses perpetrated overseas by U.S. citizens and partnered with foreign law enforcement counterparts to share information regarding international travel of registered child sex offenders. Ten defendants were convicted of federal child sex tourism charges under the federal statute, 18 U.S.C.

§ 2423(c), in FY 2016, an increase from three in the previous reporting period. Offenders who abuse children abroad could be prosecuted under other statutes, and prosecutions based on other statutes are not reflected in this statistic.

DOJ and other federal law enforcement agencies continued to investigate allegations of debt bondage and excessive recruitment fees required of third-country nationals working on certain U.S. government contracts abroad, but no federal criminal prosecutions of employers or labor contractors resulted from these investigations in FY 2016. There were no reports of civil actions, debarment, or other sanctions against noncompliant employers or labor contractors from U.S. programs.

The government sought public comment on a proposed definition of “recruitment fees” in the context of the Federal Acquisition Regulation, “Ending Trafficking in Persons,” which strengthens protections against trafficking in federal contracts, and on guidance for federal contractors on anti-trafficking risk management best practices and mitigation considerations.

DHS enforces a law that prohibits the importation of goods made by prohibited forms of labor, including forced labor. Within the reporting period, the government identified two locations and detained merchandise suspected of violating the statute but did not detain any goods on grounds it was produced by forced labor.

In FY 2016, DOI partnered with the National Indian Gaming Commission (NIGC) to provide a human trafficking training session at each of the NIGC’s regional conferences. DOI worked with DHS to host meetings with tribal leaders to address crime and exploitation along U.S. borders and continued to provide human trafficking training to tribal first responders, including law enforcement and victim services personnel. For the first time, DOJ granted three awards dedicated to increasing NGO capacity to provide services for American Indian and Alaska Native victims of sex trafficking who reside in urban areas. DOJ developed a specialized training program on human trafficking in Indian Country and directed each United States Attorney’s Office with tribal communities to develop guidelines with federal and tribal partners to address sexual violence and to develop strategic plans to combat trafficking. HHS and USDA launched a trafficking outreach initiative for rural and tribal communities and held joint community listening sessions with tribal leaders. HHS provided resources, training, and technical assistance to American Indian and Alaska Native communities to strengthen community-led responses to human trafficking aimed at increasing awareness and addressing the service needs of American Indian trafficking victims. Challenges include a criminal justice infrastructure inadequate to meet the needs of Indian Country, limited victim services, and cultural barriers to recognizing vulnerabilities.

### U.S. INSULAR AREAS

All forms of trafficking are believed to occur in the U.S. insular areas, including American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands (USVI).

In Guam and in CNMI, members of DOJ-led human trafficking task forces continued to engage with community partners to provide victim services, train law enforcement, and share strategies for improving victim identification. In collaboration with the two task forces, DOJ also continued to advance an initiative that enhances coordination with stakeholders in the

Pacific Region on victim services, law enforcement responses, training, community outreach, and prevention programs. In USVI and Puerto Rico, DOJ participated with DHS in task forces designed to raise awareness of and combat human trafficking.

HHS provides services to foreign victims of trafficking in American Samoa, Guam, CNMI, Puerto Rico, and USVI. In FY 2016, the HHS-funded national hotline received 24 calls from U.S. territories, with the majority of those calls coming from USVI and CNMI.

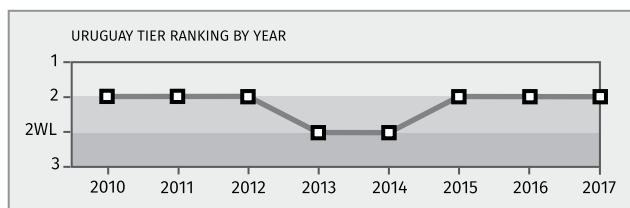
HHS provided grant-funded training and technical assistance in American Samoa, Guam, CNMI, Puerto Rico, and USVI in FY 2016 on trauma-informed care and protections available for victims of trafficking.

### TRAFFICKING PROFILE

As reported over the past five years, the United States is a source, transit, and destination country for men, women, transgender individuals, and children—both U.S. citizens and foreign nationals—subjected to sex trafficking and forced labor. Trafficking occurs in both legal and illicit industries, including in commercial sex, hospitality, traveling sales crews, agriculture, seafood, manufacturing, janitorial services, construction, restaurants, health care, care for persons with disabilities, salon services, fairs and carnivals, peddling and begging, drug smuggling and distribution, and child care and domestic work. Individuals who entered the United States with and without legal status have been identified as trafficking victims. Government officials, companies, and NGOs have expressed concern about the risk of human trafficking in global supply chains, including in federal contracts. Victims originate from almost every region of the world; the top three countries of origin of federally identified victims in FY 2016 were the United States, Mexico, and the Philippines. Particularly vulnerable populations in the United States include: children in the child welfare and juvenile justice systems; runaway and homeless youth; unaccompanied children; American Indians and Alaska Natives; migrant laborers, including undocumented workers and participants in visa programs for temporary workers; foreign national domestic workers in diplomatic households; persons with limited English proficiency; persons with low literacy; persons with disabilities; and LGBTI individuals. NGOs noted an increase in cases of street gangs engaging in human trafficking. Some U.S. citizens engage in child sex tourism in foreign countries.

## URUGUAY: TIER 2

The Government of Uruguay does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Uruguay remained on Tier 2. The government demonstrated increasing efforts by convicting more traffickers and introducing a proposal for a national action plan and a comprehensive anti-trafficking bill. However, the government did not meet the minimum standards in several key areas. The government initiated fewer prosecutions, courts did not impose sufficiently stringent sentences for convicted traffickers, and the government’s efforts to provide specialized victim services remained inadequate.



## RECOMMENDATIONS FOR URUGUAY

Increase availability of specialized services for trafficking victims, especially outside the capital and for male victims, and continue services throughout investigation and prosecution; vigorously investigate and prosecute labor trafficking, forced prostitution, and child trafficking and hold traffickers accountable with sufficiently stringent sentences; approve the comprehensive anti-trafficking bill and finalize the national action plan; increase anti-trafficking training for law enforcement officials, labor inspectors, prosecutors, judges, and social workers, particularly to identify and assist victims of sex and labor trafficking; and develop and operationalize a data collection system to maintain official statistics on anti-trafficking law enforcement and victim identification efforts.

## PROSECUTION

The government maintained prosecution efforts. Article 78 of the 2008 immigration law criminalizes all forms of trafficking, prescribing penalties of four to 16 years imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes. This article criminalizes forced labor, slavery or other similar practices, servitude and sexual exploitation. Article 79 makes it a crime punishable by two to eight years imprisonment to facilitate the movement of persons into or out of the country for the purpose of human trafficking. Article 81 provides enhanced penalties for both articles 78 and 79, when the crime is committed by a habitual offender or by police or other safety officials and when the victim is a child or when the trafficking involves “violence, intimidation or deception.” Although some of these “means” seem to fall implicitly within the scope of article 78, which criminalizes forced labor and sexual exploitation, article 81 appears to make violence, intimidation, deceit, or abuse of the vulnerability of the victim aggravating factors rather than essential elements of the crime. Articles 280 and 281 of the penal code prohibit forced labor, prescribing sentences ranging from two to 12 years imprisonment. A 1927 law (Law No. 8.080) criminalizes the exploitation of the prostitution of another person, with penalties ranging from two to eight years imprisonment. In addition, a 2004 sexual violence law (Law No. 17.815) criminalizes the prostitution, servitude, or sexual exploitation, including child pornography, of minors or persons with disabilities, with sentences from two to 12 years; authorities use these statutes to prosecute cases of child exploitation. Uruguayan authorities did not report how many of the cases processed under these laws were for adult or child sex trafficking. Two judges in the specialized court on organized crime in Montevideo had jurisdiction over all trafficking cases carried out by organized criminal groups of three or more individuals. Most trafficking cases were tried outside of this specialized court because they involved only one or two suspects. During the reporting period, the Interagency Committee to Prevent and Combat Trafficking in Persons formally presented to the parliament, the judicial branch, and the attorney general’s office (AGO) a draft comprehensive anti-trafficking bill proposing legislation focused on prevention, investigation and support for victims

of trafficking. The newly created gender unit within the AGO focused on investigations, prosecutions, and convictions for crimes related to trafficking and the exploitation of children and adolescents.

The government did not collect comprehensive data on anti-trafficking law enforcement efforts and there was no system for tracking court cases. The AGO reported it was working on implementing a database to track cases and produce more accurate statistics. In the interim, individual courts and police departments remained the primary repositories for data collection. Uruguay’s transition from an “inquisitorial” to an “accusatorial” justice system, planned to begin in 2017, must take place before any new measures are taken to compile and centralize data. In 2016, the government initiated six investigations under article 78, three for forced labor and three for sex trafficking, and continued one sex trafficking investigation from 2015, compared with six investigations for sex trafficking initiated in 2015. In 2016, the government reported four prosecutions, two under article 78 and two under article 4 of law 17.815, compared with 16 prosecutions in 2015 and five in 2014. The government convicted three individuals for sex trafficking under article 78 in 2016, an increase from zero in 2015 and 2014. All three convictions were in the appeals process at the end of the reporting period. Authorities did not report the length of the sentences given in these cases; however, in previous instances, convicted traffickers avoided serious punishment as courts issued penalties that were inadequate to deter the crime. The government did not investigate, prosecute, or convict anyone under article 280 or article 281 of the penal code in 2016. Authorities did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The Ministry of Interior (MOI) and an international organization jointly organized two workshops on criminal investigations of human trafficking, human smuggling, and the sexual exploitation of children and adolescents. The government organized a police procedure training course on gender-based violence with a module on trafficking in persons; a total of 274 officials participated. The MOI held a training course for 225 police officers on combating gender-based violence with a focus on the sexual exploitation of children.

## PROTECTION

The government maintained protection efforts. The National Institute for Women (INMujeres), in the Ministry of Social Development, was the principal provider of services for female victims of abuse. The National Institute for Children and Adolescent Affairs reported assisting 333 cases of sexual exploitation of minors in 2016; although it was unclear how many were victims of trafficking. INMujeres and an NGO reported providing assistance to 131 victims of trafficking, including 111 in Montevideo and 20 in the interior of the country, a decrease from the 222 reported in 2015. It was unclear how many were victims of commercial sexual exploitation or forced labor. INMujeres strengthened outreach to the interior of the country through a 14-member mobile unit with psychologists, social workers, and lawyers who provided psychological support, social services, and legal guidance. During the reporting period the MOI and AGO began using a standardized protocol to investigate cases and assist victims. The government provided several training opportunities for law enforcement officials, labor inspectors, prosecutors, judges, and social workers on victim identification and assistance.

The government provided 4,575,647 pesos (\$157,401), an



increase from 3,638,280 pesos (\$125,156) in 2015, to INMujeres to assist adult female sex trafficking victims and women in prostitution with psychological, medical, and other services. There were no shelters designated for trafficking victims, so temporary and long-term housing solutions were determined on a case-by-case basis. There were no specialized services for male victims. According to an international organization, the government provided services for victims for 30 days after which victims received general support similar to that provided to homeless people.

The government provides protective measures to encourage victims to assist in the investigation and prosecution of their traffickers. According to an international organization, several of the protective measures available, such as victim relocation, changes of identity and economic assistance, were not fully implemented during the reporting period. Authorities reported Uruguay's small population size made effective protection of victims' identities a challenge. There were no reports victims were jailed, deported, or otherwise penalized for acts committed as a direct result of being subjected to human trafficking. While the government did not offer trafficking-specific legal alternatives to victims' removal to countries where they faced retribution or hardship, general asylum, and work permits were available for foreign trafficking victims.

## PREVENTION

The government increased prevention efforts. The Interagency Committee to Fight Trafficking in Persons met monthly, including two meetings specifically to develop a national action plan, which remained incomplete at the end of the reporting period. The committee expected to finalize the plan after the parliament approves the comprehensive anti-trafficking bill. The MOI, in coordination with the National Association of Broadcasters, recorded and broadcast a media campaign to raise public awareness. INMujeres hosted several awareness campaigns focused on training social workers to better understand trafficking and improve the response at the local and national levels. The Uruguayan parliament created a special committee with representatives from five different political parties to investigate trafficking. In September, the committee organized a conference on international cooperation against trafficking where participants discussed legislative, social, judicial and educational perspectives to trafficking and the benefits of increasing cooperation with civil society. The government made efforts to prevent child sex tourism, but did not make efforts to reduce the demand for commercial sex or forced labor. In 2016, Uruguay hosted a regional conference on preventing sexual exploitation of children with a focus on exploitation-free tourism. Authorities provided peacekeeping troops, prior to their deployment, a handbook addressing human rights and international humanitarian law in peacekeeping operations, which included a chapter on exploitation and sexual abuse. The government provided anti-trafficking training for its diplomatic personnel.

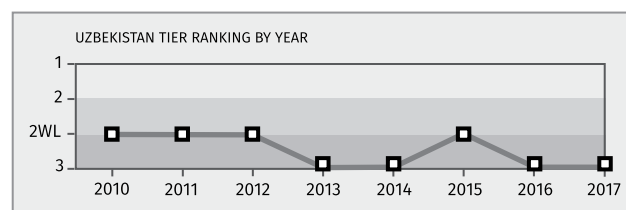
## TRAFFICKING PROFILE

As reported over the past five years, Uruguay is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Uruguayan women and girls—and to a more limited extent transgender adults and male adolescents—are subjected to sex trafficking within the country. Uruguayan women and LGBTI individuals are forced into prostitution in Spain, Italy, Argentina, and Brazil; however, the number of identified Uruguayan victims exploited abroad

has decreased in recent years. Women from the Dominican Republic, and to a lesser extent from South American countries, are subjected to sex trafficking in Uruguay. Foreign workers, particularly from Bolivia, Paraguay, Brazil, the Dominican Republic, and Argentina, are subjected to forced labor in construction, domestic service, cleaning services, elderly care, wholesale stores, textile industries, agriculture, fishing, and lumber processing. Uruguayan officials have identified citizens of other countries, including China and the Dominican Republic, transiting Uruguay en route to other destinations, particularly Argentina, as potential victims of sex and labor trafficking.

## UZBEKISTAN: TIER 3

The Government of Uzbekistan does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Uzbekistan remained on Tier 3. Despite the lack of significant efforts, the government took steps to address trafficking including allowing the ILO to monitor the cotton harvest for child labor since 2013 and for forced labor since 2015, and to publish the results of a survey on labor recruitment practices during the 2014 and 2015 cotton harvests. The government also conducted a substantial campaign to raise awareness of the prohibition against child labor in the harvest for a third year. Authorities continued to prosecute suspected traffickers involved in transnational cases and fund a rehabilitation center for trafficking victims. Government-compelled forced labor remained widespread during the 2016 cotton harvest. The central government continued to demand farmers and local officials fulfill state-assigned cotton production quotas, and set insufficiently low prices for cotton and labor to attract a sufficient number of voluntary workers, which led to the wide-scale mobilizations of adult laborers. There were anecdotal reports of the continued use of child laborers in some locations. Attempts to conceal possible labor violations in cotton fields continued; there were several incidents in which provincial officials harassed independent monitors and isolated cases of monitors being detained and questioned. For the first time, in 2016, the government investigated cases of child labor.



## RECOMMENDATIONS FOR UZBEKISTAN

Take substantive action to end the use of forced adult labor during the annual cotton harvest, through such measures as eliminating cotton production quotas and increasing remuneration and improving working conditions for workers in the cotton harvest; continue substantive actions to fully eliminate forced child labor from the annual cotton harvest; respecting due process, increase investigations and, when sufficient evidence exists, criminally prosecute officials complicit in human trafficking, including officials involved in mobilizing forced labor; grant independent observers full access to monitor cotton cultivation and fully cease harassment, detention, and abuse of activists for documenting labor conditions, and investigate, and, when sufficient evidence exists, criminally

prosecute persons complicit in human trafficking identified by observers; continue implementing the national action plan for improving labor conditions in the agricultural sector; modify agricultural policies to reduce pressure for farmers and officials to compulsorily mobilize labor for the cotton harvest; implement commitments to not mobilize teachers, medical workers, and college and lyceum students; provide adequate mechanisms to enable students and state employees to refuse to participate in the cotton harvest without suffering consequences; continue promoting awareness of labor rights, including in regard to the cotton harvest; continue improving processes for registering and investigating violations of labor rights; continue efforts to investigate and prosecute suspected traffickers, respecting due process; fund anti-trafficking NGOs assisting and sheltering victims who were not admitted to the state-run shelter; develop formal mechanisms to ensure victims are not penalized for acts committed as a result of being subjected to trafficking, including for illegal border crossing and losing personal identification documents; amend the criminal code to protect the identities of trafficking victims, and encourage prosecutors to proactively seek victim restitution in criminal cases; and continue to improve procedures for identifying trafficking victims to ensure they are systematic and proactive.

## PROSECUTION

The government maintained law enforcement efforts. Article 135 of the criminal code prohibits both sex trafficking and forced labor, prescribing penalties of three to 12 years imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. For the third year in a row, investigations, prosecutions, and convictions declined. The government conducted 651 investigations and prosecuted 361 cases for crimes related to trafficking in 2016, compared to 696 investigations and 372 prosecutions in 2015 and 1,016 investigations and 641 prosecutions in 2014. Authorities reported convicting 451 people for crimes related to trafficking in 2016, compared to 460 in 2015. The government reported that 250 of the crimes investigated in 2016 were related to sexual exploitation. The government did not provide sufficient detail to determine if the reported statistics related to trafficking or sexual exploitation met the definition of trafficking under the TVPA. The government reported 404 convictions carried a prison sentence, 12 carried a sentence of correctional labor, and 29 individuals were granted amnesty.

The Ministry of Interior (MOI) maintained an investigatory unit dedicated to trafficking crimes. The government provided trafficking-specific training to police, judges, and other authorities. Despite widely reported and credible evidence of official complicity in the cotton harvest and other sectors with forced labor, the government did not report any criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses this year. It did report issuing administrative fines to nine officials for forced labor violations.

## PROTECTION

The government maintained efforts to identify, assist, and protect victims of sex and transnational labor trafficking, but made only limited efforts to assist victims of forced labor in the cotton harvest or other domestic sectors. The government identified 714 victims of trafficking-related crimes in 2016, a decrease from 924 in 2015 and 1,208 in 2014. Of these 714 victims,

193 were exploited within the country, while the remaining victims were Uzbek citizens exploited in other countries. The government identified 29 victims of foreign origin and reported that the majority of identified victims, whether Uzbek or foreign, were subjected to labor trafficking. NGOs and an international organization identified and assisted 327 trafficking victims in 2016 (774 in 2015 and 847 in 2014). Uzbekistan's diplomatic missions abroad helped repatriate 109 victims by issuing travel documents, a decrease from 146 in 2015. The government lacked a standardized process to proactively identify victims from vulnerable populations and refer those victims to protective services, especially those subjected to internal trafficking. Police, consular officials, and border guards who were able to identify potential trafficking victims could refer them to either a state-run shelter or NGOs for services. To be eligible to receive government-provided rehabilitation and protection services, victims must file a criminal complaint with the authorities in their community of origin, after which the MOI can decide to initiate an investigation and grant official victim status to the individual. NGOs have reported that local officials regularly refer victims who do not wish to pursue a criminal case to their offices for assistance.

The government allocated approximately 496 million soum (\$150,940) in 2016, an increase from approximately 459 million soum (\$139,680) in 2015, to operate its Tashkent-based trafficking rehabilitation center for men, women, and children with official victim status, which assisted 460 victims in 2016, a decrease from 503 victims in 2015. This center provided shelter, medical, psychological, legal, and job placement assistance. Victims could discharge themselves from the shelter, although in previous years, authorities at times required victims to stay to assist a criminal case. The center could accommodate foreign victims, but there have been no foreign victims in the shelter since its opening. The government provided funding to local NGOs to conduct vocational trainings and provide health services for victims, in addition to according them tax benefits and the use of government-owned land. These NGOs provided critical services because officials referred to them victims of sex trafficking and those who did not wish to pursue a criminal case and were therefore ineligible to access the state-run shelter. The law does not exempt transnational sex and labor trafficking victims from facing a criminal penalty for illegally crossing the border. However, NGOs previously reported authorities dropped these charges when NGOs proved to authorities the victims were subjected to human trafficking, and no reported victims had faced these penalties in the past two years. NGOs also noted that MOI officials increasingly complied with legal requirements to maintain victim confidentiality; however, victims' identities were not kept confidential during court proceedings. In 2016, a trafficking victim received court ordered restitution for the first time in Uzbekistan, although victims generally lacked an effective mechanism to seek restitution from their traffickers; victims could bring civil suits against traffickers, but the government did not provide legal representation for victims, and most victims could not afford legal representation on their own.

## PREVENTION

The government did not take sufficient steps to modify agricultural policies that create pressure for the use of forced labor, including production quotas and low wages for workers. However, the 2016 harvest marked the third consecutive year the government conducted a nationwide campaign to raise public awareness of its prohibition of child labor in the cotton harvest. The central government continued to demand farmers

and local officials fulfill state-assigned cotton production quotas, leading to the wide-scale mobilization of adult forced labor. The government did not follow through on commitments to end the mobilization of teachers, students, and medical workers. Officials required state employees and adult students to sign labor agreements or statements that they would pick cotton voluntarily. For a second consecutive year, the government agreed to allow the ILO to monitor the cotton harvest for child and forced labor, allowed ILO monitors access to the cotton fields accompanied by government monitors, and allowed the ILO to publish the results of a survey of agricultural recruitment practices during the 2014 and 2015 harvests. The government publicized its newly established telephone hotlines, receiving over 5,800 inquiries and complaints, of which, 1,325 complaints were received during the cotton harvest. Of the complaints received, 56 were related to forced labor and eight resulted in the discovery of confirmed child labor cases.

The government slightly reduced the area of land available for the cultivation of cotton and increased its capacity for mechanization by continuing to develop appropriate cotton cultivars and by training farmers on mechanization. The government also committed to several projects aimed at modernization of the cotton industry including a five-year partnership on agricultural reform with the World Bank, including measures to prevent forced labor; a four year Decent Work Country Program extension to improve employment opportunities, working conditions and social protections; and pilot projects with the International Finance Corporation and private companies to work on mechanization and responsibly cultivated cotton. Additionally, the government committed to implementing ILO recommendations on addressing the risks of forced labor in pilot project areas.

The national government conducted monitoring visits and provided training to a national network of local-level commissions. Authorities promoted wide-scale public awareness efforts on transnational sex and labor trafficking, including through events, print media, television, and radio, often through partnering with and providing in-kind support to NGOs. The government did not conduct efforts to reduce the demand for commercial sex acts. In addition to attending state-funded training, government officials participated in seminars and conferences sponsored by the government and taught by NGOs, international organizations, and foreign governments.

## TRAFFICKING PROFILE

As reported over the past five years, Uzbekistan is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Government-compelled child labor was phased out in 2015, although there were anecdotal reports of the use of child labor in some areas. Government-compelled forced labor of adults, including employees of schools and medical facilities, remained widespread during the fall cotton harvest, spring planting and weeding, and for other agriculture and construction projects. Credible international reports indicate some adults who refuse to pick cotton, do not pay for a replacement worker, or do not fulfill their daily quota can face the loss of social benefits, termination of employment, or other forms of harassment. Private companies in some regions mobilized employees for the harvest under threat of increased government inspections of and taxes on their operations. There were anecdotal reports of officials mobilizing classes of students aged 11 to 15 years in some regions, in contravention of the central government's prohibition on child labor. Mobilizations of university and

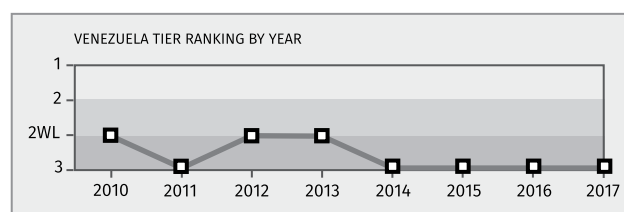
third-year college and lyceum (equivalent to a U.S. high school) students, who tend to be 18 years old but include some 17 year olds, continued in 2016. Independent observers reported that, in recent years, forced mobilization of adult workers increased to compensate for the loss of child workers.

There were isolated reports stating that local officials forced farmers to cultivate silk cocoons and, separately, that local officials forced teachers, students (including children), private businesses employees, and others to work in construction and other forms of non-cotton agriculture and to clean parks, streets, and buildings. Authorities harassed, threatened, arrested, detained, interrogated, and physically abused independent activists attempting to observe the spring weeding season and the fall harvest.

Uzbek women and children are subjected to sex trafficking in the Middle East, Eurasia, and Asia, and also internally in brothels, clubs, and private residences. Uzbek men, and to a lesser extent women, are subjected to forced labor in Kazakhstan, Turkey, Russia, United Arab Emirates, and Ukraine in the construction, oil and gas, agricultural, retail, and food sectors.

## VENEZUELA: TIER 3

The Government of Venezuela does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, Venezuela remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including the arrest of at least seven individuals suspected of human trafficking. However, the government did not report prosecuting or convicting traffickers, and reliable data on government anti-trafficking efforts was nonexistent. The government did not report identifying or assisting trafficking victims.



## RECOMMENDATIONS FOR VENEZUELA

Draft and enact comprehensive anti-trafficking legislation prohibiting all forms of trafficking; provide specialized services for all trafficking victims, working in partnership with civil society organizations and other service providers; strengthen and document efforts to investigate and prosecute cases of sex trafficking and forced labor, and convict and punish traffickers; develop and publish an updated anti-trafficking action plan and allocate resources to implement it; enhance interagency cooperation by forming a permanent anti-trafficking working group; implement formal procedures and training for identifying trafficking victims among vulnerable populations, such as persons in prostitution, and for referring victims for care; ensure that upon entry, foreign workers receive educational material on human trafficking including risks of exploitation and where to call for help if needed; and improve data collection on government anti-trafficking efforts and make this data publicly available.



## PROSECUTION

The government did not report prosecution efforts; the lack of comprehensive data on investigations, prosecutions, and convictions made overall law enforcement efforts against human trafficking difficult to assess. Venezuelan law criminalizes some forms of human trafficking, specifically trafficking of women and girls, through a 2007 law on women's rights that prescribes penalties of 15 to 30 years imprisonment. The law requires force, fraud, or coercion for all forms of sex trafficking, including that of children, whereas under international law, the prostitution of children is a crime without the use of those coercive means. The law also addresses human trafficking by organized criminal groups in its law on organized crime, which prescribes 20 to 30 years imprisonment for human trafficking carried out by a member of an organized criminal group of three or more individuals, but fails to prohibit trafficking of men. The penalties for these trafficking crimes are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the legislature did not pass a draft anti-trafficking law, first introduced in 2010.

Venezuelan authorities did not report the total number of trafficking cases investigated or individuals prosecuted or convicted for human trafficking in 2016. According to government websites and media reports, officials pursued at least five sex trafficking investigations during the year. According to press reports, at least six individuals were indicted for trafficking crimes, including three traffickers who faced possible extradition. The government publicly reported the organized crime office (ONDOFT) trained security personnel on victim identification and assistance; however, officials reported lack of funding made trainings difficult to execute. Press reports indicated Venezuela worked closely with INTERPOL on trafficking investigations during the year. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

## PROTECTION

The government did not report protection efforts. Authorities did not provide information about trafficking victim identification and assistance or any protection efforts taken in 2016. ONDOFT operated a 24-hour hotline to receive reports of suspected trafficking cases. As in previous years, the government did not specify the kinds of assistance provided to victims in 2016. The government did not report on the existence of formal procedures for identifying trafficking victims among vulnerable populations or referring victims to services. Victim referrals to different government entities, including ONDOFT and the women's ministry, occurred on an ad hoc basis. The availability of victim services remained limited. There were no specialized shelters for trafficking victims in the country. Victims could reportedly access government centers for victims of domestic violence or at-risk youth, although services for male victims were minimal. The government reportedly made psychological and medical examinations available to trafficking victims, but additional victim services—such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance—remained unavailable. There was no publicly available information on whether the government provided assistance to repatriated Venezuelan trafficking victims during the reporting period or encouraged victims to assist in the investigation and prosecution of traffickers. There were no publicly available reports of victims being jailed or penalized for unlawful acts committed as a direct result of being subjected to trafficking, and NGOs and international organizations

reported this did not generally occur. International organizations continued to file asylum and relief from deportation requests for victims who feared reprisals from traffickers or criminal organizations if they returned to their country of origin. The government did not report if any requests were filed in 2016.

## PREVENTION

The government made minimal prevention efforts. No permanent anti-trafficking interagency body existed, and the government did not have a current anti-trafficking plan or strategy. Awareness efforts included public service announcements and posters and pamphlets about trafficking and commercial sexual exploitation, although the government reduced the scale of its awareness campaigns compared to the previous year. There were no publicly available reports of new investigations, prosecutions, or convictions for child sex tourism offenses in 2016. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not report any specific activities to reduce the demand for commercial sex acts or forced labor during the year.

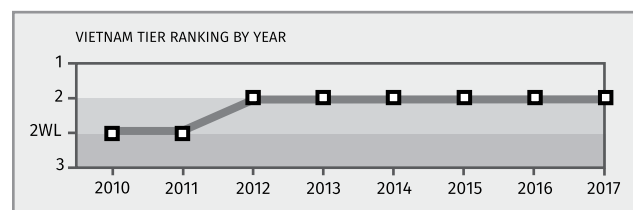
## TRAFFICKING PROFILE

As reported over the past five years, Venezuela is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Venezuelan women and girls, including some lured from poor interior regions to urban and tourist centers, are subjected to sex trafficking and child sex tourism within the country. Venezuelan women are subjected to forced prostitution in Caribbean island countries, particularly Aruba, Curacao, and Trinidad and Tobago. Venezuelan children are exploited within the country, frequently by relatives, in domestic servitude. Venezuelan officials and international organizations have reported identifying sex and labor trafficking victims from South American, Caribbean, Asian, and African countries in Venezuela. Ecuadorians, Filipinos, and other foreign nationals are subjected to domestic servitude by other foreign nationals living in Venezuela. Venezuelan officials reported an increase of sex trafficking in the informal mining sector.

## VIETNAM: TIER 2

The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Vietnam remained on Tier 2. The government demonstrated increasing efforts by identifying more victims; expanding anti-trafficking training and awareness campaigns for law enforcement, local government officials, and members of vulnerable communities; and issuing guidelines to relevant ministries and provincial authorities on the national anti-trafficking action plan. However, the government did not meet the minimum standards in several key areas. Anti-trafficking efforts were impeded by a lack of interagency coordination, unfamiliarity among provincial officials with anti-trafficking legislation and victim identification procedures, and underdeveloped data collection. Implementation of the amended 2015 Penal Code, including new anti-trafficking articles, continued to be delayed, leaving deficiencies in the law that hindered interagency coordination and law enforcement efforts. Victim protection services remained under-resourced and poorly integrated into referral mechanisms; authorities did not actively screen for trafficking among vulnerable groups

or systematically refer victims to care. In addition, authorities deported a large number of foreign victims without referring them to protection services.



## RECOMMENDATIONS FOR VIETNAM

Fully enact and implement articles 150 and 151 of the new penal code; vigorously prosecute all forms of trafficking and convict and punish traffickers, especially in cases involving forced labor or complicit officials; strengthen efforts to monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees; align and implement policies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures; finalize and conduct the national victims survey in order to improve victim referral mechanisms and services; improve interagency cooperation to effectively implement the anti-trafficking national plan of action, including by clarifying the roles of national and provincial-level government entities, fully integrating trafficking data collection into law enforcement efforts, and ensuring sufficient resources are dedicated to the national plan of action; strengthen efforts to train officials on implementation of penal code amendments, with a focus on identifying and investigating forced labor and internal trafficking cases; allow independent verification that Vietnamese drug users are no longer subjected to forced labor in government-run rehabilitation centers; expand training for consular officials on worker rights and international labor standards; develop programs that reduce stigma and promote reintegration of trafficking returnees; and fully implement the ASEAN Convention Against Trafficking in Persons, Especially Women and Children.

## PROSECUTION

The government maintained modest law enforcement efforts. The 2012 anti-trafficking law expanded articles 119 and 120 of the penal code to define and criminalize sex and labor trafficking; however, these laws do not prohibit all forms of trafficking, and no one has ever been prosecuted under the labor trafficking provisions of the 2012 anti-trafficking law. In 2015, the National Assembly passed a new penal code that included amendments strengthening and clarifying some insufficient provisions of articles 119 and 120; however, these amendments were not in effect at the end of the reporting period due to a decision by the National Assembly to forestall the original July 2016 implementation date. Articles 119 and 120 prescribe punishments ranging from two to 20 years and three years to life imprisonment, respectively, and impose fines on traffickers ranging between five and 50 million Vietnamese dong (\$220-\$2,196); these punishments are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Starting in 2014, the government maintained a nationwide computer database to track trafficking cases; however, the extent to which it employed this system during the reporting period was unclear, as disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and

victim identification. The Police and Border Guards reported investigating 234 cases and arresting 308 suspects, but did not report how many of these individuals were prosecuted. The government conducted initial judicial proceedings against 355 trafficking suspects under articles 119 and 120 of the penal code. Of these, the court system reported initiating the prosecution of 295 defendants for trafficking offenses, leading to 275 convictions, compared to 217 convictions in 2015 and 413 convictions in 2014; sentences ranged from two to 20 years imprisonment. Authorities did not disaggregate trafficking offenses from possible smuggling cases.

The government sent interagency delegations to participate in joint investigations on an ad hoc basis in Kazakhstan, Poland, Russia, Singapore, Thailand, and the United Kingdom, and more routinely in China, Cambodia, and Laos for law enforcement rescue operations. During the reporting period, the government revised its bilateral agreements with China, Thailand, Cambodia, and Laos to strengthen counter-trafficking cooperation.

Law enforcement efforts suffered from a lack of coordination across provincial-level agencies, persistent budgetary constraints, local officials' poor understanding of anti-trafficking legislation, and confusion about individual provinces' roles and responsibilities in the context of the national action plan. Provincial authorities often did not replicate central government coordination mechanisms and activities in accordance with the national action plan, and there was no mechanism for the Ministry of Public Security (MPS)—which leads interagency anti-trafficking efforts—to transfer necessary funds to other government bodies to implement anti-trafficking activities. These obstacles resulted in uneven anti-trafficking law enforcement efforts.

Police included a trafficking module in its training for new recruits, and the MPS organized trainings for local police in several cities. The government also worked with international organizations to convene two training courses for 38 prosecutors working at the provincial level, a seminar of 25 prosecutors on anti-trafficking best practices, and a training-of-trainers course for 15 supervisory prosecutors. A government-affiliated women's union conducted trainings on victim identification, as well as on the use of its hotline, for over 10,000 local government staff. The Border Guard Command also completed a new standard operating procedure to investigate trafficking cases in its jurisdiction, but it was not under implementation by the end of the reporting period. Some complicit officials, primarily at commune and village levels, accepted bribes from traffickers, overlooked trafficking indicators, and extorted profit in exchange for reuniting victims with their families. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

## PROTECTION

The government maintained mixed efforts to protect victims. In 2016, authorities reported identifying 1,128 victims—an increase from 1,000 in 2015 and 1,031 in 2014—but did not provide statistics disaggregating identified cases by type of trafficking, victim age or gender, source, or destination. Informally, MPS officials estimated 85 percent of identified cases involved transnational trafficking. The government adopted common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) and maintained its own formal procedure for victim identification, but did not proactively or widely employ either mechanism among such vulnerable groups as

women arrested for prostitution, migrant workers returning from abroad, and child laborers. It funded and conducted a national survey on victim repatriation and reintegration to better inform its victim support procedures, but the survey remained ongoing at the end of the reporting period. The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes, a lack of interjurisdictional cooperation, and incomplete data collection processes. In addition, authorities deported a large number of victims without referring them to services, including as many as 218 Cambodian victims—152 of whom were children. Some officials continued to conflate trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad.

In 2016, the government reported assisting approximately 600 victims—a slight decrease from 650 in 2015 and 668 in 2014. Victims could request initial psychological counseling, healthcare consultations, and legal and financial assistance; the government reported providing many victims with vocational training, employment opportunities, and lines of credit at a reduced interest rate. The Ministry of Labor, Invalids, and Social Affairs (MOLISA) and a government-affiliated women's union often referred victims to NGOs depending on their individual needs. However, due to insufficient recordkeeping, it was unclear how many of the aforementioned identified victims benefitted from government or NGO protection services. Authorities did not report how many victims received the one-time government cash subsidy of up to 21.5 million dong (\$944). MOLISA continued operating 400 social protection centers through local authorities to provide services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed, under-resourced, and lacked appropriately trained personnel to assist victims. NGOs reported psycho-social services for victims remained underdeveloped, and provincial-level government officials relied too heavily on poverty reduction in lieu of other more robust victim protection services.

A government-affiliated women's union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, including one dedicated to trafficking victims. The union reported assisting 25 victims in 2016, including 18 newcomers and seven who had arrived during the previous reporting period, and helped to repatriate 42 Vietnamese women and children subjected to trafficking overseas. There were no shelters designated exclusively for male or child victims, although existing shelters provided assistance to all victims as needed.

The government maintained labor representatives at diplomatic missions in countries with large numbers of documented Vietnamese migrant workers, but reduced the number of such missions from nine to six during the reporting period. These missions could provide basic provisions, transportation, and healthcare to Vietnamese citizens subjected to trafficking abroad. However, some diplomatic personnel reportedly lacked sufficient training to adequately assist victims, and NGOs report some overseas missions were unresponsive to foreign countries' attempts to connect them with Vietnamese victims. The government reported 106 requests for victim identification at its diplomatic missions, culminating in 102 repatriations with government support; however, the total number of victims received by local authorities was likely higher. The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered them some protection and

compensation; however, the extent to which these measures were applied remained unknown. The law protects victims from prosecution for crimes committed as a result of having been subjected to trafficking, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears that they may face arrest or deportation. Endemic social stigma associated with victimhood and concerns over retribution in their local communities likely further discouraged many victims from seeking or benefitting from protection services. The government did not offer foreign victims legal alternatives to their removal to countries where they may face retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, it issued guidelines to relevant ministries and provincial authorities on the 2016-2020 national anti-trafficking action plan to address forced labor, improve victim services, and implement the revised anti-trafficking penal code; however, it did not allocate sufficient funding to carry out the plan for a second year, and lack of inter-ministerial cooperation generally hampered effective implementation. It continued to develop its national database on trafficking statistics for the third year, but it was unclear if it made any demonstrable progress on bringing it closer to integration with law enforcement efforts or judicial proceedings. The government conducted workshops and hosted community dialogues on vulnerabilities to labor trafficking, targeting areas with a high prevalence of agricultural labor, construction, and foreign contract labor recruitment—especially of women. Public awareness-raising activities included advertisements, interventions at schools in high-risk geographic areas, and broadcast media campaigns. During the reporting period, the Ministry of Information and Communications directed state-run media to air more than 1,300 documentaries and news stories to raise public awareness, compared to 570 radio and television programs in 2015.

During the year, the government ratified the ASEAN Convention Against Trafficking in Persons, revised its memoranda of understanding with four primary destination countries, and signed several additional bilateral agreements that included anti-trafficking cooperative provisions. NGOs report pre-departure fee and deposit requirements for Vietnamese migrant workers—ranging from 6.5 to 65 million dong (\$285 to \$2,855)—increased their vulnerability to debt bondage overseas. The government made tangible efforts to reduce the demand for commercial sex acts during the reporting year by conducting raids at establishments notorious for prostitution and prostitution brokering and imposing fines on individuals purchasing sex. The ongoing Prostitution Prevention and Combating Program (2016-2020) aimed to reduce demand through educational campaigns targeting consumers of commercial sex and income generation programs for persons in prostitution, but its impact was unclear, and statistics about related activities were unavailable at the end of the reporting period. The government required anti-trafficking training for its diplomatic personnel prior to their departure to overseas posts.

## TRAFFICKING PROFILE

As reported for the last five years, Vietnam is a source and, to a lesser extent, a destination country from men, women, and children subjected to sex trafficking and forced labor. Vietnamese men and women migrate abroad for work independently or through state-owned, private, or joint-stock labor recruitment companies. Some recruitment companies are unresponsive to



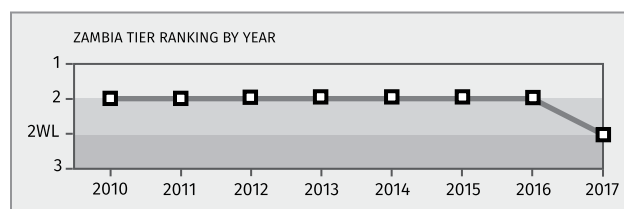
workers' requests for assistance in situations of exploitation, and some charge excessive fees that make workers more vulnerable to debt bondage. Some victims are subjected to forced labor in construction, fishing, agriculture, mining, logging, and manufacturing, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Angola, United Arab Emirates, and Japan; there are increasing reports of Vietnamese labor trafficking victims in the United Kingdom, continental Europe, and the Middle East. Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and elsewhere in Asia, including Thailand, Malaysia, Republic of Korea, Taiwan, and Singapore. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—mostly to China, Malaysia, and Singapore—are subjected to domestic servitude or forced prostitution. False advertising, debt bondage, passport confiscation, and threats of deportation are tactics commonly used to compel Vietnamese victims into servitude. Traffickers increasingly use the internet, gaming sites, and particularly social media to lure potential victims into vulnerable situations; for example, men entice young women and girls with online dating relationships and persuade them to move abroad, then subject them to forced labor or sex trafficking. Vietnamese organized crime networks recruit Vietnamese adults and children under pretenses of lucrative job opportunities and transport them to Europe—particularly the United Kingdom—and subject them to forced labor on cannabis farms.

Within the country, Vietnamese men, women, and children—including street children and children with disabilities—are subjected to forced labor, although little information is available on these cases. Children are subjected to forced street hawking and begging in major urban centers. Some children are subjected to forced and bonded labor in informal garment and brick factories, in urban family homes, and in privately-run rural mines. Many children from impoverished rural areas, and a rising number from middle class and urban settings, are subjected to sex trafficking. Child sex tourists, reportedly from elsewhere in Asia, the United Kingdom and other countries in Europe, Australia, Canada, and the United States, exploit children in Vietnam. A 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts detainees' maximum work day to four hours. Although the government reports that it no longer subjects drug users to forced labor in rehabilitation centers, there has been no independent verification of these claims, and international organizations report that authorities continue the practice. Complicit Vietnamese officials, primarily at commune and village levels, facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators, and extorting profit in exchange for reuniting victims with their families.

## ZAMBIA: TIER 2 WATCH LIST

The Government of Zambia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by investigating 23 potential trafficking cases. The government increased its budget for the provision of protective services and conducted multiple awareness campaigns in border regions but did not offer any specific details regarding their scope. However, the

government did not demonstrate increasing efforts compared to the previous reporting period. The government did not prosecute any defendants or convict any traffickers compared to nine prosecutions and five convictions during the previous reporting period. The government did not amend the 2008 anti-trafficking act, which does not comply with international standards. It identified and referred to care one victim compared to 192 victims during the previous reporting period. The government did not improve the condition of its shelters and did not have shelters available to male trafficking victims. Although the government doubled the amount allocated for victim services, it referred the only victim it identified to an NGO. The anti-trafficking inter-ministerial committee did not meet during the reporting period. Therefore, Zambia was downgraded to Tier 2 Watch List.



## RECOMMENDATIONS FOR ZAMBIA

Proactively identify trafficking victims and refer them to protective services; amend the trafficking law to define child sex trafficking as not requiring force, fraud, or coercion be used and to define trafficking as a crime that does not require movement of the victim; vigorously investigate and prosecute sex and labor trafficking cases within Zambia involving both children and adults; formalize and implement victim identification and referral procedures, and train law enforcement and social welfare officials on their use, including in vulnerable populations; expand the availability of shelters and ensure alternative services are available for male victims; train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; increase the number of labor inspectors and ensure they are trained on trafficking indicators; improve coordination among service providers to prevent detention of male victims; strengthen coordination and collaboration efforts between relevant ministries; develop and adopt an updated multi-year national anti-trafficking strategy and action plan and continue to conduct public awareness campaigns; and compile and make public information on trafficking cases and trends.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. The anti-trafficking act of 2008 criminalizes some forms of trafficking but requires cross-border movement, which does not comport with international law; further contrary to international law, it requires the use of threat, force, intimidation, or other forms of coercion for a child to be considered a sex trafficking victim. The act prescribes penalties ranging from 20 years to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

The government reported 23 trafficking cases from five provinces, involving nine adult victims, five men and four women, and 14 child victims, five of whom were boys and nine of whom were girls. The government did not convict any traffickers and did not report initiating any prosecutions, compared to initiating nine prosecutions in 2015. The government did not

investigate or prosecute companies for labor trafficking in the mining and agricultural sectors and had limited capacity to monitor these sectors; allegedly, large or foreign companies and foreign governments exerted influence over officials, preventing investigations. Despite these allegations, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The Ministry of Labor and Social Security (MLSS) Child Labor Unit used mediation with parents as the usual process for handling child labor cases. The national police academy trained 600 recruits on trafficking. The paramilitary police training school trained over 1,000 trainees on trafficking. The government maintained a database to track trafficking case data with other countries in the region. The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa.

## PROTECTION

The government made decreased efforts to assist victims. The government identified one victim and an international organization and an NGO identified 13 potential trafficking victims during the reporting period, compared to the government identifying 192 potential victims during the previous reporting period. It was unclear whether the victim identified by the government was a victim of trafficking, as officials often conflated cases of smuggling and trafficking, and it did not increase its capacity to adequately protect victims for the second year in a row. Of the potential victims identified, 11 were labor trafficking victims and three were sex trafficking victims. The government referred the one victim it identified to protective services. An international organization and an NGO provided care for the victims identified and facilitated the repatriation of 10 victims who received protective services in their country of origin. The government provided increased financial support to organizations providing victim assistance; however, it continued to rely on international organizations and local NGOs to provide the majority of care. The government also increased its anti-trafficking budget by 50,000 new kwacha (\$5,043) from the previous reporting period, allocating 100,000 new kwacha (\$10,086), an increase of \$5,000.

Although the government identified significantly fewer victims, officials and service providers used standard procedures to screen and identify trafficking victims among vulnerable populations, such as migrants and unaccompanied minors. The Ministry of Community Development, Mother and Child Health (MCDMCH) oversaw the placement of one victim in an NGO shelter and continued to provide in-kind assistance. Government officials, in partnership with international organizations, offered routine assistance to victims, including medical care, counseling, court preparation, and repatriation or regularization of immigration status. The Department of Immigration, in partnership with an international organization, trained officers at ports of entry to identify and interview potential victims of trafficking, but did not report referring any cases for prosecution. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, the government did not report applying such assistance in 2016.

Government and NGO shelters lacked sufficient capacity to serve victims, especially men. The MCDMCH operated a 40-person shelter for victims of trafficking and victims of sexual abuse in Luapula province, and oversaw two NGO shelters. NGO shelters did not provide accommodation for male victims older than age 12. As a result of the lack of shelter availability and

resources, it was not uncommon for the government to house victims, including children, in jail for short periods.

## PREVENTION

The government decreased efforts to prevent trafficking. The national secretariat and an inter-ministerial committee were ineffective in their oversight of national anti-trafficking efforts, as overall prevention efforts decreased and prior annual engagements were not upheld during the reporting period. The anti-trafficking inter-ministerial committee did not meet during the reporting period. The government did not review or update the 2012-2015 national action plan to combat trafficking, which expired in June 2015. It did not host its annual National Symposium on Human Trafficking during the reporting period, which focused on protecting migrants from trafficking and exploitation. The Ministry of Home Affairs Research and Information Department reported it conducted multiple awareness campaigns in border regions but did not offer any specific details regarding their scope. During 2016, MLSS employed 110 labor inspectors, compared to no labor officers employed the previous year. The government did not make efforts to reduce the demand for commercial sex or forced labor. Zambian peacekeepers received anti-trafficking training on how to identify and protect potential trafficking victims. The government did not provide anti-trafficking training for its diplomatic personnel.

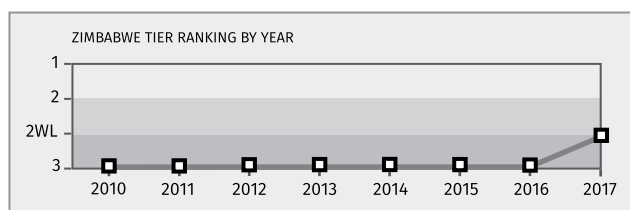
## TRAFFICKING PROFILE

As reported over the past five years, Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurs within the country's borders and involves women and children from rural areas exploited in cities in domestic servitude or forced labor in agriculture, textile production, mining, construction, small businesses such as bakeries, and forced begging. Zambian children may be forced by *jerabo* gangs engaged in illegal mining to load stolen copper ore onto trucks in Copperbelt Province. While orphans and street children are most vulnerable, children of affluent village families are also at risk of trafficking because sending children to the city for work is perceived to confer status. Zambian boys and girls are exploited in sex trafficking by truck drivers in towns along the Zimbabwean and Tanzanian borders and by miners in Solwezi. Zambian boys are subjected to sex trafficking in Zimbabwe and women and girls are subjected to sex trafficking in South Africa. Domestically, extended families and trusted family acquaintances facilitate trafficking.

Women and children from neighboring countries are exploited in forced labor and sex trafficking in Zambia. Nationals from South and East Asia are exploited in forced labor in domestic servitude, textile factories, bakeries, and Chinese-owned mines. Chinese traffickers bring in Chinese women and girls for sexual exploitation in brothels and massage parlors in Lusaka; traffickers use front companies posing as travel agencies to lure Chinese victims and coordinate with Zambian facilitators and middlemen. South African criminal groups subjected Southeast Asians transiting Zambia to forced labor in construction in South Africa. Potential trafficking victims from Ethiopia, Democratic Republic of the Congo, and Syria were identified in Zambia.

## ZIMBABWE: TIER 2 WATCH LIST

The Government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore, Zimbabwe was upgraded to Tier 2 Watch List. These achievements included increased efforts to investigate and prosecute alleged trafficking crimes. The government coordinated with Kuwait to repatriate and refer to care 121 female trafficking victims, and also repatriated five victims from Sudan. It conducted a training-of-trainers for police on victim identification interview approaches. The government launched its first national action plan and implemented several key activities in the plan. The Anti-Trafficking Inter-Ministerial committee developed terms of reference to guide front-line responders in a victim-centered approach and established two provincial taskforces to implement the national action plan at the provincial level. The government-funded and conducted awareness campaigns and trained journalists on responsible reporting of trafficking cases. Despite these achievements, the government did not convict any traffickers during the reporting period. It did not amend the 2014 Trafficking in Persons Act, which was inconsistent with international law. Prosecutors used non-trafficking laws to charge cases that were potentially trafficking due to a lack of training on application of the anti-trafficking law. The government did not monitor transnational borders adequately, where corruption and official complicity can facilitate trafficking with impunity.



### RECOMMENDATIONS FOR ZIMBABWE

Amend the 2014 anti-trafficking legislation to incorporate a definition of trafficking consistent with the 2000 UN TIP Protocol; investigate, prosecute, and convict traffickers, including complicit government officials; formalize procedures for identifying victims and referring them to the care of appropriate government or NGO service providers; expand training for law enforcement on investigative techniques; train officials on victim identification and referral procedures; train prosecutors and judges on trafficking and trafficking-related legislation; provide financial or in-kind support to NGOs and international organizations that provide victim services; establish safe houses for trafficking victims in each province; implement, and allocate sufficient resources to, the national action plan to combat trafficking; increase collaboration with NGOs and international organizations; and raise awareness of human trafficking and the availability of assistance for victims.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. Inconsistent with international law, the 2014 Trafficking in Persons Act defines trafficking in persons as a movement-based crime and does not adequately define "exploitation." The 2014 act criminalizes the involuntary transport of a person, and the voluntary transport for an unlawful purpose, into,

outside or within Zimbabwe. The focus on transport and the inadequate definition of "exploitation" leave Zimbabwe without comprehensive prohibitions of trafficking crimes. Zimbabwe's Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years imprisonment; this penalty is not sufficiently stringent. The Criminal Law (Codification and Reform) Act prohibits and prescribes penalties of up to two years imprisonment for procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe; this penalty is not sufficiently stringent when applied to cases of sex trafficking. The act also prohibits coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years imprisonment. Pledging a female for forced marriage to compensate for the death of a relative or to settle any debt or obligation is punishable under the act, with penalties of up to two years imprisonment. These penalties are not commensurate with penalties prescribed for other serious crimes, such as rape.

The government investigated 72 potential cases of trafficking, an increase from one investigation in the previous reporting period. The government reported prosecuting 42 trafficking cases in 2016, after reporting zero prosecutions in 2015; it prosecuted 21 new defendants for alleged trafficking crimes, while another 21 defendants were involved in ongoing prosecutions. Like the previous year, the government did not convict any traffickers during the reporting period. The Zimbabwe Republic Police's Victim Friendly Unit (VFU) has responsibility for investigating cases involving women and children and referring victims to support services; however, the VFU was largely inactive and did not report investigating trafficking cases during the year.

Corruption in law enforcement and the judiciary impaired the effectiveness of anti-trafficking efforts. Victims reportedly refused to report or pursue cases of trafficking due to fear their traffickers could bribe police or judges. Anecdotal evidence indicated limited government involvement in, and tolerance of, trafficking on a local level and at border crossings. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

### PROTECTION

The government increased its efforts to identify and protect trafficking. The government reported identifying 72 child sex trafficking victims and of trafficking, an increase from zero victims reported identified by officials in 2015; however, it did not report whether it referred these victims to care. One NGO reported assisting 17 female and six male child victims and referring seven to state-run facilities. The government provided some funding support for the repatriation of 120 victims from Kuwait and five victims from Sudan and, with support from NGOs, coordinated efforts to provide protective services. The government initiated refurbishment of the Harare rehabilitation center for victims of trafficking; however, the government did not provide exact figures. Government officials traveled to Kuwait to assist in repatriating these victims, met victims at the airport, and provided them with safe transportation. Upon arrival at the rehabilitation center in Harare, the government provided medical screening and counseling with support from international organizations and NGOs. The government also provided food and \$100 for each victim. Officials from the Ministry of Public Service, Labor and Social Welfare (MPSLSW) visited victims in their local communities to establish their immediate and long-term needs.



The MPSLSW established the technical steering committee on the protection of victims of trafficking to oversee the protection and provision of reintegration assistance and referral services to victims of trafficking. The committee developed a formal referral mechanism. The government conducted training-of-trainers for approximately 40 police on victim identification interview approaches. While the 2014 Trafficking in Persons Act required the government to establish centers in each of Zimbabwe's 10 provinces to provide counseling, rehabilitation, and reintegration services, these centers had not been established at the end of the reporting period. Children had access to health services, counseling, and some educational services at these shelters. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they might face retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. The Anti-Trafficking Inter-Ministerial Committee (ATIMC) met twice and led the development of the country's first national action plan, launched in July 2016, and implemented several key elements of the plan. Representatives from 13 government agencies undertook research to develop the national action plan. The ATIMC Secretariat developed terms of reference for the Protection Cluster, which provided guidance for front-line responders in the identification, referral, and protection of victims and potential victims of trafficking. The government rolled out two provincial taskforces, in Harare and Matabeleland South, in February and March 2017 to implement recommendations from the national action plan. Unlike the previous year, the government conducted awareness campaigns at the country's two annual trade fairs, in Bulawayo and Harare. A government official spoke about trafficking on the national evening news, particularly regarding victim protection, prevention strategies for potential victims, and government efforts to prevent trafficking. An international organization printed a children's book discussing the dangers of trafficking, which the government used in primary schools. The government conducted 866 labor inspections during the reporting period, and identified 376 potential trafficking crimes. The government trained media personnel on how to report on trafficking in persons, including the importance of confidentiality and victims' rights. The government did not provide anti-trafficking training to its diplomatic personnel. It did not make efforts to reduce the demand for commercial sex acts or forced labor.

## TRAFFICKING PROFILE

As reported over the past five years, Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in the country's rural areas, as well as domestic servitude and sex trafficking in cities and surrounding towns. Family members recruit children and other relatives from rural areas for work in cities where they are often subjected to domestic servitude or other forms of forced labor; some children, particularly orphans, are lured with promises of education or adoption. Reports indicate that adults have recruited girls for child sex trafficking in Victoria Falls. Children are subjected to forced labor in the agricultural and mining sectors and are forced to carry out illegal activities, including

drug smuggling. There were increased reports of children from Mozambique being subjected to forced labor in street vending in Zimbabwe, including in Mbare. Additionally, the practice of *ngozi*, giving a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking.

Zimbabwean women and men are lured into exploitative labor situations in agriculture, construction, information technology, and hospitality largely in neighboring countries; some subsequently become victims of forced labor, and some women become victims of forced prostitution. Women are exploited in domestic servitude, forced labor, and sex trafficking in Kuwait and Saudi Arabia. There were previous reports of Zimbabwean women lured to China and the Middle East for work, where they are vulnerable to trafficking. Many Zimbabwean adult and child migrants enter South Africa with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby unofficial crossing locations and are subject to labor and sex trafficking. Some of the migrants are transferred to criminal gangs that subject them to abuse, including forced prostitution in Musina, Pretoria, Johannesburg, or Durban. Some Zimbabwean men, women, and children in South Africa are subjected to months of forced labor without pay, on farms, at construction sites, in factories, mines, and other businesses. Men, women, and children, predominantly from East Africa, are transported through Zimbabwe en route to South Africa; some of these migrants are trafficking victims. Refugees from Somalia and Democratic Republic of the Congo reportedly travel from Zimbabwe's Tongogara Refugee Camp to Harare, where they are exploited and, in some cases, forced into prostitution. Chinese nationals are reportedly forced to labor in restaurants in Zimbabwe. Chinese construction and mining companies in Zimbabwe reportedly employ practices indicative of forced labor, including verbal, physical, and sexual abuse, and various means of coercion to induce work in unsafe or otherwise undesirable conditions.

## SPECIAL CASE: LIBYA

Libya is a Special Case for the second consecutive year. The Presidency Council of the Libyan Government of National Accord (GNA)—created through the Libyan Political Agreement signed in December 2015 and endorsed by the legislature in January 2016—arrived in the capital Tripoli in late March 2016. Despite this political progress, the GNA struggled to gain institutional capacity and the resources to address trafficking, as the government was focused on consolidating control over its territory and countering extremist violence throughout 2016 and into 2017. The judicial system was not fully functioning, as courts in major cities throughout the country have not been operational since 2014. Violence driven by militias, civil unrest, and increased lawlessness continued to plague Libya throughout the reporting period. Extra-legal armed groups continued to fill a security vacuum across the country; such groups varied widely in their make-up and the extent to which they were under the direction of state authorities. These groups also committed human rights abuses, including unlawful killings. Accurate information on human trafficking continued to be difficult to obtain, in large part due to the withdrawal of most diplomatic missions, international organizations, and NGOs in 2014.

## GOVERNMENT EFFORTS

The government lacked the capacity to address basic security challenges, including human trafficking, as it struggled to exert control over a significant amount of Libya's territory. The lack of rule-of-law hindered police and judicial officials' from addressing trafficking crimes; the government did not provide anti-trafficking trainings to officials. Libyan law does not prohibit all forms of human trafficking. Articles in the penal code prohibit trafficking of women for the purposes of prostitution, sexual exploitation, slavery, and child sex trafficking; however, the articles do not directly address forced labor.

Sex trafficking offenses carry penalties of one to 10 years imprisonment, which are sufficiently stringent but not commensurate with other serious crimes, such as rape; penalties for rape range from five to 15 years imprisonment. Penalties for slavery offenses are five to 15 years imprisonment, which are sufficiently stringent and commensurate with other serious crimes. As the criminal judicial system, including courts in major cities, were not functioning in 2016, the government did not investigate, prosecute, or convict any trafficking offenders. The Ministry of Interior, which was nominally responsible for anti-trafficking law enforcement efforts, was unable to carry out any anti-trafficking operations during the majority of the reporting period. Furthermore, the government did not report any investigations, prosecutions, or convictions of government officials—including Libyan Coast Guard officials, immigration officers, and Ministry of Interior's Department to Combat Irregular Migration (DCIM) prison guards—who were allegedly complicit in trafficking crimes. The government also did not make efforts to investigate or punish government-aligned militias or other armed groups that recruited and used child soldiers.

The government did not have any policy structures, capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants, street children, girls in forced sexual exploitation, and women in prostitution. It also did not have measures in place to protect children recruited and used by armed groups. The government punished victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; it treated victims as illegal migrants and therefore subjected them to detention, severe punishment, and deportation. The government arbitrarily detained migrants, including potential trafficking victims, in official DCIM-run and unofficial detention facilities for indefinite periods of time with no access to legal aid; detained victims were subjected to sexual violence and rape, ill-treatment, and unlawful killings. Moreover, authorities made no effort to protect detained foreign migrants in both official and unofficial detention centers from being sold into forced labor. In 2016, the government announced the voluntary repatriation of 200 illegal migrants from Niger, who it had held in detention centers in Tripoli. The government, however, did not make efforts to identify potential trafficking victims among this vulnerable group. The government did not encourage victims to participate in the investigation and prosecution of traffickers, and it did not provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution.

The government lacked the political will, institutional capacity, and resources to prevent human trafficking. The government did not prevent government officials or other armed groups from forcing detained migrants to work; on the contrary, the government's system of detaining migrants enabled forced

labor crimes to occur. The government took no steps to prevent the recruitment and use of children by militia groups, groups affiliated to or aligned with the government, and other armed groups operating throughout the country. The government did not have a national coordinating body responsible for combating human trafficking, nor did it have a national action plan to combat trafficking. The government did not conduct any public anti-trafficking awareness campaigns, nor did it take actions to reduce the demand for commercial sex acts, child sex tourism, or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## SCOPE AND MAGNITUDE

As reported over the past five years, Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and sex trafficking, and it is a source country for Libyan children subjected to recruitment and use by armed groups within the country. Instability and lack of government oversight continued to allow for human trafficking crimes to persist and become highly profitable for traffickers. As reported by international organizations in 2016, trafficking victims—including men, women, and children—are highly vulnerable to extreme violence and other human rights violations in Libya by government officials and non-state armed groups, including physical, sexual, and verbal assault; abduction for ransom; arbitrary killings; and inhumane detention.

Migrants in Libya are extremely vulnerable to trafficking, including those seeking employment in Libya or transiting Libya en route to Europe. The country continued to serve as the primary departure point for migrants crossing the Mediterranean from North Africa, with more than 90 percent of those crossing the Mediterranean Sea departing from Libya. Female migrants, in particular, are highly vulnerable to sexual assault by various armed groups and smugglers along the migration routes to Libya. Prostitution rings reportedly subject sub-Saharan women to sex trafficking in brothels, particularly in southern Libya. Nigerian women are at increased risk of being forced into prostitution, while Eritreans, Sudanese, and Somalis are at risk of being subjected to forced labor. Trafficking and smuggling networks that reach into Libya from Niger, Nigeria, Chad, Eritrea, Ethiopia, Somalia, Sudan, and other sub-Saharan states subject migrants to forced labor and forced prostitution through fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage. One 2014 account indicated criminal groups recruited Sudanese migrants to Libya through false job offers and forced them to work in agriculture with little or no pay.

In previous years, migrants reportedly paid smuggling fees to reach Tripoli, often under false promises of employment or eventual transit to Europe; once these victims crossed the Libyan border, they were sometimes abandoned in southern cities or the desert, where they were susceptible to severe forms of abuse and human trafficking. In 2014, an international organization reported Syrian nationals temporarily residing in Sudan preferred to travel through Libya en route to Italy with the use of smugglers; these Syrians are at risk of trafficking. In February 2015, the media reported a Russian trafficking network brought hundreds of Bangladeshi nationals to Italy via Libya, where they subsequently endured forced labor.

There are multiple reports of migrants—some of whom may be trafficking victims—held in detention centers controlled by both the DCIM and non-state armed groups, where they are subject to severe abuse, rampant sexual violence, denial of

medical care, and forced labor. For example, private employers and prison officials use detained migrants from official and unofficial prisons and detention centers for forced labor as domestic workers, construction and road paving workers, and garbage collectors. As reported by an international organization in December 2016, armed groups, criminal gangs and networks, smugglers, and traffickers have cooperated and competed in the smuggling and trafficking of migrants through Libya, while carrying out serious human rights abuses and violations against migrants. Elements of the Libyan Coast Guard have reportedly worked with armed groups and other criminals, including traffickers, to exploit migrants for profit. Coast Guard officials also return migrants rescued at sea to detention centers in Libya where they are subjected to forced labor.

Since mid-2015, ISIS in Libya has abducted and taken into captivity at least 540 migrants and refugees, including at least 63 women whom ISIS forced into sexual slavery for its fighters. Since 2013, numerous reports indicate militias, some of which are used as combat forces or security enforcement by the government, recruit and use Libyan children younger than 18 years old. Children associated with armed groups are also reportedly exposed to sexual violence. An international organization reported that armed groups recruited and used children throughout 2015. For example, groups affiliated to ISIS operated training camps south of Sirte, and in December 2015, 85 children under 16 years old attended a graduation ceremony for a training camp.

## SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the fifteenth consecutive year. During the reporting period, the Federal Government of Somalia (FGS) controlled its capital city, Mogadishu, and regional governments retained control over most local capitals across the country. The self-declared independent region of Somaliland and the federal member state of Puntland retained control of security and law enforcement in their respective regions. The federal government had limited influence outside Mogadishu; the al-Shabaab terrorist group continued to occupy and control rural areas in the Juba Valley in south-central Somalia. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The sustained insurgency by al-Shabaab was the main obstacle to the government's ability to address human trafficking in practice. Some areas liberated from al-Shabaab experienced further unrest caused by rival clans fighting for political power or control of resources. The government had minimal capacity to address most crime, including human trafficking, and thereby demonstrated negligible efforts in all regions on prosecution, protection, and prevention. Some federal and regional armed forces were not paid regularly, and police across Somalia lacked proper investigatory capacity to deal with trafficking cases. Although reportedly improved during the reporting year, some Somali officials continued to lack an understanding of trafficking crimes, which they often conflated with migrant smuggling. An NGO reported officials in upper echelons of certain state governments are beneficiaries of trafficking rings in Somalia, thereby hampering efforts to effectively address complicity.

### GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained limited efforts to combat trafficking during the reporting period. Due to civil

unrest and the protracted campaign to degrade al-Shabaab and establish law and order in Somalia, law enforcement and judicial officials remained understaffed, undertrained, and lacked capacity to effectively enforce the law. The pre-1991 penal code (applicable at the federal and regional levels) outlaws forced labor and other forms of trafficking in persons. Article 455 prohibits and penalizes slavery, prescribing penalties of five to 20 years imprisonment. Article 464 prohibits forced labor, prescribing penalties of six months to five years imprisonment. Article 457 prohibits the transferring, disposing, taking possession or holding of a person, and prescribes penalties of three to 12 years imprisonment. All of these penalties are sufficiently stringent. Article 408(1) prohibits compelled prostitution of a person through violence or threats, prescribing penalties of two to six years imprisonment, which is sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. The provisional constitution prohibits slavery, servitude, trafficking, and forced labor under article 14. Article 29(6) prohibits the use of children in armed conflict. Laws in Somaliland prohibit forced labor, involuntary servitude, and slavery. In 2016, the Somali police investigated one potential trafficking case, but it did not progress to the court system for unknown reasons. Authorities in Puntland prosecuted 23 child sex trafficking cases, three of which resulted in convictions; these cases involved seven traffickers and 61 victims. The convicted traffickers received five-year prison sentences plus a fine of 1.6 million Somali shillings (\$3,000)—the maximum under Puntland law, which only punishes drivers who transport trafficking victims. However, no reliable statistics existed at either the federal or regional level on investigations, prosecutions, or convictions of or related to trafficking. While information regarding officials alleged to be complicit in the facilitation of sex and labor trafficking remained largely unknown, the government did not report efforts to investigate claims of federal officials selling falsified travel documents to travel brokers and traffickers or take action against military officials for the recruitment and use of children during the year.

The inter-ministerial Trafficking and Smuggling Taskforce served as the federal government's anti-trafficking coordinating body, which included representation from the Ministry of Internal Security, Ministry of Foreign Affairs, Ministry of Justice, Somali Police Force (SPF), and Ministry of Interior and Federal Affairs, and led by the permanent secretary of the Ministry of Interior and Federal Affairs; members of the taskforce liaised with Puntland state-level authorities during an information sharing workshop sponsored by an international organization. During the reporting year, the taskforce commenced development of a national action plan on trafficking efforts, and in May 2016 the prime minister issued a decree to specify the taskforce's membership and mandate. The criminal investigations division of the SPF has a 40-officer Counter-Trafficking and Organized Crime Unit, but according to an international organization this unit has never received counter-trafficking training. The state-level Counter-Trafficking Board, established in March 2013, was the lead in Puntland state. The Puntland state police, in collaboration with an international organization, conducted two follow-up trainings on trafficking investigations for 42 officers during the reporting period. The Somaliland government in June 2016 established the Counter Human Trafficking Agency of Somaliland, which included representatives from immigration, police, coast guard, the attorney general's office, and the ministries of commerce, finance, and civil aviation. The agency is mandated to coordinate counter-trafficking efforts including developing legislation and collecting data, but its work remained limited in reach.



No governmental entity had systematic procedures to identify or refer trafficking victims. Information on FGS efforts to protect trafficking victims was unavailable. The FGS and Somaliland authorities did not provide protective services to trafficking victims and relied fully on international organizations and NGOs to provide victim assistance, including food, clothing, shelter, legal support, medical aid, counseling, and reintegration services. During the reporting year, Puntland authorities partnered with civil society to provide protective care for 23 trafficking victims; it also helped facilitate the return home of 29 minor victims. However, some of these children and recipients of protective care were likely smuggling victims. The FGS did not provide financial or in-kind support to organizations assisting victims. In Puntland in 2016, state authorities paid the lease and electric and water bills for a house rented by an organization to use as a shelter for trafficking victims; however, the amount of funding spent on this assistance was unavailable. State authorities also provided transportation costs to the victims to enable their return home. The Puntland Ministry of Women Affairs managed a safe house for victims of trafficking and domestic violence in Garowe, Puntland. There were no legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. In Puntland state, members of the anti-trafficking board participated in a three-month radio, television, and community social mobilization awareness campaign conducted by an international organization to sensitize the public on human trafficking, including how to detect and report actual and suspected cases of trafficking; the Puntland state government did not fund the program. The FGS did not conduct any awareness campaigns during the reporting period. No government entity provided funding to agencies for labor inspections, and no inspectors were employed to enforce labor laws. Authorities across Somalia did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Somalia is not a party to the 2000 UN TIP Protocol.

During the year, there were continued reports of the Somali National Army (SNA), Ahlu Sunna Wal Jama'a, clan militia, and al-Shabaab using child soldiers.

The efforts of the FGS to end the recruitment and use of child soldiers were focused solely on the SNA. The government's implementation of the 2012 action plan to end the recruitment and use of children by the SNA remained incomplete. The work of the six military officer focal points named in 2015 was limited during the current reporting year. Nevertheless, in 2016, the SNA's Child Protection Unit reported that it conducted awareness campaigns in Mogadishu, Guul Wadaysha, and at the Siyad Army Base on the importance of preventing child recruitment into the security forces. Authorities handed over children separated from armed groups to an international organization for care. The UN continued to report concerns about the arrest and detention of some children allegedly associated with al-Shabaab by Puntland forces. Most Somalis lacked birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult.

Throughout areas beyond state control, al-Shabaab frequently recruited children for use by its militias, typically through abduction, deception, or compelling elders to hand over

minors, and increasingly through fear from public executions of children alleged to be deserters or spies. The terrorist group forced recruitment at mosques, Quranic schools, and facilities for neglected children. Al-Shabaab used children for combat and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, serving as human shields during incursions, carrying out assassinations and suicide attacks, providing intelligence, serving as guards, and working in domestic service. Al-Shabaab also forcibly recruited young girls and exploited them in sexual servitude.

## TRAFFICKING PROFILE

Somalia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify. Victims are primarily from Somalia's southern and central regions and subjected to trafficking within the country, especially in Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries who transport victims to Puntland, Djibouti, and Ethiopia for the purposes of domestic servitude or sex trafficking. Due to poverty and an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share familial ties and clan linkages; some of these children may become victims of forced labor or sex trafficking. While many children work within their own households or family businesses, some children may be forced into labor in agriculture, domestic work, herding livestock, selling or portering *khat*, crushing stones, or in the construction industry. In 2014, an international NGO released a report documenting cases of sexual abuse and exploitation, including trafficking, of Somali women and girls by Ugandan and Burundian African Union Mission in Somalia (AMISOM) personnel. An African Union investigation into the allegations concluded there was evidence of sexual exploitation, abuse, and trafficking by AMISOM personnel.

Notwithstanding the lack of reliable statistics, Somaliland and Puntland received an influx of economic migrants and refugees from war-torn Yemen and the Oromia region of Ethiopia. Regional governments from Somaliland and Puntland reported smuggling and trafficking continued through Somalia as a transit point on routes to Libya, Sudan, and Europe. Women and girl migrants working in the informal economy were particularly vulnerable to trafficking. Reports document an uptick in middle-class Somali citizens attempting to migrate to Europe, which increased their vulnerability to trafficking. An international organization reported that youth aged 18 to 35 from south-central Somalia, driven by pressure to seek employment opportunities abroad, are the most vulnerable to trafficking. As in prior reporting periods, certain marginalized ethnic minorities—Somali Bantus and Midgaan—continue to face greater risk of sex and labor trafficking, as do IDPs and people living in areas under al-Shabaab control. Self-identified administrators of some IDP camps reportedly force girls and women to provide sex acts in exchange for food and services; some Somali officials are alleged to be complicit in such exploitation. These camp administrators continue to charge rent or fees for otherwise-free basic services and sell the area they control within a camp to other administrators, establishing a cycle of debt for IDPs that makes them vulnerable to trafficking, including inherited bondage.

According to an international organization, traffickers employed deception as the predominant recruitment method over threat

or force, as utilized in years past. Traffickers and smugglers reportedly take advantage of the vulnerability of IDP women and children, mostly from southern and central Somalia, at times using false promises of lucrative jobs in Europe and North America. Traffickers transport Somali women, sometimes via Djibouti, to the Middle East, where they frequently endure domestic servitude or forced prostitution. Somali men experience conditions of forced labor as herdsmen and workers in the Gulf States. Traffickers transport children to Saudi Arabia and force them to beg on the streets. Dubious employment agencies facilitate human trafficking by targeting individuals desiring to migrate to the Gulf states or Europe for employment. Federal government officials allegedly sell falsified travel documents to travel brokers and traffickers. NGOs and international organizations report Somalis increasingly seek to move to other African destinations, including Kenya and South Africa. Authorities in Somaliland report an increase in the transporting or kidnapping of children and unemployed university graduates, who later transit Ethiopia and Sudan and are sometimes held hostage by networks in Libya en route to Europe and the Middle East. Some members of the Somali diaspora use false offers of marriage to lure unsuspecting victims, many of whom include relatives, to Europe or the United States, where they force them into prostitution or domestic servitude. Traffickers reportedly subject Somali children fleeing al-Shabaab and seeking refuge in Kenya to forced labor or sexual exploitation. Trucks transporting goods from Kenya to Somalia sometimes return to Kenya with young girls and women; traffickers procure these young girls and women and exploit them in brothels in Nairobi or Mombasa or send them to destinations outside Kenya. Undocumented Ethiopians in northern Somalia also remain vulnerable to trafficking as they seek employment in Puntland and Somaliland to fund subsequent travel to the Middle East. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets. Some traffickers reportedly compel community elders, particularly in coastal regions, to convince community members to travel to Europe for employment opportunities; some individuals are subjected to forced labor in Europe.

## SPECIAL CASE: YEMEN

Yemen remains a Special Case for the second consecutive year. The civil conflict and humanitarian crisis in Yemen deepened during the reporting period, and information on human trafficking in the country has become increasingly difficult to obtain since March 2015 when the Republic of Yemen Government (ROYG) had to leave and relinquished control of substantial portions of territory. NGOs reported vulnerable populations in Yemen are at an increased risk of being subjected to trafficking due to large-scale violence driven by protracted armed conflict, civil unrest, and lawlessness. Migrant workers from the Horn of Africa who remained in Yemen may have endured intensified violence, and women and children may have become more susceptible to trafficking. The few international organizations and NGOs remaining in Yemen focused primarily on providing emergency assistance to the local population and lacked adequate resources to collect reliable data on trafficking. A local NGO estimated more than 80 percent of Yemenis need broad assistance and basic social services have collapsed. For the purposes of this report, Yemen retained special case status since the government continues to lack control over a significant portion of its territory while it remains outside the capital,

Sana'a, in Aden, and Saudi Arabia.

### GOVERNMENT EFFORTS

Due to the tenuous political situation, the government faced serious challenges to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, a shrinking economy, limited territorial control, and poor law enforcement capabilities. The government made no discernible anti-trafficking law enforcement efforts. Government efforts to investigate and prosecute trafficking offenders were hampered by the absence of a law criminalizing all forms of trafficking and the government's conflation of trafficking and smuggling. Article 248 of the penal code prescribes up to 10 years imprisonment for any person who "buys, sells, or gives [a human being] as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him." This statute's prescribed penalty is commensurate with those prescribed for other serious crimes, such as rape; however, its narrow focus on transactions and movement does not prohibit many forms of sex trafficking and forced labor as defined under international law. Article 161 of the Child Rights Law criminalizes the "prostitution of children." While the government's inter-ministerial National Technical Committee to Combat Human Trafficking drafted anti-trafficking legislation, with assistance from an international organization, prior to its departure, Houthi rebels illegally disbanded parliament in February 2015, and the legislation has not been enacted.

The government did not have access to or oversight of the courts and therefore did not report efforts to prosecute, convict, or punish trafficking offenses during the year. It made no known efforts to investigate or punish the practice of chattel slavery. In addition, the government was unable to pursue any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite previous reports of officials engaged in trafficking in both urban and rural areas, including the domestic servitude of children and women, forced prostitution of women, recruitment and use of child soldiers, and forced labor of migrant workers. Allegedly, local government and security officials willfully ignored trafficking crimes in their respective areas of responsibility. Prior to the conflict, the government did not effectively enforce anti-trafficking provisions due to a lack of resources and the financial interests of the elite, many of whom allegedly benefited from forced labor.

The government did not have the access to identify and provide adequate protection services to trafficking victims among vulnerable groups, such as women in prostitution and foreign migrants. As a result, the government could not ensure trafficking victims were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution or immigration violations. An international organization identified 25 victims of trafficking, most of whom were adults. Although the Ministry of Interior (MOI) Women and Children Unit had formal standard operating procedures for proactive identification of trafficking victims, efforts to implement or train law enforcement on these procedures were suspended due to the prolonged unrest. Furthermore, the government did not encourage victims to assist in investigations or prosecutions of their traffickers or to provide assistance to its nationals repatriated after enduring trafficking abroad. In May 2014, the government acknowledged the use of child soldiers and signed a UN action plan to end the practice; however, it did not make efforts to release child soldiers from the military or provide

them with protective or rehabilitation services. Furthermore, an international organization continued to express concerns about the detention by the Yemeni Armed Forces (YAF) of children for alleged association with Houthi rebel forces. The government took some action in criticizing or condemning the rebel recruitment of child soldiers, including public press statements, and expressed its commitment to properly address this crime.

Due to its broad lack of access and governance capacity issues, the government was unable to make efforts to prevent trafficking during the reporting period. A draft national strategy to combat trafficking initiated by the Ministry of Human Rights, in coordination with an international organization, remains pending. The draft includes plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect victims. During a previous reporting period, the government enacted a regulation requiring MOI approval for Yemenis to marry foreigners, in an effort to reduce sex tourism among foreigners, particularly Saudis and Emiratis who “temporarily” married young Yemeni women; however, officials continued to provide such approval in exchange for bribes. Further, the government did not provide anti-trafficking training to its diplomatic personnel and could not make efforts to reduce the demand for commercial sex acts, forced labor, or address the problem of sex tourism more broadly. Yemen is not a party to the 2000 UN TIP Protocol.

Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict have increased their recruitment and use of child soldiers. As a result of its limited capacity and the ongoing conflict, the Yemeni government has not implemented a 2014 UN action plan to end the recruitment and use of child soldiers. Despite a 1991 law requiring members of the armed forces to be at least 18 years of age and a May 2014 UN action plan to prevent recruitment of children into its armed forces, credible reports indicated the acceleration of recruitment of children throughout the country, due to expansion of military activity by government forces as well as by Houthi-Saleh rebel forces, tribal and other militias, and al-Qa’ida in the Arabian Peninsula (AQAP). During the year, these armed groups increased their recruitment, training, and deployment of children as participants in the conflict. An international organization observed Houthis using children as uniformed soldiers and at checkpoints during the reporting period. AQAP recruited boys for combat operations against military and security forces. Armed boys, reportedly as young as 10 years old, are believed to have worked for Houthi militias and government forces. Some families supportive of Houthi rebels, including those residing in locations outside Houthi control, sent their children to the Houthi stronghold of Sa’ada in northwestern Yemen for arms training by the Houthis to serve in their militias. According to an international organization, between April and June 2016, armed groups recruited and used at least 168 children, compared to 140 the previous reporting period. The majority of incidents were attributed to the Houthis, followed by the YAF, Popular Committees, and AQAP. In 2016, the Saudi-led coalition handed over to Yemeni officials 52 child soldiers alleged to have been recruited by the Houthis; the children were detained in a camp controlled by the YAF. Yemen’s security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and limited political will continued to severely encumber the country’s capacity to end the recruitment and use of child soldiers.

## SCOPE AND MAGNITUDE

Yemen is a country of origin and, to a lesser extent, transit and destination, for men, women, and children subjected to forced labor, and women and children subjected to sex trafficking. The ongoing conflict, lack of rule of law, and the deteriorating economy have likely disrupted some trafficking patterns and exacerbated others. Past reports suggested some Yemeni children—mostly boys—were subjected to forced labor in domestic service, begging, or in small shops after migrating to Aden or Sana’a or to Saudi Arabia and, to a lesser extent, Oman. Traffickers, security officials, and employers also forced some of these children into sex trafficking in Saudi Arabia, while others were forced to smuggle drugs into Saudi Arabia. Prior to the conflict, Yemen was a transit point and destination for women and children, primarily from the Horn of Africa, who were subjected to sex trafficking and forced labor. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in Gulf countries, but some women and children among this population may have been exploited in sex trafficking or domestic servitude in Yemen. Others migrated based on fraudulent offers of employment as domestic workers in Yemen, where they were subsequently subjected to sex trafficking or forced labor. Some female refugees were previously forced into prostitution in Aden and Lahj governorates. Prior to the conflict’s escalation and the government’s departure in March 2015, Yemeni migrant workers were allegedly deported from Saudi Arabia and returned to Yemen through the al-Tuwal and al-Buq border crossings. Most deportees were reportedly returned to the impoverished Tihamah region located on the west coast of Yemen, many of whom remained displaced and highly vulnerable to exploitation, including trafficking. The UN estimated that the protracted Syrian conflict resulted in an influx of as many as 100,000 Syrian refugees to Yemen; Syrian refugee women and children begging in the streets were highly vulnerable to forced labor and sex trafficking in the country.

Prior to the Yemeni government’s departure, it and international NGOs estimated there were approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom were subjected to forced labor. Yemeni and Saudi gangs transported African children to Saudi Arabia for the purpose of exploitation. Traffickers abused and abandoned in Yemen some refugees and migrants from the Horn of Africa who voluntarily transited Yemen en route to Saudi Arabia and other Gulf countries. Reports suggest at least 150 migrants attempt to cross to Yemen via Djibouti daily, and as many as 14,000 Ethiopians may have required assistance in Yemen by the end of 2016, a situation which underscores the need for broad proactive screening of potential victims of trafficking and child soldiering among migrants who have been evacuated from Yemen. In past years, multiple NGOs reported criminal smuggling groups had built a large number of “camps” near the Yemeni-Saudi border city of Haradh, where migrants hoping to reach Saudi Arabia were held for extortion and ransom.

Yemeni children have been subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old have reportedly been exploited in commercial sex in hotels and clubs in the Governorates of Sana’a, Aden, and Taiz. Prior to the conflict, most child sex tourists in Yemen were from Saudi Arabia, with a smaller percentage originating from other Gulf nations, including the United Arab Emirates. Some Saudi men used legally contracted “temporary marriages”—authorized by some Islamic authorities as “misyar” marriages—for the purpose of sexually exploiting Yemeni girls, some reportedly as young as 10 years old, and some of whom were later abandoned on the streets of Saudi Arabia. Civil society organizations assessed that,



as a result of the dire economic situation in Yemen, particularly in the north, sex trafficking of Yemeni children had increased over the past several years. Additional sources alleged the practice of chattel slavery, in which human beings are traded as property, continued in Yemen in 2016, citing a “prevalence rate” of 1.13 percent. While no official statistics exist detailing this practice, a 2014 study by a human rights organization documented 190 cases of slavery in three directorates of Hajjah governorate. Sources reported there could be several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.

## RELEVANT INTERNATIONAL CONVENTIONS

The chart below shows the Ratification, Accession (a), or Acceptance (A) of relevant international conventions for those countries that have ratified, acceded to, or accepted any such conventions between April 2016 and March 2017. A complete list that includes all of the countries covered by the 2016 Trafficking in Persons Report is available at: <http://www.state.gov/tipreport>

Country	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Optional Protocol to the Convention on the Rights of the Child in Armed Conflict	ILO Convention 29, Forced Labour	ILO Protocol of 2014 to the Forced Labour Convention*	ILO Convention 105, Abolition of Forced Labour	ILO Convention 182, Elimination of Worst Forms of Child Labor	ILO Convention 189, Domestic Workers
	Ratification, Accession (a), or Acceptance (A)	Ratification, Accession (a), or Acceptance (A)	Ratification, Accession (a), or Acceptance (A)	Ratification	Ratification	Ratification	Ratification	Ratification
Argentina	2002	2003	2002	1950	2016	1960	2001	2014
Brunei	—	2006(a)	2016(a)	—	—	—	2008	—
Cyprus	2003	2006	2010	1960	2017	1960	2000	—
Czechia	2014	2013	2001	1993	2016	1996	2001	—
Estonia	2004	2004	2014	1996	2016	1996	2001	—
Finland	2006(A)	2012	2002	1936	2017	1960	2000	2015
France	2002	2003	2003	1937	2016	1960	2001	—
Guinea	2004(a)	2011(a)	2016(a)	1959	—	1961	2003	—
Jamaica	2003	2011	2002	1962	—	1962	2003	2016
Maldives	2016(a)	2002	2004	2013	—	2013	2013	—
Mali	2002	2002(a)	2002	1960	2016	1962	2000	—
Pakistan	—	2011	2016	1957	—	1960	2001	—
Panama	2004	2001	2001	1966	2016	1966	2000	2015
Poland	2003	2005	2005	1958	2017	1958	2002	—

\* ILO Protocol of 2014 to the Forced Labour Convention entered into force November 9, 2016

## STOPPING HUMAN TRAFFICKING, SEXUAL EXPLOITATION, AND ABUSE BY INTERNATIONAL PEACEKEEPERS AND CIVILIAN PERSONNEL

As required by law, this section summarizes actions taken by the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the Organization for Security and Co-operation in Europe (OSCE) to prevent trafficking in persons or the exploitation of victims of trafficking.

	UNITED NATIONS	OSCE	NATO
TOTAL NUMBER OF PEACEKEEPING AND SUPPORT PERSONNEL	107,574	2,870	17,748
TOTAL NUMBER OF MISSIONS	16	15	2
PREVENTION POLICY	"Special Measures for Protection from Sexual Exploitation and Sexual Abuse" (SEA) (2003)	"Code of Conduct for Staff and Mission Members"	"NATO Policy on Combating Trafficking in Human Beings" (2004 and 2007)
LEAD OFFICE RESPONSIBLE FOR IMPLEMENTATION	Office of Field Support	Office of Human Resources	NATO Political Affairs and Security Policy Division (PASP)
PREVENTION TRAINING	Pre-deployment and at mission, including a new E-learning program	Pre-deployment	Pre-deployment and at mission "NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings" (2004)
NUMBER OF ALLEGATIONS IN 2016	165 [civilian (68), military (93), police (7)] 103 allegations were reported against personnel of 14 UN peacekeeping and special political missions. The majority of the allegations were in the Central African Republic and the Democratic Republic of Congo. There were 62 allegations reported against UN staff members and related personnel not associated with peacekeeping operations and special political missions as well as against non-UN forces under a Security Council Mandate. 46% of the total allegations involved child victims under 18 years of age.	No reported allegations	No reported allegations – NATO relies on contributing countries to report allegations.
NEW INITIATIVES	The new UN Secretary General released a four-pronged strategy to improve the UN's system-wide response to sexual exploitation and abuse (A/71/818). Implementation is underway for a model complaint mechanism for complainants and victims. A Trust Fund in Support of Victims of SEA has been created and terms of reference developed. Member states have agreed to transfer of payments withheld for confirmed SEA cases by UN personnel to the Trust Fund mentioned above.		
LINKS FOR ADDITIONAL INFORMATION	<a href="https://conduct.unmissions.org/">https://conduct.unmissions.org/</a>	<a href="http://www.osce.org/what/trafficking">http://www.osce.org/what/trafficking</a>	<a href="http://www.nato.int/cps/en/natolive/topics_50315.htm">http://www.nato.int/cps/en/natolive/topics_50315.htm</a>



# MULTILATERAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<p><b>United Nations (UN)</b> www.un.org</p> <p><b>United Nations Sustainable Development Goals(SDGs):</b> -http://www.un.org/sustainabledevelopment/</p> <p><b>United Nations Security Council (UNSC):</b> -https://www.un.org/press/en/2016/sc12647.doc.htm -https://www.un.org/press/en/2015/sc12165.doc.htm</p> <p><b>United Nations Office on Drugs and Crime (UNODC):</b> www.unodc.org https://www.unodc.org/cld/en/v3/https/index.html (Human Trafficking Knowledge Portal) http://www.unodc.org/documents/human-trafficking/2017/Case_Digest_Evidential_Issues_in_Trafficking.pdf</p> <p><b>United Nations Office of the High Commissioner on Human Rights :</b> www.ohchr.org</p> <p><b>International Labour Organization (ILO) :</b> www.ilo.org http://www.alliance87.org/ http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm</p>	<p>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (A/RES/55/25) (2000)</p> <p>United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293) (2010)</p> <p>ILO Conventions:</p> <p>-C29 Forced Labour Convention, 1930</p> <p>-P029 Protocol of 2014 and Recommendation R203, supplementing the Forced Labour Convention, 1930</p> <p>-C105 Abolition of Forced Labour Convention, 1957</p> <p>-C182 Worst Forms of Child Labour Convention, 1999</p> <p>-C189 Domestic Workers Convention, and its Recommendation R201, 2011</p>	<p>Special Rapporteur on Trafficking in Persons, Especially Women and Children</p> <p>Special Rapporteur on Contemporary Forms of Slavery</p> <p>Special Rapporteur on the Sale of Children, Child Prostitution, and Child Pornography</p>
<p><b>African Union (AU)</b> www.africa-union.org/</p>	<p>Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006)</p> <p>AU Commission Initiative against Trafficking Campaign (AU.COMMIT)</p>	<p>N/A</p>
<p><b>Association of Southeast Nations (ASEAN)</b> www.asean.org</p> <p><b>ACTIP and the ASEAN Plan of Action :</b> http://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf http://www.asean.org/storage/2015/12/APA-FINAL.pdf</p>	<p>ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, 2004</p> <p>ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015)</p> <p>ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (2015)</p>	<p>ASEAN Senior Officials Meeting on Transnational Crime</p>
<p><b>Bali Regional Ministerial Conference On People Smuggling, Trafficking In Persons And Related Transnational Crime (Bali Process)</b> www.baliprocess.net</p> <p><b>Bali Process Policy Guides :</b> http://www.baliprocess.net/regional-support-office/policy-guides/ http://www.baliprocess.net/regional-support-office/policy-guides-on-identification-and-protection-of-victims-of-trafficking/</p>	<p>Co Chairs' Statements of the first (2002), second (2003), third (2009), fourth (2011), fifth (2013), and sixth (2016)</p> <p>Bali Regional Ministerial Conference On People Smuggling, Trafficking In Persons And Related Transnational Crime</p>	<p>Bali Process Working Group on Trafficking in Persons</p>
<p><b>Commonwealth of Independent States (CIS)</b> www.cis.minsk.by/ (in Russian only)</p>	<p>Agreement on the Cooperation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues (2005)</p> <p>Program of Cooperation between the CIS Member States against Trafficking in Persons for 2014–2018</p>	<p>N/A</p>
<p><b>Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)</b> http://un-act.org/</p> <p>-Victim Identification and Referral Mechanisms: Common Guidelines for the Greater Mekong Sub-region : http://un-act.org/wp-content/uploads/2017/02/COMMIT_Guidelines_on_Victim_ID_Referrals.pdf</p> <p>-Supporting the Reintegration of Trafficked Persons: A Guidebook for the Greater Mekong Sub-Region : http://un-act.org/wp-content/uploads/2017/04/Final-Reintegration-Guidebook-3.pdf</p>	<p>COMMIT Memorandum of Understanding on Cooperation Against Trafficking in Greater Mekong Sub-Region (2004)</p> <p>COMMIT 3rd Sub-Regional Plan of Action (COMMIT SPANII, 2011-2013)</p>	<p>United Nations Action for Cooperation against Trafficking in Persons</p> <p>Regional COMMIT Task Force (TF)</p>

ORGANIZATIONS AND SELECTED LINKS OF INTEREST	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<b>Council of the Baltic Sea States (CBSS)</b> <a href="http://www.cbss.org/civil-security-the-human-dimension/tfthb/">http://www.cbss.org/civil-security-the-human-dimension/tfthb/</a> <a href="http://www.childcentre.info/egcc/">www.childcentre.info/egcc/</a> <a href="http://www.cbss.org/guidelines-labour-exploitation-baltic-sea-region/">http://www.cbss.org/guidelines-labour-exploitation-baltic-sea-region/</a>	A Vision for the Baltic Sea region by 2020, CBSS Summit 2010  Human Trafficking 2016 – Baltic Sea Round-up Report	Task Force against Trafficking in Human Beings (TF-THB)  Expert Group on Children at Risk
<b>Council of Europe (COE)</b> <a href="http://www.coe.int">www.coe.int</a> <a href="http://www.coe.int/t/dghl/monitoring/trafficking/">http://www.coe.int/t/dghl/monitoring/trafficking/</a> <a href="http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Publications/default_en.asp">http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Publications/default_en.asp</a>	COE Convention on Action Against Trafficking in Human Beings (2005)	Group of Experts on Action Against Trafficking in Human Beings (GRETA)
<b>Economic Community of West African States (ECOWAS)</b> <a href="http://www.ecowas.int">www.ecowas.int</a>  <b>Economic Community of Central African States (ECCAS)</b> <a href="http://www.ceeac-eccas.org/">www.ceeac-eccas.org/</a>	Declaration on the Fight against Trafficking in Persons, 2001  ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003), extended until 2011  Joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (2006-2008)	Anti-Trafficking Unit
<b>European Union (EU)</b> <a href="http://ec.europa.eu/anti-trafficking/index.action">http://ec.europa.eu/anti-trafficking/index.action</a>	Brussels Declaration on Preventing and Combating Trafficking in Human Beings, 2002  Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims	European Union Anti-Trafficking Coordinator
<b>League of Arab States (LAS)</b> <a href="http://www.arableagueonline.org/las/index.jsp">www.arableagueonline.org/las/index.jsp</a> (in Arabic only)	Arab Framework Act on Combating Trafficking in Persons (2008)  Arab Initiative to Combat Trafficking in Persons, 2010  Comprehensive Arab Strategy for Combating Trafficking in Human Beings (CASCTHB), Council of Arab Ministers of Justice Resolution 15/2/2012	N/A
<b>Organization of American States (OAS)</b> <a href="http://www.oas.org/en/default.asp">www.oas.org/en/default.asp</a> <a href="http://www.oas.org/dsp/english/cpo_trata.asp">www.oas.org/dsp/english/cpo_trata.asp</a>	Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012 (AG/RES. 2551 (XL-0/10))  Second Work Plan against Trafficking in Persons in the Western Hemisphere 2015-2018 (RTP-IV/doc.4/14 rev. 1)	Coordinator Against Trafficking in Persons
<b>Organization of Islamic Cooperation (OIC)</b>	Charter of the Organization of the Islamic Conference, 2008	N/A
<b>Organization for Security and Cooperation in Europe (OSCE)</b> <a href="http://www.osce.org/secretariat/trafficking">http://www.osce.org/secretariat/trafficking</a>  Handbook - How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers: <a href="http://www.osce.org/handbook/domesticservitude">http://www.osce.org/handbook/domesticservitude</a>  OSCE Alliance against Trafficking in Persons: <a href="http://www.osce.org/secretariat/107221">http://www.osce.org/secretariat/107221</a>	OSCE Action Plan to Combat Trafficking in Human Beings (2003)  Platform for Action Against Human Trafficking (2007)  Decision No. 1107 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, Decision No. 1107, 6 December 2013	Special Representative and Coordinator on Trafficking in Human Beings
<b>Regional Conference on Migration (RCM) (Puebla Group)</b> <a href="http://www.rcmvs.org/">www.rcmvs.org/</a>  Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking : <a href="http://www.rcmvs.org/Publicaciones/Publicaciones.htm">http://www.rcmvs.org/Publicaciones/Publicaciones.htm</a>	Regional Conference on Migration Plan of Action	The Liaison Officers Network to Combat Migrant Smuggling and Trafficking in Persons
<b>Southern African Development Community (SADC)</b> <a href="http://www.sadc.int/">www.sadc.int/</a>	SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and Children (2009-2019)	N/A
<b>South Asian Association for Regional Cooperation (SAARC)</b> <a href="http://www.saarc-sec.org/">www.saarc-sec.org/</a>  <a href="http://saarc-sec.org/digital_library/detail_menu/saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution">http://saarc-sec.org/digital_library/detail_menu/saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution</a>	SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	Regional Task Force

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## GLOSSARY OF ABBREVIATIONS

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ASEAN	Association of Southeast Asian Nations
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
EUROPOL	European Police Office
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
IDP	Internally displaced person
ILO	International Labour Organization
ILO-IPEC	International Labour Organization, International Program for the Elimination of Child Labour
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
ISIS	Islamic State of Iraq and Syria
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
NGO	Nongovernmental organization
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
2000 UN TIP PROTOCOL (PALERMO PROTOCOL)	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

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NOTES: Local currencies have been converted to U.S. dollars (\$) using the currency exchange rates reported by the U.S. Department of the Treasury on December 31, 2016. The rates can be found here: <https://www.fiscal.treasury.gov/fsreports/rpt/treasRptRateExch/itin-12-2016.pdf>



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Inside back cover: "The A21 Campaign"

# A CLOSING NOTE

Governments hold a unique position in the fight against human trafficking, in that they have ultimate responsibility for punishing perpetrators, protecting victims, and preventing trafficking crimes. Using this “3P” paradigm, our office works diligently to evaluate the efforts of 187 governments and provide concrete recommendations on how each can combat modern slavery most effectively.

The obligation to hold traffickers accountable for their crimes is a key element of the Palermo Protocol, and a government’s efforts to prosecute signify its dedication to fighting human trafficking. High acquittal rates, suspended sentences, imposition of fines in lieu of incarceration, and weak prison terms are ineffective to deter future crimes. When authorities punish trafficking victims for crimes they were forced to commit, including prostitution and immigration violations, they hinder their own efforts to investigate and punish traffickers.

The burden on governments to respond to the crime with sufficiently deterrent penalties and to protect victims is heightened when their own officials engage in or facilitate trafficking crimes. Some judges, prosecutors, and law enforcement officials throughout the world accept bribes for reducing sentences of perpetrators, leaking information to suspects under investigation, or ignoring potential cases.

Some state employees of publicly-run orphanages organize or overlook the sex trafficking of children in their care, while some officials at camps for refugees or IDPs exploit victims or ignore their protection responsibilities, leaving camp residents more vulnerable to exploitation and retaliation. Law enforcement officials who protect brothels for financial gain can be complicit in sex trafficking, while those who knowingly purchase commercial sex from sex trafficking victims are directly culpable. Some diplomats exploit their domestic workers, often avoiding penalties for trafficking crimes committed abroad. Globally, public officials complicit in or committing sex and labor trafficking crimes frequently avoid punishment. Governments must stop such complicity and look within their own ranks to hold offending officials criminally accountable.

Government-sponsored human trafficking represents the most egregious form of complicity. Government-compelled forced labor continues in some countries, including in agricultural programs, state-run detention facilities, drug rehabilitation centers, and government-to-government contracts for foreign workers. In regions across the world, militaries—including some government armies—forcibly recruit children to serve as soldiers or militia members or in service capacities such as porters and cooks. In sponsoring policies like these, governments not only harm the very people they are responsible for protecting, they also embolden human traffickers who know they will face no punishment for the crime.

The *Trafficking in Persons Report* includes data on the important work being done to uncover trafficking crimes and prosecute criminals. But pursuit of non-state actors is not enough. Governments with laws or policies that compel or sanction forced labor or other trafficking crimes must change their practices. All governments should review policies to ensure the fight against complicity is effective and root out corruption that often allows modern slavery to thrive. When governments end impunity of their own officials who facilitate human trafficking, other actors will see the importance of holding criminals—no matter their status in society—accountable. Each government bears that unique responsibility in the fight against modern slavery and must rise to this challenge.



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Millions of refugees have been displaced. With borders closing, a high percentage are at risk of exploitation and human trafficking. A21 reached **152,466 refugees** in 2016 with the message of prevention through posters, training, cinema nights, and children's comic books. **96 refugee trafficking victims** were rescued through the **Greek 1109 National Human Trafficking Resource Line**.



VISIT [A21.ORG](http://A21.ORG) FOR MORE INFORMATION

Abolish Slavery Everywhere, Forever





U.S. DEPARTMENT OF STATE PUBLICATION  
OFFICE OF THE UNDER SECRETARY FOR CIVILIAN SECURITY,  
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Designed and Printed by A/GIS/GPS, June 2017