



**TRAFFICKING IN PERSONS REPORT**  
**JUNE 2016**









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DEAR READER:

If there is a single theme to this year's *Trafficking in Persons (TIP) Report*, it is the conviction that there is nothing inevitable about trafficking in human beings. That conviction is where the process of change really begins—with the realization that just because a certain abuse has taken place in the past doesn't mean that we have to tolerate that abuse in the future or that we can afford to avert our eyes. Instead, we should be asking ourselves—what if that victim of trafficking was my daughter, son, sister, or brother?

This year's *TIP Report* asks such questions, because ending modern slavery isn't just a fight we should attempt—it is a fight we can and must win.

The *TIP Report* is the product of a yearlong effort requiring contributions and follow-up from employees in the United States and at our diplomatic outposts across the globe, host country governments, and civil society. That effort is well worth it, because this Report is one of the best means we have to speak up for men, women, and children who lack any effective platform to be heard themselves. Because of its credibility, the Report is also a source of validation and inspiration to activists on every continent who are striving to end the scourge of human trafficking.

The purpose of this Report is to enlighten, energize, and empower. That's why it incorporates the insights of NGOs, advocates, and survivors with firsthand experience of this horrific crime. By issuing it, we want to bring to the public's attention the full nature and scope of the \$150 billion illicit human trafficking industry. We want to provide evidence and facts that will help people who are already working to achieve reforms and alleviate suffering. And we want to provide a strong incentive for governments at every level to do all they can to prevent and prosecute trafficking, identify and support victims, and shield at-risk populations.

The United States is committed to working with our international partners to tackle the root causes and consequences of modern slavery and to exchange ideas and innovative practices, but much work remains. Modern slavery is connected to a host of 21st century challenges—from environmental sustainability to advancing the lives of women and girls to combating transnational organized crime. Wherever we find poverty and lack of opportunity—wherever the rule of law is weak, where corruption is most ingrained, where minorities are abused, and where populations can't count on the protection of government—we find not just vulnerability to trafficking, but zones of impunity where traffickers can prey on their victims.

This year's Report underscores the need for increased attention to preventing human trafficking. It encourages governments to identify and acknowledge those most at-risk in society, and to create effective ways to recognize vulnerable populations and help first responders spot the methods used by human traffickers. By understanding the needs of vulnerable groups, governments can partner with NGOs and the private sector to protect the innocent from would-be traffickers.

The magnitude of the challenge is real, but make no mistake: So are the opportunities for progress.

In December, the President appointed 11 trafficking survivors to the first-ever U.S. Advisory Council on Human Trafficking. Their courage and commitment remind us all of our responsibility to take bold action so that, together, we will win more battles in a fight that will surely last for generations. That is why I urge you to read this Report as a call to action—a plea to people everywhere to realize the vision of a world that is more caring and more just—a world free from modern slavery.

Sincerely,

A handwritten signature in black ink that reads "John F. Kerry".

John F. Kerry  
Secretary of State





DEAR READER:

This year's *Trafficking in Persons Report* focuses on strategies to prevent human trafficking around the globe. As always, the Report analyzes governments' prosecution, protection, and prevention efforts; but this year we feature ways governments can identify people most at-risk and reduce their vulnerability. The more governments understand the needs of these populations, the better they can partner with civil society to support communities and educate individuals to prevent their being exploited.

As a former Assistant United States Attorney and now as Ambassador, I have met trafficking survivors and heard them tell of the schemes traffickers used to recruit and exploit them. Often, traffickers target those struggling to survive, fleeing violence or conflict, looking for someone to care about them, or simply trying to get ahead. In one case I prosecuted, two women were lured to the United States to be nannies in exchange for the opportunity to go to school and earn money to send home. When they got here, their trafficker instead forced them to work for no pay, kept them isolated, held their travel documents, and threatened them with arrest and deportation. Even so, the first woman did not know she was a trafficking victim; she ran away, but did not seek help from law enforcement as she feared being arrested. The cycle was repeated when the trafficker lured another woman to replace the first; she only sought help after seeing a television show about trafficking and realized there were laws against such abuse.

In cases like these, prosecution and protection efforts are clearly needed, but we must also focus on prevention—on how to stop people from being trafficked. We need to expose the lies traffickers tell to recruit unsuspecting individuals and ensure those who are recruited can safely report any fraud, coercion, or abuse. In addition to tackling specific factors that put people at risk, we should also support organizations, faith groups, and governments to help avert the crime by providing those at risk with real opportunities, including jobs, education, and housing.

Businesses and consumers have a key role to play, too, in helping ensure forced labor is not used to produce the goods and services they sell and purchase. This year I was proud to launch a project called "ResponsibleSourcingTool.org" to help federal contractors and businesses examine their supply chains and work to rid them of unscrupulous labor practices.

A key part of prevention is learning from survivors what would have helped them avoid victimization. In my first year as Ambassador, I have seen our government fulfill President Obama's commitment to truly see and hear survivors of human trafficking. Federal agencies have sought survivor input and funded survivors to develop trainings and new research. The President also appointed 11 survivors to offer recommendations to the Executive branch on a range of U.S. policies and programs to combat human trafficking.

Dr. Martin Luther King, Jr, who has inspired many to continue working toward freedom for all, said: "Injustice anywhere is a threat to justice everywhere." In the United States and around the world, governments, civil society, law enforcement and service providers must seek justice for victims of human trafficking and work to prevent others from becoming victims in the first place.

Sincerely,

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

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

*“ Today, we continue the long journey toward an America and a world where liberty and equality are not reserved for some, but extended to all. Across the globe, including right here at home, millions of men, women, and children are victims of human trafficking and modern-day slavery. We remain committed to abolishing slavery in all its forms and draw strength from the courage and resolve of generations past. ”*

-President Barack Obama







Traditionally, traffickers have subjected women and girls to sex trafficking in brothels, bars, and massage parlors; however, in an attempt to better conceal their crimes, some traffickers have changed tactics and now exploit victims in hotel rooms and private apartments, making them harder for law enforcement to detect.

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This Report and subsequent updates are available at [www.state.gov/j/tip](http://www.state.gov/j/tip)





In Bolivia, some children are forced to work in the mining sector. Some do not receive proper safety equipment, which puts them at risk for workplace injuries and long-term health problems.

# MEETING THE GLOBAL CHALLENGE: EFFECTIVE STRATEGIES TO PREVENT HUMAN TRAFFICKING

The global anti-trafficking movement, now well into its second decade, has successfully used the 3P paradigm of prosecution, protection, and prevention to strengthen how the world combats trafficking in persons. Governments committed to enhancing **prosecution** of traffickers have enacted laws that criminalize all forms of human trafficking and prescribe sufficiently stringent sentences.

**Protection** efforts have empowered individuals to move beyond their victimization and rebuild their lives with dignity, security, and respect. **Prevention** measures have provided communities around the world with valuable information about the risks of human trafficking, elevating public consciousness about this crime.

Yet so much work remains. Despite sustained anti-trafficking efforts, millions of individuals are bound by mental, physical, and financial coercion and manipulation by traffickers who exploit their vulnerabilities for profit. Whether they are victims of sex or labor trafficking, the suffering of these individuals is unconscionable. Meanwhile, the broader effects of human trafficking on society must also be addressed—from the splintering of families and communities and the distortion of global markets, to the weakening of the rule of law and strengthening of transnational organized criminal networks.

While continued efforts in protection and prosecution are essential, human trafficking prevention strategies deserve commensurate attention and resources. Governments must work in partnership with NGOs, survivors, community and religious leaders, and the private sector to study vulnerable populations and develop targeted strategies to prevent and address the factors that drive modern slavery in their communities. Without prevention, governments are left to respond to the consequences of human trafficking without coming any nearer to seeing its end.

Effective prevention efforts address the tactics of human traffickers head on. With the dissemination of accurate and targeted information, communities will be better prepared to respond to the threat of human trafficking. Strategic intervention programs can reach at-risk populations before they

“*People are not merchandise and cannot be used as bait during an economic and political crisis. Poverty does not justify human trafficking.*”

– Norotiana Ramboarivelo Jeannoda,  
2015 Trafficking in Persons Report  
Hero

are faced with deceitful recruitment practices of those bent on exploiting them for labor or commercial sex. Meaningful partnerships between public and private sectors and civil society can expand awareness, leverage expertise, and facilitate creative solutions.

Over time, new prevention measures and methods will emerge and evolve as governments and anti-trafficking stakeholders apply experience and share lessons learned. Although often

the hardest to measure, prevention efforts can become more sophisticated, scalable, and effective if supported by sufficient resources and political will.

This year’s *Trafficking in Persons Report* focuses on the positive developments and continued challenges of preventing trafficking, and it considers how governments and the broader anti-trafficking community can effectively ensure that those who are vulnerable to human trafficking have the tools and opportunities to avert the risks of exploitation.

## 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.



## VULNERABILITY AND HUMAN TRAFFICKING

Although human trafficking affects every demographic, a common factor across all forms of modern slavery is the victims' vulnerability to exploitation. Systemic social, cultural, and economic policies or practices may marginalize or discriminate against individuals and groups because they are poor, are intellectually or physically disabled, or because of their gender or ethnicity. People may lack access to health and legal services due to their status or language barriers; and some, such as communities in situations of crisis and children, may not be capable of protecting themselves.

Traffickers exploit these disadvantages. They prey on those who lack security and opportunity, coerce or deceive them to gain control, and then profit from their compelled service. To prevent this, governments, with assistance from first responders, NGOs, and local communities, should consider their own populations, cultures, and policies to identify those individuals who may be uniquely vulnerable within their borders. On this basis, communities can develop effective strategies to increase awareness and prevent human trafficking.

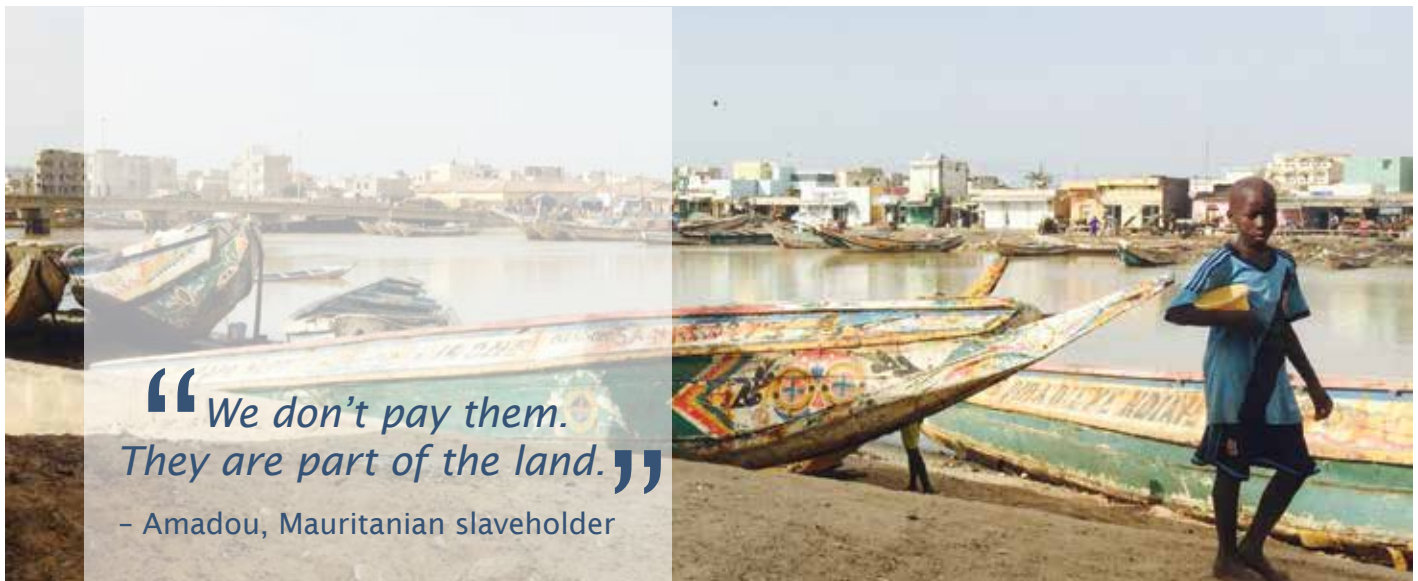
*The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *UN Convention Against Transnational Organized Crime* (Palermo Protocol) recognizes the connection between vulnerability and human trafficking, and encourages state parties to take or strengthen measures to alleviate those factors that make people vulnerable to human trafficking, including poverty, underdevelopment, and lack of equal opportunity. Understanding the root causes will help governments shape strategic prevention efforts and also integrate anti-trafficking elements into other programming for vulnerable populations.

This introductory section of the Report focuses on five elements of effective prevention strategies: enhancing understanding through research; raising awareness to prevent recruitment and reduce demand; implementing policies and programs that decrease risks and empower vulnerable groups; capitalizing on the knowledge of experts across the globe by increasing collaboration between and within countries; and facilitating partnerships between governments, civil society, and other anti-trafficking actors.

The pages that follow will also highlight a selection of populations traditionally considered at high risk of human trafficking; however, the list is not exhaustive. Generally, when inequality exists and where certain people lack access to social protection and justice, human traffickers are able to thrive.

### VIETNAM | CHINA

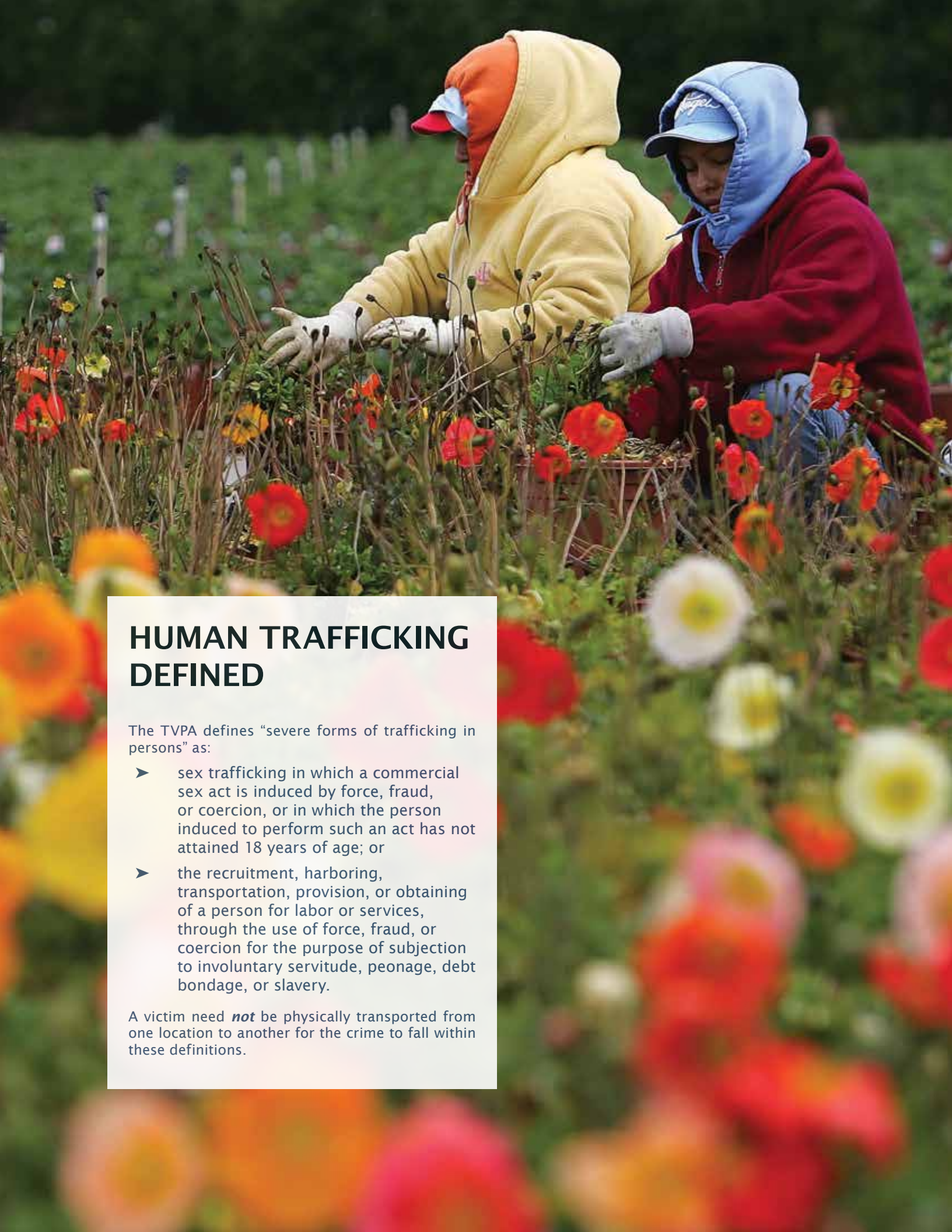
When Ping was 12 years old, an acquaintance offered her and a friend jobs in a different city in Vietnam. Ping and her friend accepted the offer. The recruiter took them to a local bus station and placed them on a bus with their “caretaker.” When they disembarked, the caretaker revealed they were in China and had been sold into prostitution with 20 other girls. When one of the girls refused to do as she was told, the owners beat her severely. Ping suffered in the brothel for almost a year before authorities raided the establishment, rescued the girls, and returned them to Vietnam. Although Ping still suffers from headaches and poor vision—including moments of blindness—as a result of her exploitation, she is training for a career in hairdressing.



“ We don't pay them.  
They are part of the land. ”  
- Amadou, Mauritanian slaveholder

In West Africa, traffickers pose as Koranic school teachers and force young students to beg for food and money instead of allowing them to gain an education. In Europe, traffickers subject children—including Roma and disabled children—to forced begging. In South Asia, some traffickers maim children before subjecting them to forced begging to increase the children's profits.





## 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 these definitions.

## HUNGARY | UNITED STATES

Michael was looking for jobs on the internet when he met Lorant, who offered him the chance to earn a lot of money working as a male escort in the United States. Michael and several other men accepted the offer, left Hungary, and traveled to Florida, where Lorant instead forced them into prostitution for 18-20 hours each day without pay. Lorant forced eight men to stay in a one-bedroom apartment, confiscated their identity documents, and threatened to kill them if they asked to leave. Police discovered the trafficking scheme after neighbors reported unusual behavior outside the men's living quarters. Lorant was convicted of human trafficking and racketeering and sentenced to 11 years in prison.

## RESEARCH, DATA COLLECTION, AND PROGRAM EVALUATION

Given the complex nature of human trafficking, it is difficult to amass reliable data to document local, regional, and global prevalence. Over the years, the advocacy of survivors has expanded understanding of the crime, and together with research and program evaluations, has shed light on best practices in victim protection and law enforcement. However, significant gaps in knowledge of how to prevent human trafficking remain. Additional efforts and resources for research, data collection, and evaluation are needed to identify those actions most effective to prevent victimization.

Reliable baseline information, data, and research that illuminates the causes, prevalence, characteristics, trends, and consequences of all forms of human trafficking in various countries and cultures is crucial for developing anti-trafficking prevention strategies and measuring their impact. To target prevention measures more precisely, governments and civil society should encourage and fund research that identifies populations vulnerable to human trafficking, including a more comprehensive understanding of root causes that are specific to states, communities, and cultural contexts. Understanding unique vulnerabilities along with trends in how people cope with these challenges can help in the development of targeted prevention strategies.

When studying migration, for example, research should be designed to study human trafficking in source and destination countries, as well as along migration routes, as prevention measures will vary depending on the target population and objective. This will require cross-national research, information sharing, and bilateral, regional, and international cooperation to provide insight into the various points where individuals come in contact with potential traffickers.

Accurate baseline data is critical not only in the development of prevention measures but also for accurate assessment of the impact of policies and assistance programs, including unintended negative consequences. Fully understanding the impact of a prevention strategy is necessary to scale or modify it based on outcome. Prevention programming should devote both consideration and resources to evaluation.

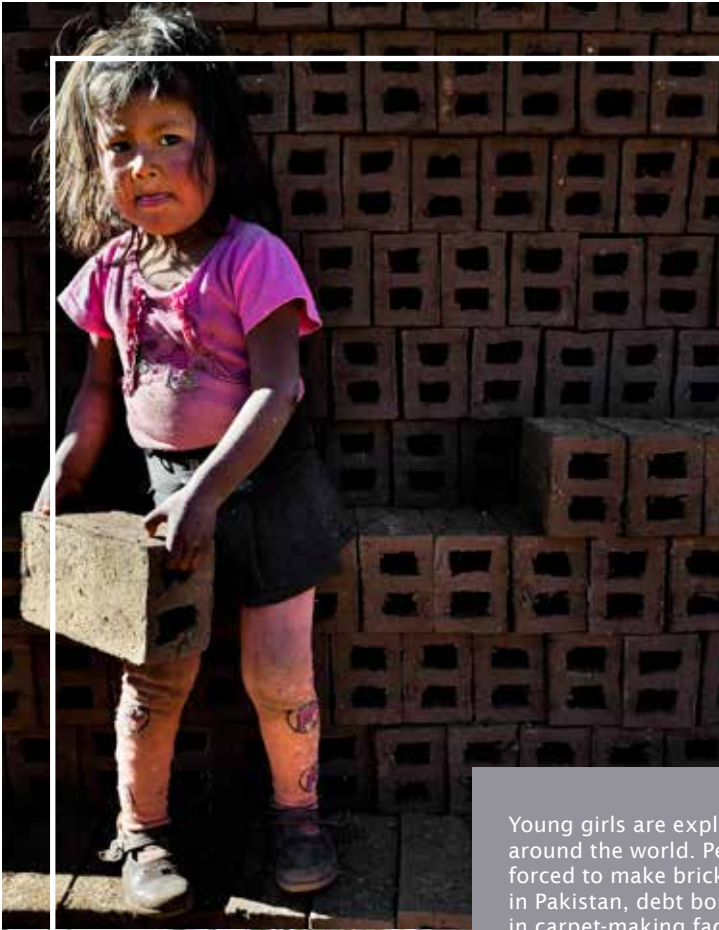
New research and information should be freely shared among stakeholders to enhance the collective ability to respond to human trafficking. Research projects should include recommendations for various stakeholders as well as a dissemination plan to ensure the results are widely circulated.

Reliable research is the backbone of any evidence-based policy or program and anti-trafficking stakeholders have a responsibility to ensure that sufficient attention and funding are dedicated to it.

*“At first, I thought he was my boyfriend. Then he convinced me to have sex with strangers to make money. He was my pimp. I was 15 years old. I was being advertised on the Internet and sold for sex to support my ‘boyfriend.’”*

– Jessica, sex trafficking survivor





Young girls are exploited in forced labor around the world. Peruvian girls are forced to make bricks in the hot sun; in Pakistan, debt bondage traps girls in carpet-making factories; in Ethiopia, girls from rural areas are exploited in domestic servitude; and traffickers in Malawi force girls to labor in the agricultural sector.





## EXAMPLES:

- » In 2015, IOM released a report, *Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations*, which looks at armed conflicts, natural disasters, and protracted crises based on research conducted in Syria, Iraq, Libya, Haiti, Nepal, the Philippines, eastern and northern Africa, Yemen, and tsunami-affected areas of Indonesia, Sri Lanka, and Thailand. The report discusses the risks of trafficking in crisis situations and includes evidence-based recommendations for the humanitarian community on preventing and improving of responses to human trafficking before, during, and after a crisis.
- » In 2016, Harvard University released a study, *When We Raise Our Voice: The Challenge of Eradicating Labor Exploitation*, focused on the work of an Indian NGO that developed a community empowerment model to assist vulnerable groups in identifying their priorities and preventing modern slavery. The study reports a decline in human trafficking over a four-year period in the area studied.
- » To help states combat transnational crime, including human trafficking, INTERPOL provides its 190 member countries with resources, including a secure communications network relevant to criminal investigations and humanitarian efforts. At the request of its member countries, INTERPOL publishes “green notices” on persons who present a danger to the public based on their prior criminal history, such as convicted sex offenders and members of violent gangs.

## RAISING AWARENESS

Increasing public awareness about the risks and signs of human trafficking is an important piece of any anti-trafficking prevention strategy, and to date has been the primary prevention measure used by governments and other stakeholders. Typically, public awareness campaigns target either those considered to be most at risk, such as migrant workers; those who may be contributing wittingly or unwittingly to the demand, such as public and private employers; or purchasers of commercial sex; or the general public, who may be able to spot the indicators of human trafficking and report suspicions to law enforcement.

Like other programs, anti-trafficking awareness campaigns must include an evaluation component to assess their impact and improve future campaigns. Often, general public awareness campaigns are limited due to the restrictions inherent in one-dimensional campaign materials such as posters, billboards, or print media advertisements, which often reduce the complexity of human trafficking into images and brief text. While this may help to raise general awareness about the existence of trafficking, it can also misrepresent the victims and confuse the issue. For example, images of physical restraint such as handcuffs or cages may influence what the public believes constitutes human trafficking; yet movement and physical restraint are not required for a crime to be considered human trafficking. Designers of these campaigns should fully understand the scope and scale of the problem in the target community and accurately depict the nature of the crime, its victims, and the perpetrators.

In contrast to broad or national efforts, awareness campaigns can also be designed to target particular individuals, for example by notifying travelers of the illegality of child sex tourism, informing workers of their rights and risks as they migrate for a job, or adopting corporate codes of conduct. Effective targeting should also include awareness-raising among: immigration authorities and law enforcement; diplomatic personnel; medical specialists; educational and social service personnel; and other professionals likely to come into contact with vulnerable individuals, so they are both prompted and equipped to recognize the signs of human trafficking and respond appropriately.

Together, governments, civil society organizations, and companies must collaborate to develop awareness campaigns that have clear objectives and measurable outcomes, that train and educate employees as well as relevant partners, and that promote sound anti-trafficking policies and secure reporting mechanisms.

### FRANCE

When Adelaide and Paul hit hard times, Paul suggested his wife consider prostitution for a year or two to supplement their income. Adelaide agreed, but when she wanted to quit, Paul forced her to continue. He took away her keys and cell phone, and would not let her leave the house or care for their son. He listed her on four escort websites, controlled what she wore and ate, and collected all the money she earned. Paul used psychological coercion and threatened Adelaide to keep her in prostitution; when she threatened to leave, he vowed he would find her. Paul was finally arrested and awaits trial, where he faces up to 10 years' imprisonment if convicted.

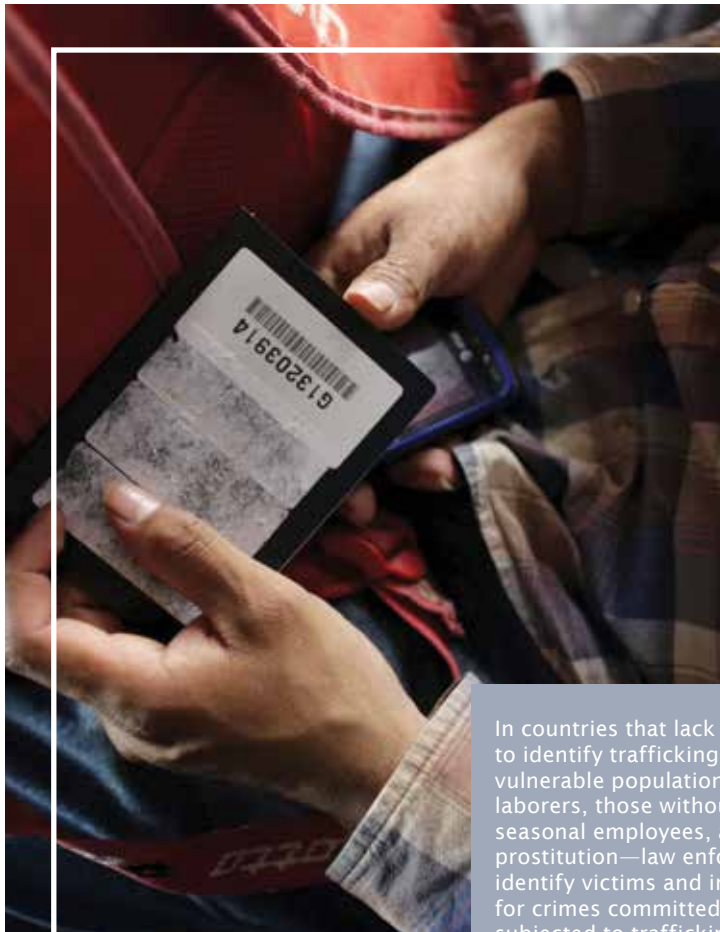
## EXAMPLES:

- » The Government of Slovakia developed and financed the creation of a website that allows Slovak citizens traveling abroad for employment to register their contact information with friends and family. The registered user's contacts are alerted should the user cease usual online activity or fail to communicate with the contacts on pre-established schedules. If this happens, each contact receives information of the user's last known Internet connection access point location—information that could be relayed to Slovak law enforcement authorities.
- » In recent years, there has been growing international media attention on forced labor aboard fishing vessels in Southeast Asia, including investigative reports by the New York Times, Al Jazeera, The Guardian, South China Morning Post, and the Associated Press (AP), which won the 2016 Pulitzer Prize for Public Service. The quality and frequency of reporting by international media has helped raise awareness of forced labor in the fishing industry among governments, businesses, and consumers.
- » In 2015, an NGO in India engaged with journalists to raise awareness of human trafficking within minority and marginalized communities. The organization trained journalists on how to better report cases of human trafficking, including bonded labor, for their audiences. These efforts aimed to better inform people in remote communities who may only get news in their local language, and may not often see reporting on human trafficking. Reporters uncovered human trafficking cases within their own communities and increased attention on the role of state government and police in prevention efforts.
- » In 2015, a Peruvian NGO conducted a campaign to raise awareness among tourists, mass media, tourism operators, and the general public about the criminal penalties for those who sexually exploit children in Loreto, a region known for human trafficking activity. The NGO takes a moving display of a jail, with a sign reading “here we punish child sexual exploitation,” to places where such cases have been reported.
- » In France, the Ministry of Education provides anti-trafficking awareness courses to students seeking a degree in hospitality and tourism. Specialized lessons alert students to the indicators of child sex tourism and their professional responsibility to take action when they recognize this crime.



IOM is one of many organizations that makes efforts to combat trafficking and raise awareness of the crime among vulnerable populations. In Ghana, two mothers and a child proudly display t-shirts they received while participating in child trafficking prevention activities hosted by IOM Ghana.





In countries that lack formal procedures to identify trafficking victims among vulnerable populations—including migrant laborers, those without identity documents, seasonal employees, and women in prostitution—law enforcement may fail to identify victims and instead penalize them for crimes committed as a result of being subjected to trafficking. In the photo on the bottom right, the NGO Blue Dragon holds a legal registration drive in Vietnam to provide identity documents to those who have none, reducing their vulnerability to trafficking.





## POLICIES AND PROGRAMS TO REDUCE RISK AND EMPOWER VULNERABLE INDIVIDUALS

Public awareness campaigns are only one piece of an effective prevention strategy. Knowledge of the risks of trafficking is important to empower vulnerable populations and foster a vigilant general public, but governments and stakeholders must also develop measures that keep at-risk individuals safe from human trafficking. As a part of this, governments need to implement policies that can prevent trafficking and provide the necessary oversight and balance to avoid restricting freedoms.

For example, governments can measure and establish the identity of local populations by registering births, administering citizenship and nationality, and issuing identity documents—a lack of which renders individuals vulnerable to exploitation. Legal registration reduces vulnerabilities to human trafficking by enabling residents and their families to take advantage of programs and activities that require legal status, such as health coverage, education, access to social welfare, and employment in the formal economy. When governments allow workers to form and join trade unions, it also makes them less vulnerable to exploitation.

In addition, governments and the private sector can work together to identify and stop fraudulent recruitment. Governments should actively monitor labor recruitment agencies, train labor inspectors to identify signs of fraudulent recruitment, and adopt and enforce policies that regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment. The private sector can help by ensuring its companies advertise to prospective applicants with legal, formalized recruitment procedures and hire workers through such procedures, or directly, and not through unscrupulous middlemen.

Governments and NGOs should integrate anti-trafficking elements into broader programs, including those that focus on health, economic development, crisis management, and rule of law to leverage resources and maximize exposure to the issue. These policies should be designed with input from experts, trafficking survivors, and local communities. By examining existing programs that are directed toward vulnerable populations and integrating anti-trafficking components, stakeholders can institutionalize the issue and capitalize on established structures.

While preventing trafficking on the supply side—by raising awareness and reducing the supply of exploited laborers—is imperative, it is also necessary that governments work with civil society to reduce the demand for forced labor and commercial sex. By driving down demand, the business of human trafficking becomes less profitable and traffickers will have less incentive to exploit victims.

### EXAMPLES:

- » In Vietnam, an NGO helped legally register with the state more than 2,000 ethnic minority residents in areas at high risk for human trafficking. In many places, individuals in remote locations do not receive clear information on the benefits of state services or the ways to access them, or they lack the financial means to travel to government offices for registration. Individuals without legal registration often do not have access to education, health care, or employment in the formal economy and are highly vulnerable to human trafficking.
- » OSCE is one of the first inter-governmental organizations to address explicitly government procurement as well as its own procurement of goods and services. Following on commitments of the December 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, OSCE is reviewing relevant rules and regulations in regard to personnel and the procurement of goods and services to ensure that no OSCE activities contribute to any form of human trafficking.

### NIGERIA | UNITED KINGDOM

When a British-Nigerian couple offered to take Paul, 14 years old, from Nigeria to the UK, enroll him in school, and pay him to perform housework, he accepted. Once in Britain, however, the family changed his name and added him to their family passport as an adopted son. They forced him to clean their house for as many as 17 hours each day for no pay and did not allow him to go to school. They took his passport, set up cameras to monitor his movements, and limited his contact with the outside world. Paul tried several times to escape; once he contacted the police, who told him they did not handle family matters. Eight years after that, Paul heard a radio report about modern slavery and bravely reached out to an NGO. The NGO helped, and the couple was arrested a few months later after having exploited Paul for 24 years. They each received 10-year sentences, six years for servitude and four for other crimes.

- » In Burkina Faso, an NGO is combating forced child labor in the cotton and gold industries using a model of training locally-based “Social Protection Community Facilitators (SPCFs)” who serve as leaders in their local area on child protection issues. The SPCFs implement their own awareness-raising activities in addition to monitoring child labor in their areas.
- » The Philippine Overseas Employment Agency facilitates public seminars and community forums for prospective migrant workers on indicators of illegal labor recruitment and human trafficking, and the Bureau of Immigration issues institutional guidelines on departure formalities for international-bound persons, setting clearly defined rules on inspections to prevent trafficking and other related offenses without deterring other travelers.

“ I had girls from the whole country. I had a guy in a nearby village, and he was looking for the girls for me. He was asking for 500 euros [about \$750 at the time] per girl...In the worst night, a woman would make you 300 euros. There were some nights when a woman made 1,500 to 2,000 euros.”

- Matthew, convicted sex trafficker

## MULTILATERAL COLLABORATION

Human trafficking occurs in virtually every country in the world and often crosses borders when victims move between source, transit, and destination countries. Multilateral engagement is a key component of many governments’ effective anti-trafficking efforts.

The international response to modern slavery began with the adoption of the Palermo Protocol in 2000 and has continued to grow. Multilateral organizations are ramping up efforts to combat trafficking by incorporating anti-trafficking policies into discussions of other pressing topics. What was once a stand-alone issue is now being integrated into work on other topics, including national security, human rights, violence against women and children, migration management and refugee protection, business responsibility and supply chain accountability, and economic development. In addition to leveraging their member states’ expertise and resources, multilateral organizations generate momentum to develop global, regional, and even domestic strategies to help dismantle trafficking networks and empower vulnerable populations.

Further, multilateral and regional organizations 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. Multilateral forums also 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. With the support of member states, multilateral organizations provide anti-trafficking training and technical assistance to countries, including to law enforcement, judges, media, first responders, and care providers.

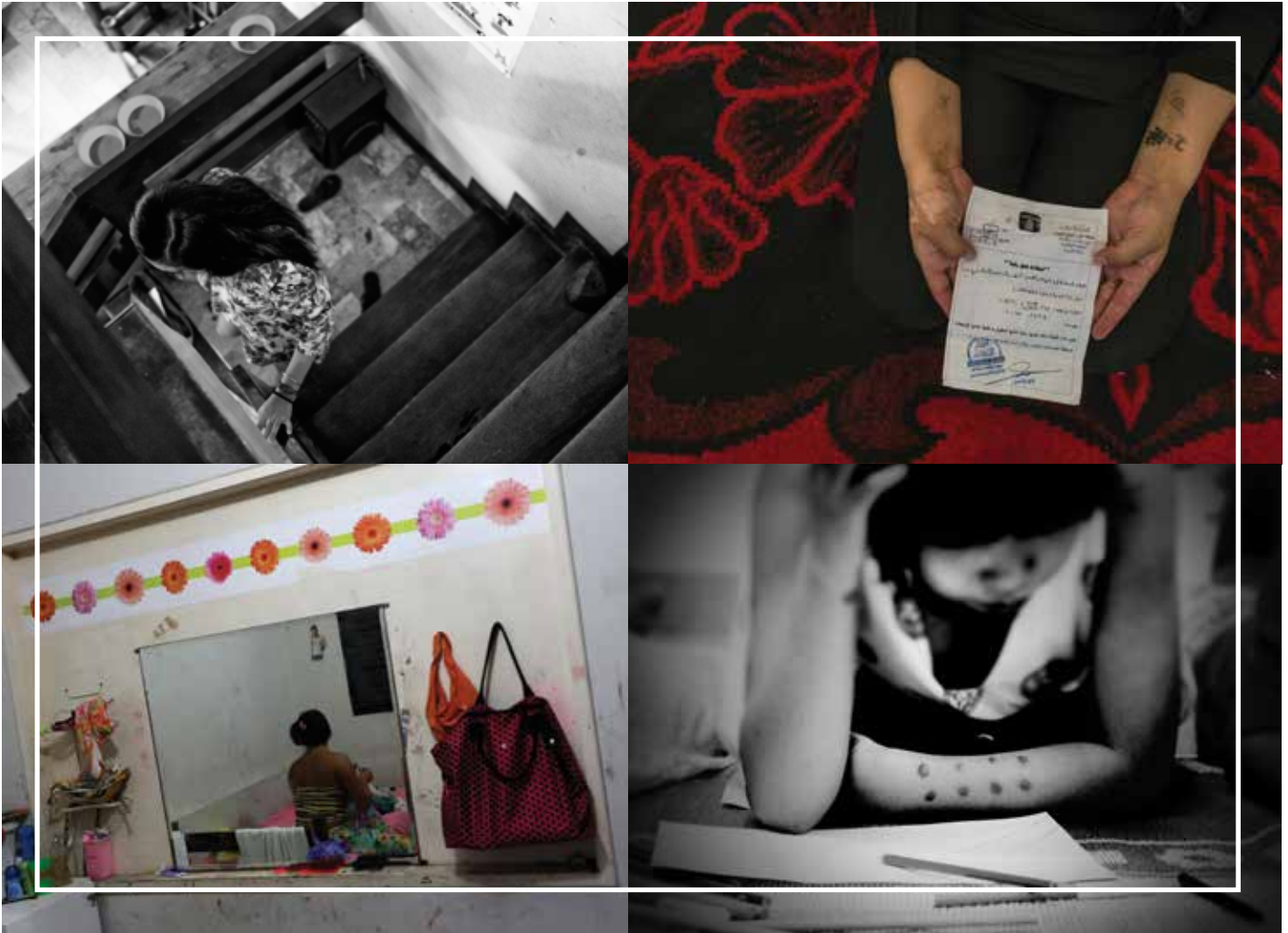
To ensure they are not contributing to the problem of human trafficking, multilateral organizations and member states must institute and enforce policies to ensure that their personnel, including diplomats and peacekeepers, do not engage in trafficking in persons. In addition, international organizations can begin to monitor their supply chains and enforce policies that protect workers and reduce risks in the public procurement of goods and services.

Governments must be committed to engaging at the multilateral level and to adhering to and enforcing international obligations related to human trafficking, in particular the Palermo Protocol.

### GUATEMALA | BELIZE

When Janine was 13 years old, she met a woman in Guatemala who promised her a well-paying babysitting job in Belize, where the woman lived. Janine accepted and was willingly smuggled from Guatemala to Belize. Instead of a babysitting job, the woman coerced Janine to work at a bar in a small village, and also subjected her to sex trafficking. Janine was never paid and was threatened with detention for having entered the country illegally. Janine was also afraid of a complicit law enforcement official who sexually exploited her. Janine escaped a year later and received assistance from local villagers and other law enforcement officials.





Sex trafficking affects adults and children in a variety of cultures and locations. Asian and African women who migrate to the Gulf for domestic labor can endure both labor trafficking and sexual abuse in the private homes of their employers. In the photo on the top right, a Yezidi sex trafficking survivor displays the “certificate of emancipation” she received from her sex trafficker after he had completed his training to be a suicide bomber and set her free; the certificate, signed by the judge of the western province of the Islamic State, allowed her to pass through Islamic State checkpoints in Syria and Iraq as a free woman. NGOs assist South American and Southeast Asian girls exploited in urban brothels and karaoke bars and provide medical and psycho-social care and job-skills training to help young survivors pursue independent futures.

## EXAMPLES:

- » The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova, conducted training in 2015 for the OSCE Special Monitoring Mission to Ukraine to raise awareness and improve capacity to identify human trafficking. This mission is deployed to Ukraine to monitor the implementation of the Minsk agreement, including ceasefire and heavy weapon withdrawal. The UN’s refugee agency, UNHCR, reported that there were more than 1.8 million internally displaced persons and refugees abroad as a result of the crisis in and around Ukraine, and this population is especially vulnerable to exploitation.
- » At the opening of the 70th Session of the UN General Assembly in September 2015, world leaders adopted a bold “2030 Agenda for Sustainable Development” to guide the global community’s efforts to eradicate poverty, promote peace and equality, and protect the environment over the coming years. This Agenda includes 17 Sustainable Development Goals and 169 targets centered on economic, social, and environmental development. The UN integrated anti-trafficking elements into three of the goals.
- » In July 2015, the UN Office on Drugs and Crime provided a training manual to Panamanian Public Ministry personnel on conducting psychological interviews that protect trafficking victims during their participation in legal investigations against their traffickers. Panamanian officials have already begun to put the procedures into practice.

## ENHANCING PARTNERSHIPS

Acknowledging that no single response can end human trafficking, governments around the world are engaging with other stakeholders to increase their ability to prevent modern slavery. Survivors, NGOs, donors, academics, and businesses have complementary skills and perspectives that, when combined, drive innovation and bring about sustained progress. In this regard, governments play a vital role in convening various stakeholders to harness innovative ideas and create partnerships.

### THREE EXAMPLES ARE:

- » The Santa Marta Group is a partnership between international police chiefs and Catholic bishops from around the world, working together with civil society to end modern slavery through a process endorsed by Pope Francis. The objective of the Santa Marta Group is to combine the resources of the Church with those of law enforcement agencies to prevent trafficking and provide care to victims.
- » The Uruguayan Ministry of Foreign Affairs signed an MOU with IOM to draft a comprehensive anti-trafficking law, and IOM began working with the government's interagency anti-trafficking committee to develop a law that will meet international standards on trafficking, taking into account prosecution, protection, and prevention for both sex trafficking and forced labor.
- » In Guatemala, a leading coffee company and a U.S. labor rights organization have teamed up, with support from the government, to promote transparency and accountability in Guatemala's coffee supply chain. Throughout the sector, stakeholders are gaining a better understanding of the risks of recruitment abuses, including those that lead to forced labor. The partners are strengthening communication between workers and key corporate and government actors, and building the capacity of all stakeholders, including civil society, to report and monitor recruitment practices in the coffee sector.

“ *It's not just a matter of law enforcement; it's a matter of moral obligation to end slavery of any kind on this planet, and we have to work at it.* ”

- Secretary of State John Kerry

## A JOINT EFFORT

Preventing human trafficking is an enormous challenge, requiring the sustained efforts of many. Collaboration between government and nongovernmental stakeholders is critical to strengthening efforts to prevent modern slavery.

At its core, the global struggle to combat human trafficking is about political and public will. If ignored, traffickers will continue to reap enormous profits while communities suffer the many toxic effects. But if trafficking is confronted head on, vulnerable populations will be empowered to control more fully their lives and protect themselves from the harms of human trafficking.

Anti-trafficking stakeholders must continue efforts that have proven successful, but also commit to the development of new and creative approaches to the prevention of human trafficking. Trafficking prevention is a field largely underexplored and underfunded. There is a great deal of space for innovation and collaboration.

Witnessing the end of human trafficking will require leadership and political will at all levels of government and throughout the anti-trafficking community. It will require the allocation and responsible use of resources appropriate to the scale of the problem. And it will require individuals all over the world to be attuned to the signs of human trafficking, put aside differences, and take their responsibility seriously to prevent and address this crime.

Should the day ever come when human trafficking ceases to exist, it will not be because traffickers have stopped trying to take advantage of vulnerable individuals. Instead, it will be the culmination of efforts from a global community that refuses to allow it to continue.



# Countries in the 2016 *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 2015 and March 2016, the following governments became parties to the Protocol: the Republic of Korea, Singapore, and Sri Lanka*

## GHANA

When Osei was only 6 years old, his parents gave him to a fishing master who promised to provide Osei with a fishing apprenticeship, education, and a job. This was a lie. Instead, he forced Osei and other children to work on a fishing boat for many hours each day in harsh conditions. The master also forced other children into domestic servitude near the lake. None of these children were allowed to go to school. They were not apprentices—they were forced laborers. Government officials and an NGO rescued the children, and they currently reside at a care center where they receive education, shelter, counseling, and other trafficking-specific services to help them heal and take steps to prepare for their futures.



In Ghana, traffickers promise parents of children as young as 5 years old they will provide them with an education and apprenticeship, but they instead exploit the boys in fishing on Lake Volta and the girls in domestic servitude in surrounding towns.

# CHALLENGES IN PROTECTING VULNERABLE POPULATIONS

“ [M]easured against the world’s population of 7.4 billion people, one in every 113 people [or 65.3 million people] globally is now either an asylum-seeker, internally displaced or a refugee—putting them at a level of risk for which UNHCR knows no precedent. ”

– UNHCR, *Global Trends*

Too often, individuals around the world suffer extreme hardship or violence, experience discrimination, or face social marginalization. Service providers, researchers, and other witnesses have documented that human traffickers take advantage of such circumstances. Indeed, exploitation appears even more likely when a confluence of such circumstances besets particular communities. The cumulative effects can make certain populations—such as refugees and migrants; lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals; religious minorities; people with disabilities; and those who are stateless—especially vulnerable to human trafficking.

## SEXUAL ORIENTATION AND GENDER IDENTITY

In 2015, UNHCR reported that 76 countries criminalize consensual same-sex sexual conduct, with seven countries providing for the death penalty for certain offenses. These laws persecute and stigmatize LGBTI persons; even when not enforced, they validate discrimination and can lead to an increase in violence and harassment. This is particularly true when authorities do not act to protect all of their citizens and when they fail to investigate and prosecute crimes committed against members of particular groups. In several recent cases in countries that criminalize same-sex conduct, vigilante groups have carried out violent acts against LGBTI persons. In some communities, families who feel ashamed of an LGBTI relative have committed honor killings or sent them to clinics that practice “conversion therapy” to “rid them of homosexuality,” often by harmful methods.

In the United States, NGOs continue to report that LGBTI youth are over-represented among the runaway and homeless populations and have difficulties accessing tailored and non-discriminatory services. Those who are not self-sufficient are more susceptible to traffickers’ offers of shelter or food in exchange for performing commercial sex acts. Due to

social biases, LGBTI victims are also more likely to be penalized for acts committed as a result of being subjected to trafficking. Because of this, victims are less likely to report their exploitation to local authorities or to access needed services.

More than a dozen countries have enacted anti-discrimination laws or conducted sensitivity training for law enforcement to protect LGBTI rights. Law enforcement agencies and service providers have benefitted from partnerships with organizations that have expertise on LGBTI issues to expand their service referral networks and learn how to develop inclusive environments for LGBTI victims. Governments can further strengthen their efforts by enhancing partnerships, especially with LGBTI survivors of trafficking, whose input is invaluable for trainings and discussions to strengthen understanding and improve support services.

## RELIGIOUS AFFILIATION

In many societies, members of religious minorities have a heightened vulnerability to trafficking. Traffickers have been known to target women and girls from religious minorities and force them into religious conversions and subsequent marriages, in which they may be subjected to domestic or sexual servitude. Religious minorities are also frequently discriminated against in job markets, especially in societies that formally restrict the exercise of rights by members of certain religions. This may make them more susceptible to traffickers’ fraudulent employment offers or other forms of abuse.

In certain countries where members of the religious majority control political power, government agencies, law enforcement entities, and judicial systems may be complicit in discriminating against religious minorities. In addition, certain countries still permit forced marriages, in purported adherence to local customs or religious beliefs. Victims from religious minorities forced into marriage or prostitution, or



subjected to domestic servitude, may also face barriers or outright resistance when bringing forward allegations of human trafficking. Once in court, those who do not prevail may be returned to their traffickers.

Many states enforce anti-blasphemy statutes, which frequently restrict the activities of religious minority communities. This may serve as a direct disincentive to bring forward accusations against religious leaders or members of favored religious groups. In the most severe cases, in which governments have criminalized participation in minority religions, many individuals from minority religions are barred from receiving government services and protections if they do not convert or conceal their religious affiliation. Exclusion from public services, such as financial assistance and medical care, and barriers to building support infrastructures leave religious minorities more vulnerable to traffickers' recruitment tactics.

Governments should denounce discrimination against and the persecution of religious minorities. Individuals from religious minorities should be afforded equal status and protection under the law and should have equal access to government services and protections. Without the rights granted to others in societies, individuals from religious minority communities, and particularly those who are the subject of governmental discrimination, will continue to be vulnerable to exploitation by human traffickers.

## MIGRANTS FLEEING CRISIS

The unprecedented flow of migrants, including refugees, to Europe since the beginning of 2015 has shed light on the challenges of identifying human trafficking victims among migrant populations. Some trafficking victims have been identified among those fleeing civil war and unrest, and many migrants remain vulnerable to trafficking en route to or after arriving in Europe. The limited number of confirmed trafficking cases may not be indicative of the size of the problem, given the reluctance of victims to seek out authorities or self-identify. The greatly overburdened asylum systems across Europe have also created challenges to implementing effective identification and screening measures.

Migrants, including asylum-seekers, and refugees are susceptible to many crimes, including extortion, rape, and human trafficking. Many migrants fleeing conflict rely on smugglers at some point during their journeys and, in some instances, their smugglers are involved in schemes designed to deceive and trap them in sex or labor trafficking. Women, unaccompanied minors, and those denied asylum are particularly vulnerable to human trafficking, including while in transit and upon arrival in destination countries.

Some migrants arrive in Europe with no identity documents, which can increase their vulnerability to trafficking. Reports

## SYRIA | LEBANON

Recruiters came to Angela's town in Syria offering paid work in restaurants or hotels in Lebanon, and Angela accepted the opportunity to leave her war-torn country. Once in Lebanon, she was subjected to sex trafficking along with more than 70 other women and girls, many of whom were also Syrian. The traffickers locked the girls in hotels and barred their windows. They subjected the women to sex trafficking for more than two months, sometimes forcing them to see 20 clients each day. The traffickers also raped and tortured the girls into submission. One day Angela and three others took advantage of a momentary lapse in security and escaped. They boarded a bus and confided in the driver. He reported the incident to the police, who raided the premises, helped release the other victims, and arrested 18 suspected traffickers. Authorities referred 35 of the victims to a women's shelter for assistance, while the others chose to return home.



indicate traffickers sometimes urge victims to request asylum upon arrival, which allows traffickers to exploit them as they await asylum decisions. Some international organizations report that the reliance by authorities on improvised shelters has led to an increase in human trafficking. Of equal concern, human traffickers have attempted to illegally recruit refugees at migrant reception centers for low-paid work and prostitution.

It is critical that governments and international organizations make every effort to identify and help trafficking victims among migrant populations. This can be accomplished by making efforts to ensure adequate staffing in centers and training immigration officials, including those charged with interviewing asylum applicants, to screen for indicators of trafficking. Another important opportunity for prevention is at ports of entry, where authorities can facilitate the distribution of information to migrants, including refugees, on the risks of human trafficking and available resources from governments, international organizations, and NGOs. Inspections at worksites employing foreign laborers, training for police on indicators of sex and labor trafficking, and providing refugees and asylum-seekers with opportunities to work are all worthy prevention efforts.

## DISABILITY

Owing to cultural and societal stigmas, people with disabilities, including individuals with physical, sensory, mental, cognitive, behavioral, or other visible and invisible disabilities, often lack access to social support networks. Prejudices contribute to biases in law enforcement or judicial systems and often to unequal treatment by employers and government service agencies. Social support networks serve as one means by which persons with disabilities can pursue social and economic inclusion. Without these networks, and without effective enforcement of robust non-discrimination laws, fewer safeguards exist to protect against a variety of human rights abuses, including trafficking in persons.

Children and young adults with disabilities are especially vulnerable to the risks of human trafficking. Children with disabilities have been targeted by traffickers, for example, by being forced to beg because their disabilities—especially if highly visible—draw sympathy and charity from the public. In societies where children with disabilities are not expected to attend school, communities may be less likely to question why a disabled child is begging. All too often, young people with disabilities are regarded as undesirable and may even be subjected to trafficking by their own families. Children with less visible disabilities, such as cognitive or



A Burmese trafficking survivor displays scars on his shoulder from injuries he suffered while subjected to forced labor in Burma.



behavioral disabilities, are similarly at risk, as they also may be stigmatized by their families and communities, and may not be in school due to bias or lack of understanding of how to provide reasonable accommodations. Children with disabilities who do not participate fully in social or academic settings are more likely to be isolated from their communities, which may make them more vulnerable to trafficking.

Persons with disabilities also face many barriers to justice. Lack of training for police, prosecutors, and judges on how to accommodate persons with disabilities—for example, on providing physical access or sign language interpreters—can leave victims with disabilities unable to report their abuse or effectively participate in the criminal justice process. Lack of accessible information about judicial procedures and rights may also preclude them from approaching law enforcement or courts to report abuse; those who do may encounter social biases against the credibility of their statements and evidence. Reflecting such social biases, some countries have codified laws that prohibit persons with disabilities from testifying in court. Diminished access to the justice system and limited avenues of recourse to address abuse can empower traffickers to target persons with disabilities with a sense of impunity.

Governments can minimize these risks by outlawing discrimination, enhancing safeguards, and offering a wide range of community-based support services. Even in instances where trafficking victims do not have disabilities, the experience of being subjected to trafficking substantially increases the risk of victims acquiring disabilities as a result of physical and psychological trauma. It is, therefore, essential that victim service programs include resources for those with a wide range of disabilities.

## STATELESSNESS

A stateless person is someone who is not considered as a national by any state under the operation of its law. UNHCR estimates 10 million people, approximately one-third of whom are children, are stateless today. In many countries, stateless individuals lack identity documents, access to education, and economic opportunities. It is easier for unscrupulous employers to coerce undocumented workers into debt bondage or other exploitative conditions. Even if family members suspect or report a loved one has been subjected to human trafficking, it is difficult for authorities to trace an individual who lacks formal identity documents.

Some governments impose travel restrictions on stateless people, which—when coupled with their often dire economic situations and need to migrate for work—can push them to accept informal, sometimes fraudulent, job offers and to arrange transportation via middlemen and

smugglers. Using unscrupulous middlemen, who often charge exorbitant interest rates, can lead to debt bondage. In Burma, for example, the government denies citizenship to an estimated 810,000 men, women, and children—most of whom are ethnic Rohingya living in Rakhine State. Their lack of legal status and access to identity documents significantly increases this population's vulnerability to sex and labor trafficking. Rohingya have endured forced labor and dire social conditions within Burma. Many have fled, often with the help of smugglers, to neighboring countries, where some have been subjected to forced labor in agriculture, fishing, and domestic work.

Stateless populations encounter discrimination not only in their daily life, but also when interacting with law enforcement, which can significantly diminish their confidence in law enforcement and the justice system. As a result, stateless trafficking victims do not always report exploitative situations to the authorities, fearing either inaction or punishment. Some members of the Romani community, who became stateless following the breakup of the former Yugoslavia, are penalized in Europe for committing crimes, such as petty theft, even when they do so as a result of being subjected to trafficking.

Until governments take measures to address and reduce statelessness, including registering and extending citizenship to stateless people, issuing identity documents, and developing programs to foster economic growth and trust between such groups and law enforcement, stateless people will continue to be vulnerable to trafficking in their own countries and abroad.

## CONCLUSION

Although there is no exhaustive list of groups vulnerable to human trafficking, the experiences discussed above exemplify common challenges faced by populations at risk of modern slavery. Moreover, some individuals may be vulnerable for more than one reason, making their exploitation even more likely. Governments can take affirmative steps to consider those who may be uniquely vulnerable given their country's culture, social structure, and history, and ensure those groups have access to the protections necessary to keep them from being targeted for human trafficking.

# 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, 2015, and ending March 31, 2016.

“ They taught me how to hold the sword, and they told me how to hit. They told me it [the head of a doll] was the head of the infidels.”

- Habib, a 14-year-old Yezidi boy, on life in an ISIL training camp

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, 2016, and effective throughout Fiscal Year 2016, 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 2016 CSPA List includes governments in the following countries:

- |                                     |                |
|-------------------------------------|----------------|
| 1. Burma                            | 6. Somalia     |
| 2. Democratic Republic of the Congo | 7. South Sudan |
| 3. Iraq                             | 8. Sudan       |
| 4. Nigeria                          | 9. Syria       |
| 5. Rwanda                           | 10. Yemen      |





Some government and government-supported militias in African, Asian, and Middle Eastern countries force children to man checkpoints and serve as front-line soldiers, porters, domestic servants, and sex slaves to combatants. In addition to the imminent danger battle poses to children, some child soldiers suffer from post-traumatic stress disorder, drug addictions, and other physical and mental health problems after their release or escape from forced armed service.

## AFGHANISTAN

In 2015 and 2016, the UN, *The New York Times* and other media outlets, and credible NGOs reported on the recruitment and sexual abuse of children under the age of 18 by the Afghanistan Local Police (ALP). Although the ALP is a government security force in Afghanistan, it falls outside of the armed forces of the country as defined by the CSPA. Though Afghanistan has not been listed under the CSPA, these incidents raise concerns regarding the protection of children and warrant further remedial action by the Government of Afghanistan.

# PROTECTING VICTIMS FROM WRONGFUL PROSECUTION AND FURTHER VICTIMIZATION

“All I wanted to do was hide away from the world, but I still had a role to play. I had to be ‘Girl A’—the key witness in the trial that finally saw my abusers locked up. Girl A—the girl in the newspaper stories who had been through the most hideous experience imaginable. When I read those stories, I felt like I was reading about somebody else, another girl who was subjected to the depths of human depravity. But it wasn’t. It was about me. I am Girl A.”

– Girl A, United Kingdom

For years, the *Trafficking in Persons Report* has detailed the importance of protecting victims of human trafficking throughout the law enforcement process. A central tenet of the victim-centered approach is that victims of trafficking should not be held criminally responsible for their involvement in unlawful activities that are a direct consequence of their victimization.

At the heart of human trafficking is the use of force, fraud, or coercion to exploit a person. Traffickers use the control they exercise over victims to force them to carry out activities for the traffickers’ profit. Traffickers often compel victims to engage in criminal activities such as prostitution, pick-pocketing, or drug trafficking and cultivation.

Law enforcement authorities often fail to properly screen and identify victims of human trafficking when they detain or arrest criminal suspects. This can result in a second victimization when victims are punished for their engagement in the crimes their traffickers forced them to commit.

## UNITED STATES

Nina ran away from home at age 14. She met a woman who put her up in a hotel room and brought her “clients.” For the next 13 years, Nina had 20 different pimps who advertised her for sex on the internet and abused her verbally and physically. By the time she was finally referred to victim services, Nina had been convicted of 52 offenses, mostly prostitution—her first conviction at age 16—and spent time in both juvenile hall and jail.

Compounding the injustice, a criminal record can have a profoundly negative effect on victims throughout their lives—for example, a survivor of sex trafficking who cannot rent an apartment because of prior arrests for prostitution; or an individual forced by a criminal gang to steal or sell drugs who cannot get a job due to the resulting criminal record. Even if a trafficking victim never faces charges, or if charges are dropped, arrest records and stigma remain, affecting where victims live, their employment opportunities, and how others perceive them.

While the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organized Crime* (Palermo Protocol) does not specifically address the non-criminalization of trafficking victims, article 2(b) states that one of the Protocol’s purposes is “to protect and assist the victims of such trafficking, with full respect for their human rights.” In addition, the Working Group on Trafficking in Persons, which advises the Conference of the Parties to the United Nations Convention Against Transnational Organized Crime, recommended the following in 2009:

*“With regard to ensuring the non-punishment and non-prosecution of trafficked persons, States parties should: (a) Establish appropriate procedures for identifying victims of trafficking in persons and for giving such victims support; (b) Consider, in line with their domestic legislation, not punishing or prosecuting trafficked persons for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts....”*

The Council of Europe and the EU have adopted instruments that recognize this non-punishment principle. Article 8 of the 2011 EU Directive on preventing and combating trafficking in human beings provides:



*“Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that the competent authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts [i.e., offences concerning trafficking in human beings] referred to in Article 2.”*

The non-binding 2013 Addendum to the Action Plan to Combat Trafficking in Human Beings of the OSCE states in Section IV, paragraph 2.6, under Access to justice and appropriate remedies:

*“2.6 Taking adequate measures to ensure that, where appropriate, identified victims of THB [trafficking in human beings] are not penalized for their involvement in unlawful activities to the extent that they have been compelled to do so.”*

Effectively identifying trafficking victims, including among those who may have committed unlawful offenses, is key to a victim-centered approach. Victims of trafficking may be more likely to report their victimization if they were confident it would not lead to their arrest or prosecution. In turn, this would allow a government to better meet its obligations to provide protection and assistance to victims, as well as to investigate and prosecute trafficking cases. Early identification of trafficking victims is essential to prevent further victimization and will help them start the recovery process as soon as possible.

## VACATUR

In cases in which trafficking victims have records for crimes committed as a result of being subjected to trafficking, such records should be vacated or expunged. In the United States, several states have enacted provisions that provide survivors the ability to seek a court order vacating or expunging criminal convictions entered against them that resulted from their trafficking situation. In 2010, New York became the first state to pass a law allowing survivors of trafficking to vacate their convictions for prostitution offenses. In 2013, Florida’s law went even further providing for the expungement of “any conviction for an offense committed while . . . a victim of human trafficking.”

**Vacatur** is the formal recognition of “factual innocence.” Vacatur laws should apply to both adults and children, given that anyone who has been forced, tricked, or coerced into criminal activity should not be considered as having consented to that activity. States should also ensure these laws cover convictions that encompass the wide variety of nonviolent crimes that victims are forced to commit.

These laws not only allow victims to correct past injustices, but also thereby help trafficking victims reclaim and rebuild their lives. Vacatur increases a survivor’s ability to find work, reducing their economic vulnerabilities and the risk of being re-trafficked. In the absence of a vacatur law, trafficking victims are condemned to being perpetually viewed as former criminals, which in numerous ways compromises their efforts to rebuild their lives.



Child sex tourists travel to foreign countries—including Cambodia, Costa Rica, The Gambia, and the Philippines—to prey on children.

## INDIA

A recruiter came to Gina's rural village and told her mother he had a good job for Gina in Delhi that would earn her family a lot of money. Her mother let her go with the recruiter, but when they arrived in Delhi, Gina was sold into domestic servitude. She worked almost 20 hours each day for several years cooking meals, cleaning, providing childcare, and even massaging her employers' legs before she was allowed to sleep. After several years, Gina escaped and returned to her family.

Families in this Indian village are enslaved in the silk-dyeing industry, where each family is forcibly involved in a different aspect of making or dyeing silk.



# THE PRICE OF ADVOCACY



“ We have no understanding of [our] ability to refuse to pick cotton. People who work in public institutions are those who are prepared to tolerate [forced work]. Of course no one wants to lose his job. The chief doctor tells us ‘I don’t send you to the fields of my own accord. I am also only carrying out orders.’ . . . He says he is required to fire any employee who refuses to work. ”

- A nurse forced to pick cotton in Uzbekistan

Activists often fight uphill battles—they champion causes and populations that lack attention and support from governments and the general public. In addition, they facilitate public discourse and advocate for positive change; however, this work does not come without a price. Around the world advocates face harassment, threats, and violence from criminals and government officials alike. Sometimes governments limit freedom of expression or censor media to hamper the ability of activists and journalists to report on such topics to broader audiences. Such harassment and impediments not only endanger advocates’ careers, lives, and families, but also deter others from speaking out.

Anti-trafficking and labor rights activists are no exception, especially in countries with governments that are not making significant efforts to combat trafficking, where freedom of expression, including for the press, is not protected, and where official complicity subverts efforts to bolster the rule of law. While anti-trafficking activists have faced discrimination and harassment in many countries, they have been targeted during the most recent reporting period in cases such as these:

**Mauritania**—In 2015, the government used tear gas to disperse a crowd peacefully protesting the forced labor of Mauritanian women in the Middle East and arrested nine participants.

**Republic of the Congo**—In 2015, a canister of tear gas exploded on the property of a leading anti-trafficking activist, resulting in the hospitalization of an infant and severe damage to the activist’s home and business. Witnesses reported the canister was launched from a police vehicle. The activist did not file an official report due to his distrust of the authorities and fear of retribution.

**Thailand**—In 2016, the government formalized stricter procedures for obtaining media visas, including requiring that foreign journalists be employed by a news agency registered with either the Thai or a foreign government, and prohibiting their engagement in work that may disrupt public order or harm the public. Activists fear these vague provisions could allow for government censorship of reporting that is critical of the government, including trafficking-related official complicity.

**Uzbekistan**—In 2015, authorities harassed and detained activists attempting to observe and document labor violations, including forced labor, during the cotton harvest, and at least two activists faced criminal charges.

To assist trafficking victims effectively, advocates, independent civil society groups, and the media need to be able to monitor human trafficking in sectors of concern.



## WHAT IS TRAFFICKING IN PERSONS?

“Trafficking in persons” and “human trafficking” have been used as umbrella terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion. The Trafficking Victims Protection Act of 2000, as amended (TVPA), and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime* (the Palermo Protocol) describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labor.

Human trafficking can include, but does not require, movement. People may be considered trafficking victims regardless of whether they were born into a state of servitude, were exploited in their hometown, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to trafficking. At the heart of this phenomenon is the traffickers’ goal of exploiting and enslaving their victims and the myriad coercive and deceptive practices they use to do so.

## 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 within debt bondage, as 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. An adult’s initial consent to participate in prostitution is not legally determinative: if one is thereafter 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 (younger than 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 characterized 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 the commercial sex trade 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 is 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 exploited as well.

### **BONDED LABOR OR DEBT BONDAGE**

One form of coercion is the use 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. Debts taken on by migrant laborers in their countries of origin, often with the involvement of labor agencies and employers in the destination country, can also contribute to a situation of debt bondage. 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 and workers fear seeking redress.

### **DOMESTIC SERVITUDE**

Involuntary domestic servitude is a form of human trafficking found in unique circumstances—work in a private residence—that create distinct vulnerabilities for victims. It is a crime in which domestic workers are not free to leave their employment and are 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 vulnerability and isolation. Authorities cannot inspect homes as easily as formal workplaces and, in many other cases, do not have the mandate or capacity to do so. In addition to facing involuntary servitude, domestic workers, especially women, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence.

### **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. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. When children are enslaved, their abusers should not escape criminal punishment which can occur when governments impose weaker administrative responses to such abusive child labor practices.

### **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. Some child soldiers are also sexually exploited by armed groups. 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 can be forced to marry or have sex with commanders and male combatants. Both male and female child soldiers are often sexually abused.

In Senegal, young students (*talibes*) attending Koranic schools (*daaras*) run by teachers known as *marabouts* are forced to beg instead of receiving an education. In the Dakar region alone, approximately 30,000 *talibes* are forced to beg in the streets, and the problem is growing.

# HUMAN TRAFFICKING IN CONFLICT ZONES

*“ We slept on the ground. We had to loot villages to eat. We were drugged to remain obedient. We were forced to kill. When I was in the armed group, I committed violence and crimes. I lost my childhood, my friends, and my mother. ”*

– Martin, former child soldier  
in the Democratic Republic of the Congo

Armed conflict amplifies the risks of human trafficking for vulnerable populations by increasing economic desperation, weakening rule of law, decreasing the availability of social services, and forcing people to flee for their safety. Armed conflict often results in broken governments, judicial systems, job markets, and community support structures that would normally offer citizens protection from disasters and crime, including human trafficking. Many contributing factors, such as high unemployment rates, homelessness, limited social services, and weak law enforcement oversight, are amplified in conflict zones and exploited by traffickers. Without formal options and services to maintain their livelihoods, people are more likely to resort to illicit activities or risky, informal means to survive—sectors in which traffickers thrive.

During armed conflicts, governments divert existing resources to respond to the imminent crisis with a resulting loss in facilities and personnel for peacetime governmental services. This exacerbates existing limitations and creates new gaps in a government’s structures to protect and provide for its citizens. Some militias use human trafficking to generate income and obtain new combatants. Young women and girls are often forced to marry or have sex with commanders and male combatants. The national and civil disorder caused by such conflict make traffickers’ recruitment tactics—including false offers of jobs, shelter, or education—more enticing to vulnerable populations.

Armed conflict can break down government institutions and create a climate of impunity that encourages traffickers to prey on vulnerable populations. Women and children, migrants, and internally displaced persons are among those most at risk of being subjected to trafficking in conflict zones. The terrorist organization Boko Haram, for example, has abducted and forced women and children into sexual slavery in Nigeria, and the Somali National Army continues to recruit children into combat.


Camps for refugees and internally displaced persons are prime targets for traffickers. The concentration of vulnerable, displaced people, combined with a lack of security, services, and oversight typically found in such camps, make them ideal locations for traffickers to operate. In long-standing camps, traffickers are able to build relationships with corrupt camp officials and establish trafficking rings.

Human trafficking is frequently overlooked in crises and omitted from formulations of humanitarian and emergency response policies. Trafficking operations can flourish amidst international reconstruction efforts where there are few government institutions or rule of law. The international community and individual countries must recognize labor and sex trafficking as a common occurrence during conflict and include anti-trafficking strategies in humanitarian responses.

The International  
Labour Organization  
captured this portrait  
of a freed Nigerian  
slave.





A young boy with a somber expression is shown from the chest up, carrying a large, heavy bundle of harvested tobacco leaves on his back. The bundle is secured with several wooden poles and white ties. He is wearing a light green, short-sleeved button-down shirt. The background consists of lush green tobacco plants with large, serrated leaves, some showing signs of being eaten. The sky is overcast and grey. The overall mood is one of hardship and exploitation.

Malawian child trafficking victims are transported from the south to the central and northern regions of the country for forced labor in agriculture, predominantly in the tobacco industry. An international organization reported children who are forced to work in tobacco fields in lieu of attending school have increased rates of hunger and stunted growth, among other health problems.





Thai and Burmese fishermen are detained behind bars in the compound of a fishing company in Benjina, Indonesia. The imprisoned men were considered slaves who might run away. They said they lived on a few bites of rice and curry a day and were confined to a space barely big enough to lie down until the next trawler came and the traffickers forced them back to sea.



# OUT OF SIGHT: HOW ISOLATION CONTRIBUTES TO HUMAN TRAFFICKING

“ We didn’t have time to sleep. We didn’t have time to eat. We only had time to work. ”

– Forced labor victim in the fishing industry

Working in isolation can mean having little to no governmental oversight, a lack of community support, and access to fewer protective services, legal advocates, and law enforcement personnel. Such isolation increases workers’ vulnerability to human trafficking and associated indicators, including confiscation of passports or other identity documents, non-payment of wages, substandard living and working conditions, restricted movement, threats of deportation, psychological coercion to remain employed, and physical force.

There are several industries in which these circumstances are evident. Malaysia and Indonesia, two of the largest producers of palm oil in the world, attract thousands of migrant workers to their year-round harvesting, production, and export operations. The plantations are often situated in difficult-to-reach parts of both countries, which enable unscrupulous owners and managers to operate with impunity and subject employees to various forms of abuse and exploitation. Some employers have confiscated passports and other identity documents and placed their workers in situations of debt bondage.

Fishers aboard vessels in vast international waters are particularly vulnerable to human trafficking due to often protracted periods of time at sea and an inability to report mistreatment or escape their ships. Luring fishers with promises of good wages, traffickers force some to work under extreme conditions and deny them compensation or the freedom to leave. Similar conditions enable forced child labor in the Lake Volta region in central Ghana.

West African countries, such as Mali and Senegal, have artisanal gold mines that draw transient communities to live and work. Mines are typically located within vast and remote areas and government officials face capacity constraints to make routine monitoring visits. The journey from population centers to these mines is lengthy and arduous. These conditions also increase the likelihood officials will seek to profit from or simply ignore exploitative conditions.

The isolation of extractive industries coupled with the influx of large numbers of male workers also drives the demand for commercial sex. For example, Bolivian and Peruvian girls are subjected to sex trafficking in mining and logging areas in Peru, and women and girls are subjected to sex trafficking

near gold mines in Suriname and Guyana.

Even in urban areas conditions of isolation can be found in the workplace. For instance, domestic workers are often compelled to work in homes with severely restricted freedoms and often subjected to sexual abuse. Cultural isolation can also facilitate the exploitation of foreign migrant workers who may not speak the local language or understand their rights and the protections available to them under local law.

Traffickers take advantage of work settings that are culturally isolated or physically remote to compel adults and children to work in unsafe and often abusive settings and exploit others in sex trafficking. Anti-trafficking strategies should address the unique risks workers face in settings that are isolated from the public, from law enforcement, and from their traditional support networks.

## BANGLADESH | THAILAND | MALAYSIA

Maruf, striving for financial independence, and 200 others accepted an offer to be smuggled by boat to Malaysia for well-paid work. The agent promised food and water during the journey and said the men could repay the cost with their future wages. The agent lied; the crew rationed food and water, beat those who asked for more, and took the passengers to a Thai smuggling camp. After smugglers forced his father to pay a ransom, Maruf was released and brought to Malaysia. Maruf found work on a palm oil plantation through a contracting company but was again deceived. The contracting company confiscated the workers’ passports, and Maruf worked every day without pay as his contractor withheld his wages to pay back recruitment fees. Maruf was in the country illegally and feared arrest if he reported the abuse, so he continued to work and hoped to be paid eventually.

# 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 in persons.

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 tracking and pressing for progress on human trafficking issues year-round. The 2016 *Trafficking in Persons Report* covers government efforts undertaken from April 1, 2015 through March 31, 2016.

## CANADA

Holly, 13 years old, didn't recognize Emilie on Facebook, but seeing they had mutual friends, accepted her friend request. Holly and Emilie chatted and quickly became online friends. One day Emilie told Holly that her boyfriend had found them both jobs that would make them a lot of money. Emilie asked Holly to come to her apartment that weekend. When Holly arrived, Emilie, her boyfriend, and another man told Holly she had to have sex with men for money. When Holly refused, they threatened to hurt her. They posted photos of Holly on an escort website and took her to different cities around Canada to have sex with paying clients. One day, when Emilie's boyfriend left the room, Holly fled and received help from a passerby. All three perpetrators have been charged with numerous crimes, including sex trafficking, and await trial.

“*I cried and asked to go back to the agency, but madam said ‘I already bought you’...*”

- Dina, a 23-year-old Indonesian domestic worker in Dubai

## TIER PLACEMENT

The Department places each country in this report onto one of four tiers, as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the country's problem. The analyses are based on the extent of governments' efforts measured against the TVPA's minimum standards for the elimination of human trafficking (see page 46), 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.

Tier rankings and narratives in the 2016 *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;
- » 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 access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors 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 excessive fees; and
- » government 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 non-governmental 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.



# VICARIOUS TRAUMA

“ I am so grateful. I don't know all the people. I want to tell them all thank you for helping us, because I know that they don't only help me but all the other people, too. I want to tell them that the services have helped me a lot, a lot, a lot. I felt like I was in a hole, without exit—in a well with no way out—and they helped me to get out. ”

– Trafficking survivor

**T**rauma associated with human trafficking can be devastating and lasting, as many victims suffer psychological and physical abuse at the hands of traffickers. Related trauma can also significantly affect the physical and emotional well-being of the professionals who assist and care for trafficking victims. This vicarious trauma, also referred to as compassion fatigue or secondary traumatic stress, refers to the negative reactions that can occur when professionals repeatedly witness or hear about victims' difficult experiences of trauma, violence, and abuse. The signs of vicarious trauma resemble post-traumatic stress disorder, and can include emotional, behavioral, and physical symptoms, such as anxiety, depression, disturbed sleep, change in appetite, irritability, nightmares, loss of empathy, and numbness.

Direct service providers, social workers, shelter staff, law enforcement officials, prosecutors, interpreters, and others involved in various aspects of providing care to a victim or handling a trafficking case, are especially vulnerable to experiencing vicarious trauma.

To minimize the risk of vicarious trauma, it is important for anti-trafficking professionals to take steps to develop self-awareness and establish healthy coping mechanisms. Common questions to check for symptoms of vicarious trauma include:

- » How are you physically and emotionally affected by your work?
- » How well are you able to separate work from the rest of your life?
- » What is it like and how do you feel when hearing about a specific trafficking case?
- » Do you have signs of vicarious trauma or other forms of stress?
- » What kind of self-care are you practicing? Is it helping?

Healthy coping mechanisms for professionals in the anti-trafficking field should include organizational policies and individual self-care strategies. A few strategies include:

- » Develop self-care and stress management strategies, e.g., exercise, build a strong social or community network, practice relaxation techniques, make time for extracurricular activities, etc.
- » Establish formal support structures at work.
- » Seek out support among peers in other organizations.
- » Talk with a mental health professional (individual and group counseling).
- » Establish professional boundaries.
- » Participate in capacity building and training.





# 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 meet 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 meet 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 meet the 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 consider in determining 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 downgrade based on credible evidence that a waiver is justified because the government has devoted sufficient resources to a written plan that, if implemented, would constitute making significant efforts to meet the TVPA's minimum standards for the elimination of trafficking. The Secretary can only issue this waiver for two consecutive years. After the third year, a country must either go up to Tier 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 non-humanitarian, nontrade-related foreign assistance. In addition, the President may determine to withhold funding for government official or employee participation in educational and cultural

## UGANDA | UNITED ARAB EMIRATES

When Sanyu's friend moved from Uganda to UAE, she told Sanyu she had found her a job that would even cover her travel expenses. Sanyu agreed to join her friend. Only a few days after arriving in Dubai, her friend disappeared and Sanyu's situation changed drastically. A woman came to Sanyu's house and demanded Sanyu repay her for covering her travel expenses. The woman explained Sanyu would need to sell herself for sex. When Sanyu resisted, the traffickers tortured her, denied her food, and made her sleep outside for three weeks. She was trapped in a house with 14 other girls from Uganda and forced to have sex for money. Sanyu and two other girls escaped and returned to Uganda.

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, 2016.

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 in persons.

## BURMA-THAILAND

Shindy believed she was leaving Burma for a well-paying job at a Thai seafood factory. She owed a 12,000 baht (\$342) recruitment fee, but believed she could pay it back earning the Thai minimum wage of 300 baht (\$8.50) per day. After arriving; however, the middleman said Shindy owed him 20,000 baht and would only earn 200 baht per day. She and approximately 40 other Burmese laborers worked 18 hours each day and had to spend almost all of their earnings to buy overpriced food from the on-site store. One worker escaped and told an NGO about Shindy and the other workers trapped at the factory. The NGO and Thai authorities returned to the factory to free the workers and their families, some of whom had been captive for three years.

## 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
2008	5,212 (312)	2,983 (104)	30,961	26
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	18,930 (857)	6,609 (456)	77,823 (14,262)	30

*The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources. Prosecution and victim identification data reported this year are higher than in previous years, in large part due to increased information sharing and better data quality from several governments*



# THE U.S. ADVISORY COUNCIL ON HUMAN TRAFFICKING

On December 16, 2015, President Obama announced the historic appointment of 11 members to the United States Advisory Council on Human Trafficking. Each member is a survivor of human trafficking, and together they represent a diverse range of backgrounds and experiences. The Council, established by the Justice for Victims of Trafficking Act, enacted on May 29, 2015, provides a formal platform for trafficking survivors to advise and make recommendations on federal anti-trafficking policies to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF).

The Advisory Council participated in the January 5, 2016, meeting of the PITF. Ms. Ima Matul Maisaroh spoke to the PITF on behalf of the Council, saying:

*One key reason this Council is important is because it acknowledges the value that survivors add to any initiative on human trafficking. As a collective group of survivors, we have dedicated a huge part of ourselves to the anti-trafficking movement through our respective advocacy efforts. Together, we are changing perceptions, fighting for justice, and ultimately, over the years, contributing to one shared goal—to end modern slavery everywhere it exists.*

*We are a diverse group. Our individual experiences as survivors will add a richness of expertise to the Council, and we will act proudly as a unified group of leaders who will speak up for what is needed to address the many issues that contribute to the long-standing existence of human trafficking in the United States and around the world.*

The first members of the U.S. Advisory Council on Human Trafficking, who are serving two-year terms, are: Evelyn Chumbow, Harold d'Souza, Minh Dang, Tina Frundt, Ima Matul Maisaroh, Ronny Marty, Flor Molina, Bukola Love Oriola, Suamhirs Piraino-Guzman, Sheila White, and Shandra Woworunto.



On January 5, 2016, the Advisory Council met with Secretary Kerry and participated in the meeting of the PITF.

In April 2016, the Advisory Council met with Ambassador Susan Coppedge of the Department of State's Office to Monitor and Combat Trafficking in Persons and other federal agencies in preparation for its first annual report to Congress.





In Nepal, Nepali and Indian children are victims of bonded labor in brick kilns and the stone-breaking industry, in addition to other sectors. Nepalis living in areas affected by the April 2015 earthquake that struck Nepal are especially vulnerable to trafficking.



# THE UNITED NATIONS SECURITY COUNCIL ADDRESSES HUMAN TRAFFICKING

“The Islamic State didn’t come to kill the women and girls, but to use us as spoils of war, as objects to be sold . . . or to be gifted for free,” said Nadia Murad Basee Taha, a Yezidi survivor of human trafficking. Her powerful first-hand testimony on December 16, 2015, moved all those present at the United Nations Security Council’s (UNSC) first session to address human trafficking. Ms. Murad urged the Council to recognize the actions of Da’esh as genocide, to “find a way to open a case before the International Criminal Court,” to rescue the thousands of Yezidi women and children held in captivity, to provide a safe haven for Yezidis and other threatened minority groups, and to establish an international victims compensation fund.

The UNSC’s Presidential Statement condemned the actions of Da’esh, called for states to hold accountable those who engage in trafficking, and expressed solidarity with the victims, including in situations of conflict. The UNSC urged all relevant UN agencies operating in conflict and post-conflict situations to assess instances of human trafficking, proactively screen for potential trafficking victims, and facilitate their access to services.

Since her brave testimony before the UNSC, Nadia has become a clear voice in her community and on behalf of victims of human trafficking in conflict situations around the world.

Nadia addresses  
the United Nations  
Security Council on  
December 16, 2015.









Corrupt employers all around the world—including recruitment agencies and local middlemen—use recruitment fees, passport retention, contract fraud, and contract-switching to trap migrant workers in forced labor or debt bondage in the construction sector.

# 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.

# 2016 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,

## KAREN G.I. RIGBY *THE BAHAMAS*



As the Under Secretary in the Ministry of National Security of The Bahamas, Karen Rigby assists in advising Bahamian defense and law enforcement agencies on policy and administrative matters, and chairs the government's Trafficking in Persons Inter-Ministry Committee (TIP Committee).

Under Ms. Rigby's leadership as Chair, The Bahamas' TIP Committee has become a cohesive force in the battle against human trafficking. The TIP Committee developed victim protection protocols and a national action plan that have been showcased in the region as examples of best practices; and designed an innovative educational program for schools and conducted outreach activities in vulnerable communities as part of an extensive campaign to raise public awareness about human trafficking. Ms. Rigby also ensures that police, immigration officers, prosecutors, social workers, medical personnel, labor inspectors, and the TIP Committee's civil society partners regularly receive training to identify and assist victims of human trafficking.

Ms. Rigby's dedicated efforts have been instrumental in bringing together and energizing all sectors of the Bahamian government to achieve a coordinated strategy to combat trafficking in persons.

## PRISCILLA KEDIBONE ISRAEL *BOTSWANA*



As the Assistant Director of Public Prosecutions in Botswana, Priscilla Kedibone Israel has worked tirelessly to implement the Anti-Human Trafficking Act after its passage in 2014. She began conducting regular anti-trafficking training at the Botswana Police College in an effort to increase frontline law enforcement awareness of the indicators of human trafficking and the importance of the victim-centered approach to prosecutions. She also participated in a public awareness campaign about modern slavery by giving lectures and radio talks.

Ms. Israel has dedicated herself to ensuring that cases of human trafficking in Botswana are treated seriously, and she has spent countless hours working with members of the judicial system to ensure that they thoroughly understand the nature and complexity of human trafficking cases.

After the passage of the 2014 Anti-Human Trafficking Act, the Directorate of Public Prosecutions looked to her to build trafficking prosecutions. She secured eight indictments for trafficking and trafficking-related offenses and is currently prosecuting the cases through the court system. She has worked to support victims who testify against their traffickers and helped established a precedent for mutual legal assistance between countries addressing international trafficking cases in the region.



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).

## RITA THEODOROU SUPERMAN CYPRUS



As head of the police anti-trafficking unit in the Republic of Cyprus, Rita Theodorou Superman has dedicated herself to the fight against human trafficking for the past 10 years. Under her leadership, the anti-trafficking unit has grown exponentially. In addition, the scope of its activity has expanded from primarily desk work to training law enforcement, planning and carrying out police operations and investigations, identifying victims of trafficking and supporting them during trials, and working closely with public prosecutors to ensure successful prosecutions.

A trafficking survivor's story highlights Ms. Superman's extraordinary devotion to her work. In 2007, a young Moldovan woman landed in Cyprus believing she had received a scholarship to study accounting. Upon arrival, she was forced into sex trafficking at a cabaret, and was only freed five months later during a police raid. The young woman wanted to testify against her former traffickers, but was intimidated by death threats. She credits Ms. Superman for giving her the courage to testify. During the 20-month-long trial, Ms. Superman personally made sure she was safe, frequently escorting her from one location to another.

Due to her tireless efforts, Ms. Superman has gained the trust of NGOs in Cyprus fighting against human trafficking, and of individual victims who regularly reach out to her even after a case has concluded.

## KIRAN BAJRACHARYA NEPAL



Superintendent of Police Kiran Bajracharya, District Chief of the Bhaktapur District Police Office in Nepal, has worked persistently to investigate crimes against women and children, including human trafficking. SP Bajracharya has led efforts to identify trafficking victims at local hotels and restaurants; developed a training manual for junior officers on investigating crimes against women and children; and worked to ensure that human rights standards, police ethics, and gender equality are integrated into all police curricula and training programs.

Between 2013 and 2015, SP Bajracharya served as Superintendent in the Central Investigation Bureau, where she focused on investigating organized transnational crime and initiated at least 14 human trafficking cases, an increase from just one case in prior years. These cases resulted in numerous arrests, prosecutions, and convictions, including the arrest of 10 criminal gang members.

In her current role as District Police Chief, SP Bajracharya continues to lead on human trafficking. She gives orientation and awareness training to women working in local brick kilns on the risks of modern slavery; has set up checkpoints to inspect buses carrying individuals who may be trafficking victims; and has received the Prabal Jansewa Shree' medal for outstanding performance as a District Police Chief of Bhaktapur District by the President of Nepal.

**BIRAM DAH ABEID**  
**MAURITANIA**



**BRAHIM BILAL RAMDHANE**  
**MAURITANIA**



The partnership between two dynamic activists, Biram Abeid and Brahim Ramdhane, has been critical in reducing human trafficking in Mauritania, a country where slavery was not formally outlawed until 1981. Mr. Abeid, a lawyer, researcher, human rights activist, writer, translator (French-Arabic), and President of the Initiative for the Resurgence of the Abolitionist Movement (IRA), and Mr. Ramdhane, a professor of philosophy and Arabic language, and Vice President of IRA, are both the children of slaves, who have chosen careers focused on confronting injustice in Mauritania.

Mr. Abeid and Mr. Ramdhane have successfully mounted provocative and high-profile anti-trafficking campaigns that have significantly contributed to new government institutions, laws, and specialized courts designed to combat human trafficking. These advances facilitated the first indictment in Mauritania for slave-holding and the first prison sentence in 2011 under the 2007 anti-slavery law, and the 2012 constitutional reform that made slavery a crime against humanity.

In November 2014, Mr. Abeid and Mr. Ramdhane were arrested together for their leading roles in a protest against the continued practice of slavery in Mauritania as well as discriminatory land use policies and related abuses suffered by non-Arab, sub-Saharan minorities. Both the Haratine (slave descendants) and sub-Saharan communities are grossly underrepresented in government, military, and economic leadership positions due to systematic discrimination in favor of the Beydane (white Moor) minority. The men shared a cell until their release in May 2016.

The organization they established, IRA, and its leaders have been recognized internationally on numerous occasions, including: the 2016 James Lawson Award from the International Center on Nonviolent Conflict, the 2015 Human Rights Tulip awarded by the Dutch government, the 2013 Front Line Defenders Award, and the 2013 United Nations Human Rights prize, among others.



## SYEDA GHULAM FATIMA PAKISTAN



Syeda Ghulam Fatima is the General Secretary of the Bonded Labour Liberation Front Pakistan (BLLF) and a courageous human rights activist. She has long campaigned for workers' rights in Pakistan and, in particular, for the end of bonded labor in brick kilns and factories. Alongside her husband, Ms. Ghulam Fatima founded and runs the Freedom Campus for Bonded Labour, a center in Lahore that provides care and legal services to victims of forced labor.

Ms. Ghulam Fatima has helped free more than 80,000 bonded laborers in Pakistan, including those working in brick kilns, agriculture, and the carpet industry, often by personally organizing and carrying out their release. Under her leadership, BLLF provides legal aid, shelter, protection, and a way back into society for survivors of forced labor. Ms. Ghulam Fatima has helped train hundreds of women to enable them to find new livelihoods for themselves and their families, and has been a tireless advocate for legislation and government action to protect victims of human trafficking.

Ms. Ghulam Fatima serves as a voice for the estimated 2.6 million Pakistanis, who work in debt bondage, bringing national and international attention to their plight. She has persisted in her activism despite being threatened and attacked by those who oppose her work.

## OLUREMI BANWO KEHINDE RUSSIA



Oluremi Banwo Kehinde is a tireless anti-trafficking activist in Russia who works to assist and protect Nigerian and other African victims of sex trafficking. Mr. Kehinde currently leads Help Services for Nigerians in Russia, a relief organization he created to provide protective services to African victims of human trafficking; the group represents a substantial portion of those individuals who are recruited to Russia and forced into prostitution.

In 2015, Mr. Kehinde worked with law enforcement, religious service providers, and the international community in Moscow to provide assistance to scores of sex trafficking victims. He has personally helped repatriate victims to Nigeria. At his own expense, Mr. Kehinde provided lodging for victims, referred them for medical treatment, and coordinated efforts to secure documentation, as most victims had lost possession of their passports during the course of their exploitation. Overall, he has helped more than 240 Nigerian women escape conditions of modern slavery in Russia.

Despite personal threats to his life, Mr. Kehinde intervened on numerous occasions to secure the release of victims of human trafficking from criminal networks. Several international organizations, anti-trafficking NGOs, and survivors of human trafficking have lauded Mr. Kehinde's enormous contribution to efforts to combat human trafficking in Russia.

## ISSA KOUYATÉ SENEGAL



Issa Kouyaté is the Founder and Director of Maison de la Gare, a shelter in Senegal for hundreds of street children, often called *talibe*, and other at-risk youth. *Talibes* are children, some as young as 4 years old, who are sent to Islamic schools across Senegal to become scholars of the Quran. In many cases, these children are also forced to beg for up to eight hours each day and are often beaten and left alone in the streets if they do not earn enough. As a former *talibe* himself, Mr. Kouyaté is committed to improving the lives of such street children. He became a chef, and first began by cooking for the children. From there, his small operation grew into a shelter, where as many as 200 *talibes* now visit daily seeking basic services such as food, medicine, and shelter.

Mr. Kouyaté has created strong partnerships with local government agencies, religious communities, and other organizations working to combat human trafficking. Local authorities consider him a key partner not only for providing shelter for runaway *talibes*, but also for gathering data, following up on cases within the legal system, and facilitating the safe return of *talibes* to their families.

Mr. Kouyaté has been incredibly successful in raising awareness about the conditions of and risks to children, who live and beg on the streets, and has helped build support from local officials to prevent human trafficking.


## ∞ IN MEMORIAM ∞

### DR. KRISZTINA BERTA HUNGARY

Dr. Krisztina Berta, Deputy State Secretary for EU and International Relations in Hungary's Ministry of Interior, and National Anti-Trafficking Coordinator since 2010, passed away unexpectedly at age 62 in November 2015. Dr. Berta was dedicated to the fight against trafficking in persons, and initiated several important programs, including the first multilateral referral and law enforcement project in Europe focused on anti-trafficking cooperation. The project linked Hungary's Ministry of Interior, the Netherlands' Ministry of Security and Justice, and a Belgian victim service provider.








*“ Not everybody gets a chance to be a survivor, and there are girls out there right now that don't even know that they're victims ... But maybe, just maybe, they'll see one of us and they'll hear one of us and they'll know that there is help, there is hope and there is a way out. ”*

*- Angela Ritter, survivor of trafficking*









A former enslaved fisherman is reunited with his mother after 22 years of forced labor aboard fishing vessels in Southeast Asia. When he accepted the initial job offer in 1993, the fisherman did not know he was beginning a journey that would take him thousands of miles away from his family, that he would miss births and deaths, or that he would run away twice from forced labor on fishing vessels. On the day he left home in 1993, all he saw was promise.

# THE TIERS

## TIER 1

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

## TIER 2

Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to meet those standards.

## TIER 2 WATCH LIST

Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to meet 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, including increased investigations, prosecutions, 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 meet the 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 meet the minimum standards and are not making significant efforts to do so.

# TIER PLACEMENTS

## TIER 1

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

## TIER 2

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ALBANIA	EGYPT	LATVIA	NIGERIA
ANGOLA	EL SALVADOR	LEBANON	PALAU
ARGENTINA	ESTONIA	LESOTHO	PANAMA
ARUBA	ETHIOPIA	LIBERIA	PARAGUAY
AZERBAIJAN	FJI	LUXEMBOURG	PERU
BAHRAIN	GREECE	MACAU	ROMANIA
BANGLADESH	GUATEMALA	MACEDONIA	SIERRA LEONE
BARBADOS	GUYANA	MADAGASCAR	SINGAPORE
BHUTAN	HONDURAS	MALAWI	SOUTH AFRICA
BOSNIA & HERZEGOVINA	HUNGARY	MALTA	TAJIKISTAN
BOTSWANA	INDIA	MAURITIUS	TIMOR-LESTE
BRAZIL	INDONESIA	MEXICO	TOGO
BRUNEI	IRAQ	MICRONESIA	TURKEY
BURKINA FASO	JAMAICA	MOLDOVA	UGANDA
CAMBODIA	JAPAN	MONGOLIA	UNITED ARAB EMIRATES
CHAD	JORDAN	MONTENEGRO	URUGUAY
CROATIA	KAZAKHSTAN	MOROCCO	VIETNAM
CURAÇAO	KENYA	NAMIBIA	ZAMBIA
DOMINICAN REPUBLIC	KOSOVO	NEPAL	
ECUADOR	KYRGYZSTAN	NICARAGUA	

## TIER 2 WATCH LIST

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AFGHANISTAN	COTE D'IVOIRE	MALI	SOLOMON ISLANDS
ANTIGUA & BARBUDA	CUBA	MOZAMBIQUE	SRI LANKA
BENIN	GABON	NIGER	ST. LUCIA
BOLIVIA	GHANA	OMAN	ST. VINCENT & THE GRENADINES
BULGARIA	GUINEA	PAKISTAN	SWAZILAND
CABO VERDE	HONG KONG	QATAR	TANZANIA
CAMEROON	KIRIBATI	RWANDA	THAILAND
CHINA (PRC)	KUWAIT	SAUDI ARABIA	TONGA
CONGO, DEMOCRATIC REP. OF	LAOS	SENEGAL	TRINIDAD & TOBAGO
CONGO, REPUBLIC OF	MALAYSIA	SERBIA	TUNISIA
COSTA RICA	MALDIVES	SEYCHELLES	UKRAINE

## TIER 3

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ALGERIA	DJIBOUTI	KOREA, NORTH	SURINAME
BELARUS	EQUATORIAL GUINEA	MARSHALL ISLANDS	SYRIA
BELIZE	ERITREA	MAURITANIA	TURKMENISTAN
BURMA	THE GAMBIA	PAPUA NEW GUINEA	UZBEKISTAN
BURUNDI	GUINEA-BISSAU	RUSSIA	VENEZUELA
CENTRAL AFRICAN REPUBLIC	HAITI	SOUTH SUDAN	ZIMBABWE
COMOROS	IRAN	SUDAN	

## SPECIAL CASE

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LIBYA	YEMEN
SOMALIA	





Boundary representation is not authoritative.

# AFRICA

## TIER PLACEMENTS

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

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2009	325 (47)	117 (30)	10,861	8
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

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources.



### TIER PLACEMENTS



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2009	357 (113)	256 (72)	5,238	3
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	3,281 (193)	1,730 (130)	13,990 (3,533)	10

*The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources. Prosecution and victim identification data reported this year are higher than in previous years, in large part due to increased information sharing and better data quality from several governments*





Boundary representation is not authoritative.

ARUBA\*  
CURAÇAO\*  
ST. MAARTEN\*  
Islands not shown to scale or relative position.

\* 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
2009	2,208 (160)	1,733 (149)	14,650	14
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

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources.



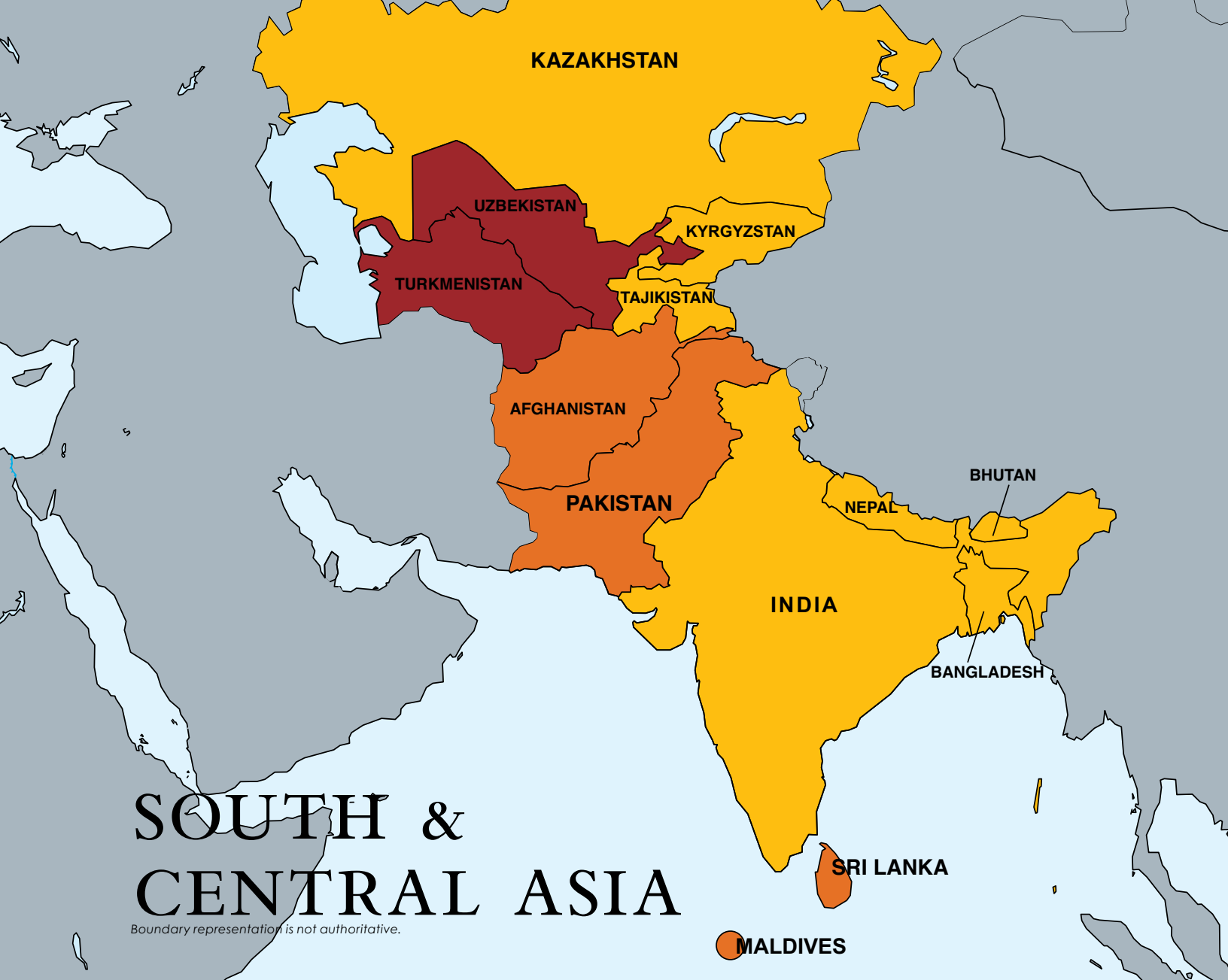
**TIER PLACEMENTS**

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

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2009	80 (9)	57 (8)	1,011	6
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

*The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources. Prosecution and victim identification data reported this year are higher than in previous years, in large part due to increased information sharing and better data quality from several governments.*





### TIER PLACEMENTS



YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2009	1,989 (56)	1,450 (10)	8,325	1
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	6,915 (225)	1,462 (16)	24,867 (1,191)	0

*The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources. Prosecution and victim identification data reported this year are higher than in previous years, in large part due to increased information sharing and better data quality from several governments.*



# 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
2009	647 (47)	553 (66)	9,020	1
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	1,747 (83)	663 (26)	9,661 (2,118)	6

The above statistics are estimates only, given the lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified. The number of victims identified includes information from foreign governments and other sources.





A former child soldier walks home with his parents after being discharged from the Burmese army, free at last.



# HOW TO READ A COUNTRY NARRATIVE

This page shows a sample country narrative. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see page 46), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts against trafficking as measured by the TVPA minimum standards, in the context of its efforts in the preceding year(s).

## COUNTRY X: Tier 2 Watch List

Profile of human trafficking in recent years.

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

TVPA Minimum Standard 4(10) – whether the government shows evidence of overall increasing efforts.

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

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

Synopsis of government efforts.

The Government of Country X does not meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government has not yet enacted necessary anti-trafficking legislation, during the reporting period it reaffirmed its commitment to this goal over the next year. Despite these efforts, the government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking; therefore, Country X is placed on Tier 2 Watch List.

Guidance on how the government can enhance its efforts and obtain a better tier ranking.

**RECOMMENDATIONS FOR COUNTRY X:**  
Enact the draft comprehensive anti-trafficking legislation; significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; institute and consistently apply formal procedures to identify and assist victims, including among vulnerable groups, such as those arrested for prostitution; and collect, disseminate, and enforce counter-trafficking law enforcement data.

TVPA Minimum Standards 1-3 – whether the government prohibits all forms of trafficking and prescribes adequate criminal punishments.

TVPA Minimum Standard 4(3) – whether the government is making adequate efforts to prevent human trafficking, including measures to ensure its diplomats or peacekeepers assigned abroad do not engage in trafficking.

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

Summary of the country's laws and the government's law enforcement efforts against human trafficking.

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

### PROTECTION

Country X made minimal progress in protecting victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the Ministry of the Interior has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance. Country X commonly fines and detains potential trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations and running away from their sponsors, without determining whether the individuals are victims of trafficking.

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

### PREVENTION

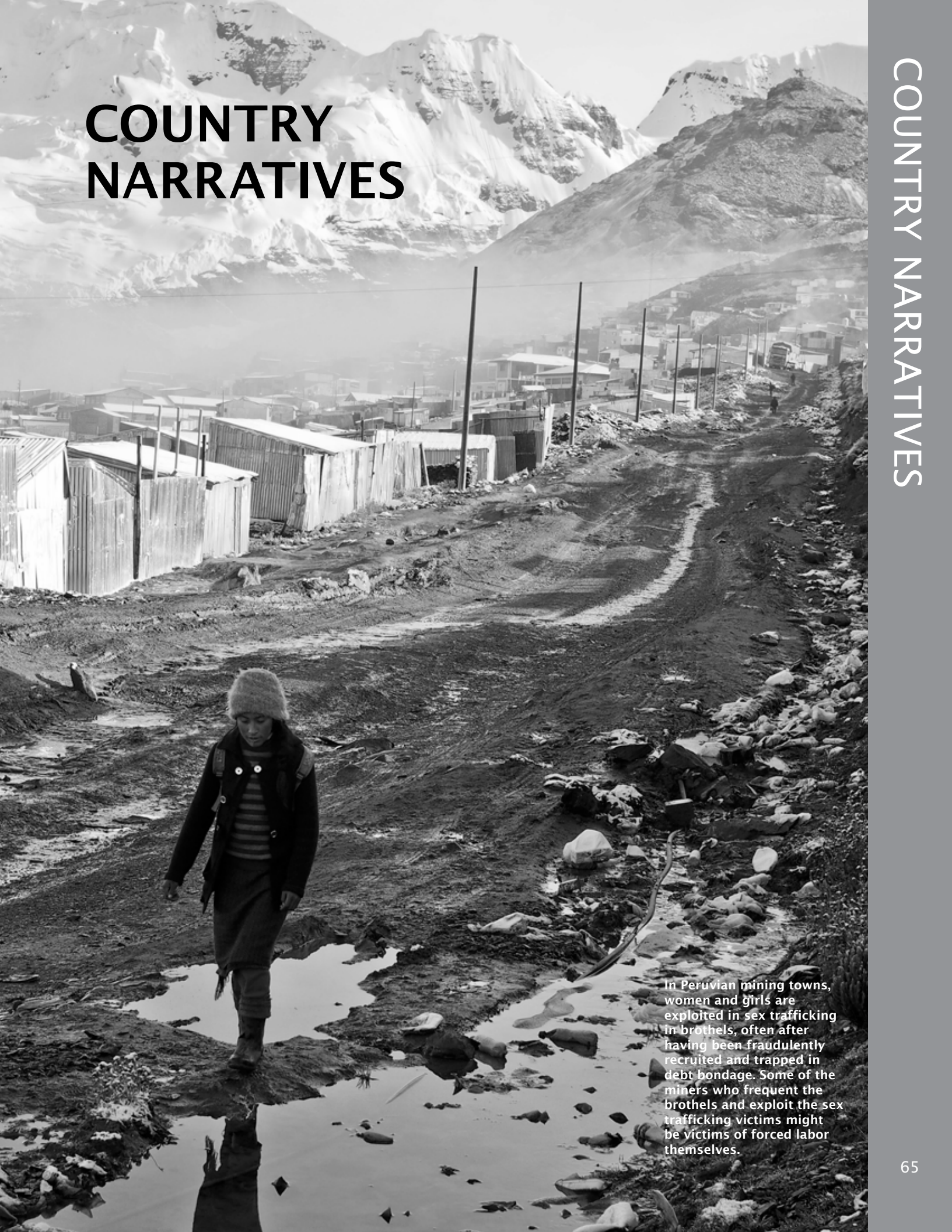
Country X made modest progress in preventing trafficking during the reporting period. While the government made some effort to amend provisions of Country X's sponsorship law to prevent the forced labor of migrant workers, the government failed to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require for workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new process through which a laborer who was not granted an exit permit due to a sponsor's refusal or other circumstances can seek one by other means. The Ministry of Labor sponsored media campaigns and organized informational workshops for officials, NGOs, and labor recruitment agencies. However, the government did not provide anti-trafficking training or guidance to its diplomatic personnel during the reporting period. The government has a national plan of action to address trafficking in persons, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not take any public awareness campaigns aimed at reducing the demand for commercial sex acts in Country X, but it government convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

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

TVPA Minimum Standard 4(11) – whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals.



# COUNTRY NARRATIVES



In Peruvian mining towns, women and girls are exploited in sex trafficking in brothels, often after having been fraudulently recruited and trapped in debt bondage. Some of the miners who frequent the brothels and exploit the sex trafficking victims might be victims of forced labor themselves.



## AFGHANISTAN: Tier 2 Watch List

Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking. Most Afghan trafficking victims are children who end up in carpet making and brick factories, domestic servitude, commercial sexual exploitation, begging, poppy cultivation, transnational drug smuggling, and assistant truck driving within Afghanistan, as well as in the Middle East, Europe, and South Asia. NGOs documented the practice of bonded labor, whereby customs allow families to force men, women, and children to work as a means to pay off debt or to settle grievances, sometimes for multiple generations with children forced to work to pay off their parents' debt. Some Afghan families knowingly sell their children into sex trafficking, including for *bacha baazi*—where men, including some government officials and security forces, use young 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. Some families send their children to obtain employment through labor brokers and the children end up in forced labor. Opium-farming families sometimes sell their children to settle debts with opium traffickers. According to the government and the UN, insurgent groups forcibly recruit and use children as suicide bombers. Boys, especially those traveling unaccompanied, are particularly vulnerable to trafficking. Children in orphanages are also particularly vulnerable and were sometimes subjected to trafficking. Some entire Afghan families are trapped in debt bondage in the brick-making industry in eastern Afghanistan. Members of the Shia Hazara minority group were victims of forced recruitment and forced 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. Some Afghan boys are subjected to sex trafficking in Greece after paying high fees to be smuggled into the country. In January 2016, an international organization reported the Iranian government and the Islamic Revolutionary Guards Corps (IRGC) coerced male Afghan migrants and registered refugees to fight in Syria in IRGC-organized and commanded militias by threatening them with arrest and deportation to Afghanistan. Some of those coerced into service were boys younger than the age of 18, some as young as 12, and have been used as combatants. Afghan boys are at high risk of sexual abuse by their employers in Iran and harassment or blackmailing by the Iranian security service and other government officials.

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.

In 2015, widespread and credible reporting from multiple sources indicated both the government and armed non-state groups in Afghanistan continued to recruit and use children in combat and non-combat roles. The UN verified and reported an increase in the number of children recruited and used in Afghanistan, mostly by the Taliban and other armed non-state actors. In January 2011, the Afghan government signed an action plan with the UN to end and prevent the recruitment and use of children by the Afghan National Defense and Security Forces (ANDSF), and in 2014, they endorsed a road map to accelerate the implementation of the action plan. Despite these efforts, there are still government cases of recruitment, most notably by the Afghan Local Police (ALP) and National Police (ANP). In a widely publicized case, a 10-year-old boy participated with Afghan local police forces in operations against the Taliban; local authorities publicly recognized the child, whom the Taliban later murdered. The media reported in some cases security force units used children as personal servants or support staff, and for sexual purposes. The abuse and sexual exploitation of children continues to be an issue of serious concern, as members of the Afghan security forces and other groups of non-state actors frequently sexually abuse and exploit young girls and boys.

The Taliban have used children as combatants and combat support personnel since the 1990s, but increased their use in 2015 in conjunction with an increase in the group's operations against the Afghan government. The Taliban have a well-established process of indoctrination and recruitment using religious and military education, and teaching children between the ages of 6 and 13 how to use small arms and produce and deploy improvised explosive devices. Children from impoverished and rural areas, particularly those under Taliban control, are especially vulnerable to recruitment. The children receive food and clothing, and some families receive cash payments or protection in exchange for sending their children to the schools.

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 doubled convictions and increased prosecutions of trafficking-related offenses in 2015. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Afghanistan is placed on Tier 2 Watch List. Victim protection efforts remained inadequate. The government routinely incarcerated, prosecuted, and convicted trafficking victims as criminals for moral crimes. Official complicity remained a serious problem, especially in the sexual exploitation of children by members of the military and police, in spite of public statements by the President and the Ministry of Interior (MOI) condemning the practice; and the recruitment and use of children by Afghan security forces was a concern. However, the government reported no investigations, prosecutions, or convictions of complicit officials. The existing anti-trafficking law does not prohibit all forms of human trafficking, but the government began to revise it, aiming to align definitions of trafficking and smuggling with international law. Law enforcement and judicial officials continued to have a limited understanding of human trafficking, and the government did not develop or employ systematic procedures for the identification and referral of victims to protective services. Government-run shelters for trafficking victims remained closed during the reporting period, although



government officials did refer trafficking victims to shelters run by NGOs on an informal basis.



## RECOMMENDATIONS FOR AFGHANISTAN:

Cease the recruitment and use of children by the Afghan security forces and ensure adequate protection and reintegration support for demobilized children; continue to increase investigations, prosecutions, and convictions under the anti-trafficking law, while respecting due process; investigate and prosecute government officials, law enforcement, and members of the military suspected of being complicit in trafficking and convict and appropriately sentence the perpetrators; cease the penalization of victims for offenses committed as a direct result of being subjected to trafficking, including stopping prosecutions for moral crimes and placement of child trafficking victims in juvenile rehabilitation centers; finalize and enact current draft amendments to the 2008 anti-trafficking law to prohibit and penalize all forms of trafficking in persons; strengthen the capacity of the Ministry of Interior (MOI)'s anti-trafficking/smuggling units, including further increases in 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, 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; implement culturally appropriate long-term victim rehabilitation programs for boys designed for their specialized needs; 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, of the law prohibiting the recruitment and enlistment of minors, and enforce these provisions with criminal prosecutions.

## PROSECUTION

The government made law enforcement efforts; while prosecutions increased and convictions of traffickers doubled, these may have included non-trafficking cases, and official complicity remained a serious and pervasive problem. The 2008 Law Countering Abduction and Human Trafficking/Smuggling, along with article 516 of the penal code, prohibits many but not all forms of human trafficking. The law defines sex trafficking of a child only when coercion is used. The law prescribes between eight and 15 years' imprisonment for persons convicted of some forms of labor trafficking and prescribes penalties of up to life imprisonment for those convicted of some forms of sex trafficking. The 2009 Elimination of Violence Against Women law and other provisions of the penal code include penalties for many forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government completed a draft revision of the

2008 anti-trafficking law, aiming to better align definitions of trafficking and smuggling with international law and outline increased protection provisions for victims of trafficking; the draft remained pending review and adoption at the end of the reporting period. The draft revision of the anti-trafficking law criminalizes specific exploitative aspects of *bacha baazi*, although it does not explicitly name the practice. Furthermore, in separate legislation, the Afghanistan Independent Human Rights Commission (AIHRC), completed a draft law explicitly naming and criminalizing *bacha baazi*, intended to be enacted and applied while extensive revisions to the penal code were completed; however, the Ministry of Justice did not approve the draft law, and it will be considered for incorporation into the revisions to the penal code. The government enacted a law in the previous reporting period to prohibit national security institutions from enlisting minors, supplementing existing policies at both the interior and defense ministries prohibiting the recruitment of minors into governmental armed forces; however, the government did not proactively inform officials of such provisions and relied instead on recruiters at the interior and defense ministries to identify underage applicants.

From March 2015 through February 2016, the government reported the prosecution of 70 human trafficking cases, which resulted in 46 convictions with sentences of imprisonment ranging from three months to 15 years, double the 23 convictions reported in 2014; however, officials did not provide detailed information on these cases, which may have included non-trafficking crimes. An additional 31 cases remained under investigation by the arresting agency or the prosecutor's office at the close of the reporting period. Law enforcement and judicial officials continued to have a limited understanding of trafficking. Dari, the language spoken most widely in Afghanistan, uses the same word for both human trafficking and human smuggling, compounding the confusion. MOI had a central anti-trafficking/smuggling unit staffed with 17 officers and 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. International organizations and NGOs continued to provide training in 15 provinces to police, prosecutors, and other government officials on investigating and prosecuting trafficking cases; some of the governor's offices in those provinces provided venues for the trainings.

Official complicity in trafficking remained a serious and pervasive problem. Some government and security officials reportedly engaged in the practice of *bacha baazi*. The Afghanistan Independent Human Rights Commission's 2014 report revealed that most who engage in *bacha baazi* pay bribes to or have relationships with law enforcement, prosecutors, or judges that effectively exempt them from prosecution. Some law enforcement officials reportedly facilitated trafficking and raped sex trafficking victims. Government military and police forces, as well as pro-government militias, continued to use children in combat and non-combat roles. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; officials reported they had no indication of government complicity in trafficking by Afghan officials during the year.

## PROTECTION

The government maintained inadequate efforts to protect victims, failing to protect and prevent children from sexual exploitation and recruitment and use by the armed forces and continuing the widespread penalization of victims. The

government did not report the number of victims identified, but an international organization reported the government referred approximately 40 victims to it for assistance in 2015. The government did not develop or employ systematic procedures for the identification of victims and their subsequent referral to protective services. The government, particularly authorities from the Ministry of Labor and Social Affairs, Martyrs, and the Disabled (MOLSAMD) and the Ministry of Women's Affairs, in practice referred victims to NGO-run shelters. 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. All short-term shelters, previously owned by the government, remained closed due to a lack of resources. MOLSAMD provided registration, referral, and social services for trafficking victims, including receiving victims repatriated to Afghanistan from other countries. NGOs operated women's protection shelters in 20 provinces that provided protection, legal, and social services to female victims of violence, which were available to victims of trafficking. 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.

Despite a directive by the high commission to cease prosecution of trafficking victims, victims continued to be penalized for crimes committed as a result of being subjected to human trafficking. 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 female 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. Officials sometimes placed male and female victims who could not be accommodated in shelters in prisons. 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. Children attempting to join the army using falsified documents were remanded to juvenile rehabilitation centers, sometimes for indefinite periods, while awaiting prosecution and trial. The government made no efforts to demobilize child soldiers associated with governmental or nongovernmental armed groups or provide or refer such children for protection services or reintegration support.

The government encouraged victims to participate in investigations; however, 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 2015.

## PREVENTION

The government made modest improvements to trafficking prevention efforts. The government continued to coordinate its anti-trafficking activities through its high commission, which met four times in 2015, with attendance of deputy ministers, and separately held 12 working level meetings. The high commission produced its scheduled annual report of the government's anti-trafficking activities in March 2015; the report on 2015 activities had not yet been released. The national action

plan was not updated in 2015. The high commission's member ministries took some limited steps to implement activities set forth in its national anti-trafficking action plan, including the establishment of 33 provincial anti-trafficking commissions, of which 14 were functioning at the close of the reporting period. The government warned citizens through radio, television, and print media of the dangers of illegal migration and investigated two employment agencies suspected of fraudulent recruitment practices. For example, the Ministry of Information and Culture broadcasted 128 messages on trafficking to the public via the Afghan National television channel. In September 2015, the president ordered the creation of a committee to investigate, monitor, and oversee the prevention and prosecution of sexual abuse of children by security forces. However, no additional progress was reported toward fulfilling the goals of the action plan signed in January 2011 to combat the practice of *bacha baazi* by Afghan security forces. 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.

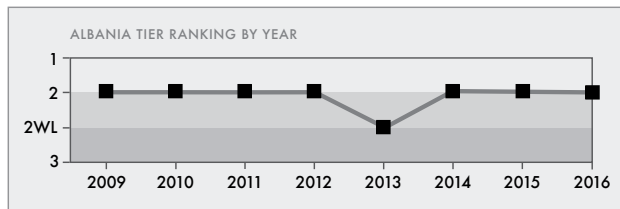
## ALBANIA: Tier 2

Albania is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Albanian women and children are primarily subjected to sex trafficking within Albania; in bordering Kosovo, Macedonia, Montenegro, and Greece; and in other European countries. Albanian and some foreign victims are subjected to forced labor in Albania, particularly in the tourism industry. Children, including those of Romani or Balkan Egyptian ethnicity, are subjected to forced begging and other forms of compelled labor in Albania and neighboring countries; girls are vulnerable to child sex trafficking. NGOs report an increase in the number of Albanian children subjected to forced labor in Kosovo and the United Kingdom. Albanian women and girls are subjected to sex trafficking or forced labor following arranged marriages in Albania and abroad. In past years, some foreign women from European countries were subjected to sex trafficking in Albania. Middle Eastern, Central Asian, and African migrants, particularly Syrians, transit Albania to reach Western Europe and are vulnerable to trafficking, although police have yet to identify any as trafficking victims. Corruption and high rates of turnover within the police force inhibit law enforcement action to address trafficking.

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 improved law enforcement efforts by convicting more traffickers than in 2014, including some traffickers who forced children to beg; but the government and NGOs identified fewer victims, and the government prosecuted fewer suspected traffickers than in 2014. The government decreased funding to the state-run shelter for trafficking victims; and psychological, medical, and reintegration services at the state-run shelter, though improved, were still inadequate. Government funding to NGO shelters remained insufficient, although the government funded the salaries of 12 staff members at two NGO shelters. The government continued to investigate and punish victims 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. The government had a 2014-2017 national strategy and action plan to combat trafficking, although it remained underfunded, and it increased the budget



of the anti-trafficking coordinator. The national coordinator regularly convened stakeholders belonging to the national referral mechanism.



## RECOMMENDATIONS FOR ALBANIA:

Do not punish victims for unlawful acts committed as a direct result of being subjected to trafficking, particularly sex trafficking victims exploited in prostitution; increase funding to NGO-run shelters for trafficking victims and provide funding on a regular basis; improve services provided at the state-run shelter, particularly medical, psychological, and reintegration services; fund mobile units operated by civil society groups and law enforcement to identify victims and further train police, labor inspectors, and other front-line officials on proactive identification of victims; vigorously investigate, prosecute, and convict traffickers, including complicit officials; encourage victims to assist in the prosecution of their traffickers by facilitating participation in the witness protection program and expanding training for prosecutors dealing with victim witnesses; improve the capacity of border and migration police to screen irregular migrants for trafficking indicators; and continue efforts to screen street children for signs of trafficking.

## PROSECUTION

The government increased 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 Serious Crimes Prosecutor's Office investigated 25 suspected traffickers in 2015, a decrease from 39 suspects in 2014. The state police also investigated 90 suspected traffickers during the reporting period. The government did not disaggregate law enforcement data to demonstrate efforts against both sex trafficking and forced labor. The government prosecuted 15 defendants in 2015, a decrease from 18 prosecuted in 2014. Courts convicted 11 traffickers, an increase from nine in 2014. All convicted traffickers received prison sentences ranging from six to 17 years, three of which fell below the prescribed minimum penalty of eight years' imprisonment. Authorities continued to prosecute some traffickers for the lesser crime of "exploitation of prostitution" rather than trafficking, because the two laws overlap in some areas. Exploitation of prostitution carries a punishment of two to five years' imprisonment, and up to 15 years' imprisonment under aggravated circumstances, and authorities often applied the lesser charge because it was easier to investigate and prosecute. Some officials also only recognized cases involving cross-border movement as trafficking. Border police continued to screen irregular migrants at the southern border with Greece for trafficking indicators, and in September the government developed a contingency plan to handle the influx of a large number of migrants, which stipulated the screening of all migrants for trafficking indicators. In 2015, the government trained 240 judges, prosecutors, and police officers on investigation and prosecution of traffickers and victim identification and protection. High turnover rates and corruption

hampered the efficacy of police training. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Police participated in two multi-national law enforcement operations, which resulted in the arrest of 10 Albanian suspected traffickers.

## PROTECTION

The government identified and assisted victims but continued to provide inadequate funding for victim services. The government and NGOs identified 109 victims of trafficking and potential trafficking victims in 2015, a decrease from 125 in 2014. Of these, authorities granted 38 official victim status after they agreed to undergo a formal interview with law enforcement and social services representatives, which was required to obtain this status. The government identified 80 victims; NGOs identified 27; and two victims were self-identified. NGOs reported the lack of government funding for the NGO-led mobile units responsible for most victim identification led to fewer victims being identified. Of all identified victims, 48 were minors and 87 were female. NGOs reported the following trends among the victims assisted by NGO-run shelters: 67 percent of victims were subjected to sex trafficking, nine percent were victims of labor trafficking, and 16 percent were victims of forced begging; 86 percent of victims were exploited within Albania, 12 percent abroad, and two percent both domestically and abroad. Four shelters, three of which were operated by NGOs and one that was state-run, provided assistance to trafficking victims, including food, counselling, 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. However, NGOs reported the government did not provide adequate financial support for the implementation of medical, psychological, and reintegration services. NGO shelters assisted 89 victims, and the state-run shelter assisted 20. The government provided 11,300,000 lek (\$93,000) to the state-run shelter in 2015, a significant decrease from 19,770,000 lek (\$163,000) in 2014. The government did not provide adequate funding to NGO shelters, allocating 3,000,000 lek (\$24,700) strictly for food expenses. However, the government also provided funding for 12 staff member salaries at two NGO shelters and provided funding for renovation of the state-run shelter. NGO shelters continued to operate under severe financial constraints throughout 2015 and relied on outside sources for day-to-day operating costs. Of the 25 million lek (\$206,000) in the government's Special Fund for Crime Prevention, 5 million lek (\$41,000) was disbursed to NGOs to support victims of crime; however, no funds went to support trafficking victim service providers. Only one NGO-run shelter provided specialized services for child trafficking victims, and it continued to operate without adequate funding. Foreign victims had access to the same services as domestic victims, including legal assistance. Male victims were accommodated in apartments paid for by NGOs. The government issued trafficking victims health cards that provide free access to health care. The government ran a program that incentivized companies to hire former trafficking victims, but observers continued to report some companies forced former victims to work without proper compensation.

Law enforcement and social worker child protection units had a direct role in identifying child victims and ensuring their protection, although they remained underfunded and understaffed. One NGO-operated mobile unit identified 13 potential trafficking victims in 2015, after receiving funding from the Czech government to continue service during the year. NGOs reported, in most cases, authorities did not formally

identify victims during investigations, instead labeling cases as “exploitation of prostitution.” This prevented formal interviewing to identify victims, made victims vulnerable to prosecution for crimes committed as a result of their exploitation, and prevented them from accessing trafficking-related services. Victims who testified against traffickers had access to the witness protection program, but no trafficking victims participated in the program, and NGOs reported at least one case where law enforcement discouraged a victim from accessing these services after testifying. Forty-eight victims testified against traffickers. 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, but no victims received restitution in 2015. The law exempts victims from punishment for crimes committed as a result of their exploitation, but NGO-run shelters reported the government convicted three formally identified sex trafficking victims in prostitution.

### PREVENTION

The government continued efforts to prevent trafficking. The government had a 2014-2017 national strategy and action plan to combat trafficking; however, the plan’s individual stakeholder ministries were underfunded for trafficking activities, and some diverted trafficking funds to other purposes. The government increased funding for the national anti-trafficking coordinator’s office to 5.2 million lek (\$43,000) in 2015 from 4.7 million lek (\$39,000) in 2014. The national coordinator continued to publish regular activity reports on its website and regularly convened stakeholders belonging to the national referral mechanism. Twelve regional anti-trafficking committees comprising local officials and NGOs worked on prevention and victim assistance, but these committees’ nation-wide effectiveness was limited. The national coordinator’s office, the state police, and the general prosecutor’s office signed a memorandum of understanding to monitor the performance of the criminal justice system in handling trafficking cases. The government co-ran and advertised a free hotline and a mobile application for citizens to report suspected trafficking cases. This hotline received 492 calls during 2015, 11 of which provided information on possible trafficking cases. The national coordinator’s office ran two major anti-trafficking campaigns during 2015. The first, held from June to August, focused on child sex and labor trafficking and included awareness raising in schools and community centers, discussions with high school students, conferences and seminars with state and border police and social services, and youth awareness meetings that explicitly targeted Roma populations. For the second campaign, the national coordinator’s office designated October as Anti-Trafficking Month and organized a series of events with the financial support of NGOs. The government did not demonstrate efforts to reduce the demand for commercial sex or forced labor. 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.

## ALGERIA: Tier 3

Algeria is a transit and destination country and, to a lesser extent, a source country for men, women, and children subjected to forced labor and sex trafficking. Undocumented

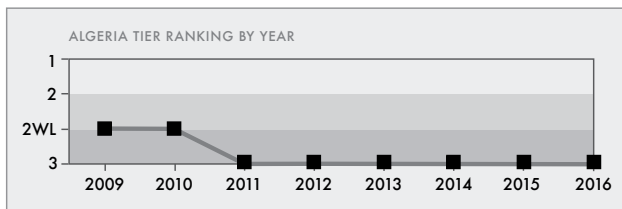
sub-Saharan migrants, primarily from Mali, Niger, Cameroon, Cote d’Ivoire, and Nigeria, are most vulnerable to labor and sex trafficking in Algeria, mainly due to their irregular migration status, poverty, and language barriers. Single women and women traveling with children are also particularly vulnerable 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. An international organization reported in 2015 that 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 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. While many of these relationships are purportedly consensual, these women are at risk of trafficking, and migrants in Tamanrasset reported instances when women are prevented from leaving the home and raped by their “partner.” Media and civil society organizations reported in 2015 that some sub-Saharan African migrant women working as domestic workers for Algerian families experience physical abuse, confiscation of passports, and withheld pay.

Foreign women and to a lesser extent 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. According to an international organization in 2015, some Nigerien children are also forced to beg in Algeria. In 2014, the media and an international NGO reported Vietnamese migrants were forced to work on construction sites for Chinese contractors in Algeria. Some Algerian women, and to a much lesser extent children, reportedly endure sex trafficking in Algeria. Civil society organizations in 2015 reported isolated instances of foreign and Algerian children in sex trafficking and in forced labor on construction sites.

The Government of Algeria does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government newly acknowledged the trafficking problem in Algeria and demonstrated new political will to address it. It formed an inter-ministerial anti-trafficking committee, which produced a national anti-trafficking action plan in December 2015; however, the government did not dedicate a budget to



implement the plan during the reporting period. Despite these efforts, the government did not report prosecuting or convicting any sex trafficking or forced labor offenders. Though the government initiated two investigations of potential forced labor crimes during the reporting period, it conveyed that it could not report on the status of the cases due to domestic privacy laws. As in previous years, the government did not make efforts to identify victims among vulnerable groups, directly provide appropriate protection services for victims, nor refer victims to NGOs for such care. Authorities continued to arrest and detain potential foreign trafficking victims for acts committed as a direct result of being subjected to trafficking, such as immigration violations.



### RECOMMENDATIONS FOR ALGERIA:

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

### PROSECUTION

The government made limited anti-trafficking law enforcement efforts. 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. In July 2015, the government adopted article 139 of the Law for the protection of the child, which criminalizes anyone who economically exploits a child with a penalty of one to three years' imprisonment and a fine; the punishment is doubled if the offender is a family member or guardian of the child. These penalties are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape.

Government officials reported difficulty in distinguishing trafficking victims from regular migrants, smuggled persons, and asylum-seekers, and the government remained without an effective system to collect and report anti-trafficking law enforcement data. The government reported an ongoing investigation of two suspected forced labor cases, but it did not provide details due to domestic laws that prevent the disclosure of information related to ongoing investigations. The government did not report prosecuting or convicting trafficking offenders in this reporting period, which represents a slight decrease from its one sex trafficking conviction in 2014. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses. Various civil society organizations in Oran, Algiers, and Tamanrasset alleged that police officers were aware of illegal brothels, where women could be vulnerable to sex trafficking, and permitted these establishments to remain in business; however, there was no evidence to suggest officials actively facilitated trafficking in these locations. The General Directorate for National Security maintained six active brigades of police officers specialized in illegal immigration and human trafficking, which received 15 days of specialized training; however, it was unclear whether they received adequate training on anti-trafficking measures. Throughout the reporting period, the government partnered with an international organization to provide human trafficking training to law enforcement officials, prosecutors, and judges. For example, in June 2015, officials from the police participated in a training on human smuggling and trafficking for which the government provided the venue, transportation, and accommodation costs for participants. In March 2016, prosecutors and judges participated in a similar training in which the government provided comparable support. The Ministry of Labor (MOL), in cooperation with an international organization, implemented a train-the-trainers course in November 2015 to train labor inspectors on international laws on forced labor.

### PROTECTION

The government demonstrated negligible efforts to identify and protect trafficking victims. The government did not proactively screen for, develop procedures for the identification of, or report any identified trafficking victims during the reporting period. For example, a civil society organization reported a case involving a Cameroonian forced labor victim to the police, yet authorities did not take measures to remove the victim from the workplace or provide her with protection services. Government officials admitted difficulty distinguishing trafficking victims from irregular migrants, smuggled persons, and asylum-seekers, as well as identifying trafficking victims among ethnically cohesive migrant communities. Government officials continued to rely on victims to self-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 or the likelihood they would face difficulty in reporting crimes, seeking protective services at government facilities, and filing charges against their perpetrators. The government continued to punish victims for crimes committed as a direct result of being subjected to human trafficking. For example, although the government mostly ceased deporting illegal migrants since 2012, migrants and a civil society organization reported authorities regularly arrested, detained, and sometimes convicted migrants for their illegal immigration status without identifying potential trafficking victims among this population.

Although the Algerian anti-trafficking law allows for the

provision of services to trafficking victims, the government did not implement any mechanisms to directly provide services to trafficking victims, nor did it have a formal mechanism to refer potential victims to protection services operated by civil society groups or NGOs. Civil society organizations continued to be the primary providers of protection services, such as temporary shelter and medical, legal, and counseling services. A 2012 amendment to the anti-trafficking law encourages trafficking victims to participate in investigations or prosecutions of trafficking offenders through the provision of financial assistance, housing, and medical care. Similarly, in July 2015, article 65 of the criminal procedural code introduced provisions that provide physical protection to witnesses and victims, including their family members, who participate in criminal judicial proceedings; however, no trafficking victims received any of these legal benefits in the reporting period. Trafficking victims were legally entitled to file civil suits against trafficking offenders, but the government did not report cases in which victims took this action during the reporting period. The government did not report if it provided foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government made significant efforts to prevent human trafficking. The government newly acknowledged human trafficking as a problem in Algeria, in comparison to previous years when some government officials denied the crime existed in the country. In September 2015, the prime minister ordered the formation of an inter-ministerial committee composed of 14 government ministries and institutions to coordinate the government's anti-trafficking activities; this committee met six times during the reporting period. In December 2015, the committee produced a national action plan, which detailed actions to improve the government's response to trafficking, including: prevention and awareness efforts; strengthening national legislation; improving victim identification and protection measures; strengthening judicial and police officials' capacity to combat trafficking; and fostering cooperation and partnerships with national and international NGOs to protect victims. The government, however, did not dedicate a budget to implement its action plan but committed to do so through a presidential decree. During the reporting period, the government did not conduct anti-trafficking public awareness or educational campaigns. The government took actions to reduce the demand for commercial sex acts, but it did not report taking measures to reduce the demand for child sex tourism among Algerians traveling abroad. The government took limited measures to reduce the demand for forced labor. MOL conducted a child labor investigation of more than 15,000 businesses in the trade, agriculture, construction, and service industries, in which it identified businesses that illegally employed 97 children. The ministry issued labor violation reports against these businesses, but it was unclear if the government penalized them for such violations. The government provided anti-trafficking training as a part of its broader human rights training for its diplomatic personnel.

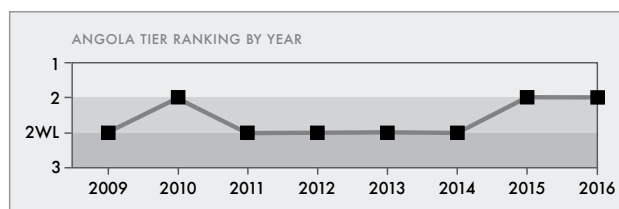
## ANGOLA: Tier 2

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 vulnerable to 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 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 Democratic Republic of Congo (DRC) to Angola for labor and sex trafficking.

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 Inter-ministerial Commission to Combat Trafficking in Persons (the commission) worked to improve efforts to combat trafficking in Angola by beginning to standardize the collection of data on anti-trafficking law enforcement efforts and establishing five ad hoc provincial commissions in Benguela, Huila, Namibe, Uige, and Zaire provinces. The government trained approximately 350 officials on the 2014 money laundering law that includes provisions prohibiting trafficking. Additionally, it raised awareness of its anti-trafficking efforts to more than 1,000 private citizens and NGO leaders. During the year, the government investigated 10 potential trafficking cases, two of which were referred for prosecution. The government increased protection efforts, identifying 55 potential child trafficking victims during the year; however, it made inadequate efforts to identify and provide protective services to adult victims. The government has never convicted a trafficking offender using the 2014 money laundering law.



## RECOMMENDATIONS FOR ANGOLA:



Use provisions in the 2014 money laundering law to investigate and prosecute forced labor and sex trafficking offenses; train law enforcement officials on these provisions; systematically investigate labor trafficking in the Angolan construction sector; develop systematic procedures for identifying trafficking victims, and train officials on such procedures; develop uniform and systematic referral procedures for all provinces; undertake efforts to provide shelter, counseling, and medical care to both child and adult victims, either directly or in partnership with NGOs; collect and analyze anti-trafficking law enforcement data; and continue to organize nationwide anti-trafficking public awareness campaigns.

## PROSECUTION

The government maintained its minimal law enforcement efforts in 2015. The 2014 money laundering law prohibits all forms of trafficking in persons and prescribes penalties of eight to 12 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Trafficking is criminalized in chapter III, articles 19, 20, and 23. Article 19 criminalizes the act of delivering, enticing, accepting, transporting, housing, or keeping of persons for the purposes of sexual exploitation, forced labor, or trafficking of organs, including by force, fraud, or coercion. Article 19 also makes the enticement, transport, or housing of a child for such purposes by any means a trafficking offense; in keeping with international law, it does not require the use of fraud, force, or coercion to prove a trafficking case when a child is the victim. This provision appears to overlap with article 22, pimping of minors, which provides a lower penalty of two to 10 years' imprisonment for promoting, encouraging, or facilitating the exercise of the prostitution of children, with enhanced penalties for the use of force, threat, or fraud of five to 12 years' imprisonment; these penalties are not commensurate with those prescribed for other serious crimes, such as rape. Slavery and servitude are separately criminalized in article 18, with sentences of seven to 12 years' imprisonment. The Law on the Protection and Integral Development of Children of August 2012 prohibits the exploitation of children under article 7, and article 33 prohibits the kidnapping, sale, trafficking, or prostitution of children; however, this law fails to define and prescribe penalties for these crimes, limiting its utility.

In 2015, the government reported on law enforcement efforts to address trafficking crimes, including its investigation of 12 potential trafficking cases, compared with 18 in the previous reporting period. Of these, the government initiated prosecutions in two cases, compared with five in 2014. Although a few of these cases involved domestic trafficking, these anti-trafficking law enforcement efforts appeared to focus on investigating potential child trafficking crimes involving transnational movement. The government did not report on progress to initiate prosecutions and convict suspected trafficking offenders from investigations during previous reporting periods. It has never convicted a trafficking offender. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Due to a culture of corruption, law enforcement efforts were stymied in many areas, including anti-human trafficking. Many Angolan judges were not familiar with the 2014 money laundering law provisions as Angolan courts have been prosecuting trafficking crimes by enforcing provisions of the penal code (written in 1886) to prosecute crimes like kidnapping, forced labor, or abuse of minors rather than the more recently defined crime of trafficking with enhanced sentencing requirements. The government did not convict a trafficking offender using the

2014 money laundering law in the current reporting period.

Resistance from the national police to share information in their national crime database has slowed down the commission's analysis of trafficking in Angola. The government, at times in partnership with international organizations, trained more than 350 officials during the year. National police academy training continued to include human trafficking provisions. In August 2015, the government hosted a workshop for 101 law enforcement and social service officials on human trafficking, including indicators of trafficking and the consequences traffickers should face. The government maintained a labor agreement with the Government of China, which requires Chinese companies to follow Angolan labor laws; however, Angolan authorities have not prosecuted construction companies and employers, including Chinese-run operations, for alleged forced labor abuses.

## PROTECTION

The government increased its efforts to protect victims. The government identified and referred 55 trafficking victims to services, 51 of whom were forced labor victims, including 40 minors, compared with 17 potential trafficking victims identified the previous year. The national police, the Office of the Attorney General, and the commission demonstrated efficient coordination after police identified a minor victim allegedly subjected to sex trafficking and held captive in Kilamba city. Although multinational construction company Odebrecht was found guilty in Sao Paulo, Brazil, of subjecting Brazilian nationals to trafficking in Angola between 2012 and 2013, the government did not identify any trafficking victims in Angola after a series of site visits.

The National Institute of Children (INAC) received referrals of child victims and managed child support centers in all 18 provinces, which provide food, shelter, basic education, and family reunification for crime victims younger than age 18; however, it was unclear how many children were assisted at such centers during the year. The Ministry of Social Assistance and Reinsertion (MINARS) and the Ministry of Family and Women's Affairs (MINFAMU) received referrals of female victims, as they manage a national network of safe houses for women. Both networks of shelters provide legal and psychological assistance to victims. MINARS, MINFAMU, and the Organization of Angolan Women (the women's wing of the ruling Popular Movement for the Liberation of Angola political party) operated 30 counseling centers, seven multipurpose shelters, and 52 children's shelters, which trafficking victims could access. The commission developed guidelines for referring possible 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 persons in prostitution. Neither documented nor undocumented foreign workers were screened for trafficking victimization and may have been arrested and deported for unlawful acts committed as a result of having been subjected to trafficking, including immigration and employment violations. For example, 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, reportedly used victim testimonies for their investigation and prosecution of traffickers.

## PREVENTION

The government increased its efforts to prevent human trafficking. The 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 established provincial commissions to combat trafficking in Benguela, Huila, Namibe, Uige, and Zaire that shared information with the national commission. It also convened government officials from all the provinces for a series of meetings to examine the extent of trafficking in the country. Preliminary findings from a government-funded report assessing the nature of trafficking revealed children were working on farms in the southern provinces, as well as in the construction sector, and highlighted the vulnerabilities of migrants in search of work along the Angola-DRC border. The commission also established formal partnerships with the National Council for Youth, the Pastoral Group on Immigration of the Catholic Church, and several Protestant community associations. In November, the commission started a bilateral working group with Mozambique’s national coordinating body to discuss regional trafficking concerns and share best practices.

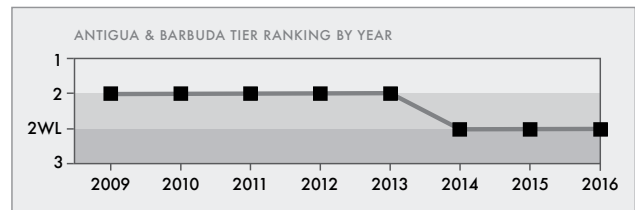
During the reporting period, the government funded six public information radio campaigns to raise awareness of trafficking. Additionally, in May 2015 commission members participated in a series of discussions on trafficking issues on two popular television shows. At a young women’s empowerment event, the national police commander spoke to 125 female high school students on the dangers of trafficking, how to identify traffickers and methods for reporting suspected trafficking cases. INAC launched a campaign called “Cata-Vento” (“Pin Wheel”) to promote awareness and educate the public about the consequences of child labor. The government provided anti-trafficking training for its diplomatic personnel.

## ANTIGUA AND BARBUDA: Tier 2 Watch List

Antigua and Barbuda is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. Legal 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. The trafficking in persons committee reported sex trafficking in bars, taverns, and brothels. There are anecdotal reports that children are subjected to sex trafficking, including by parents and caregivers. Forced labor occurs in domestic service and the retail sector. Credible sources reiterated concerns of possible trafficking-related complicity by police officers, such as officials facilitating movement of a trafficking victim by receiving them at the airport, collaborating with the trafficker in the movement of a victim, and providing security for an establishment involved in trafficking. The police reported that traffickers changed tactics, remitting a greater portion of

the proceeds to victims and allowing victims to keep their passports, making it difficult to investigate cases.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Antigua and Barbuda is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Antigua and Barbuda was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards. The government amended the 2010 trafficking in persons act to remove legal obstacles to successful prosecutions, in particular by giving the high court authority for trafficking cases. The government did not report any prosecutions or convictions of traffickers, though it increased the number of investigations of suspected cases of trafficking from two to 10. Authorities identified and offered services to those who wished to stay in the country and facilitated the repatriation of those who wished to return home.



## RECOMMENDATIONS FOR ANTIGUA AND BARBUDA:

Vigorously prosecute trafficking offenses and convict and punish traffickers, including complicit officials; formalize procedures for law enforcement, child welfare officials, and other front-line responders to identify victims, including children subjected to trafficking for sexual exploitation, and refer them to appropriate services; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; implement the national action plan to guide government efforts in combating trafficking; and improve data collection on prosecutions, convictions, and victim identification and care.

## PROSECUTION

The government maintained minimal prosecution efforts. In 2015, the government amended the Trafficking in Persons (Prevention) Act of 2010, vesting jurisdiction for trafficking cases in the High Court of Justice as opposed to the Magistrate’s Court. This amendment corrected a problem, noted since 2010, that impeded the government’s ability to prosecute and convict suspected traffickers. Antigua and Barbuda’s anti-trafficking act prohibits all forms of human trafficking, including bonded labor, and prescribes punishments of 20 to 30 years’ imprisonment and fines of 400,000 to 600,000 Eastern Caribbean dollars (\$148,000 to \$222,000). These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

Authorities conducted 10 trafficking investigations, including four sex trafficking investigations and five labor trafficking investigations, one of which involved the false recruitment of a caretaker from Guyana that remained under investigation. One



investigation was discontinued due to insufficient evidence. The government has not reported any prosecutions of traffickers since 2011, though two suspects were charged during the reporting period. In comparison, authorities investigated and charged two suspected sex traffickers in two cases in 2014, although judges dismissed both cases due to the prior flaw in the law. The government has never reported any trafficking convictions. The national police acknowledged it struggled to identify perpetrators and obtain evidence. Credible sources raised concerns of continued possible trafficking-related complicity by police officers and an apparent conflict of interest in the practice of police officers providing security for sex trade establishments. The acting commissioner of police issued two directives ordering police officers to cease working at strip clubs; two officers were suspended for violating the new policy, but later were reinstated. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, NGOs reported that three investigations involved police officers, including one case in which a police officer went to the airport to collect the victim, another in which a police officer collaborated with the trafficker in the movement of a victim, and a third in which a police officer acted as security for an establishment involved in trafficking. Two of these officers received formal reprimands, but authorities took no further action due to insufficient evidence. One case remains under investigation. Some members of the Trafficking in Persons Prevention Committee, the national coordinating body, reported distrust of law enforcement within the population. The government did not train law enforcement or immigration officers on trafficking. Several members of the national coordinating body cited lack of training as an obstacle to anti-trafficking efforts.

## PROTECTION

The government made moderate progress in the protection of victims. The government identified 10 trafficking victims—two adult female Guyanese sex trafficking victims, four adult female Jamaican sex trafficking victims, and four adult male Haitian labor trafficking victims—an increase from seven identified in 2014. The immigration department began modifying its written procedures to identify victims at the port of entry. An anti-trafficking taskforce responded to 10 suspected trafficking situations, provided emergency relief, and informed the immigration department about 10 new victims. The gender affairs department funded victim services and continued to offer assistance 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 an ad hoc referral process. This was augmented with in-kind donations from businesses. There are no specialized services for victims and no organized NGOs that shelter victims. In 2015, the government provided modest financial assistance to various entities for victim assistance. The government granted temporary residency to one victim for two weeks; at the close of the reporting period, the government had successfully repatriated all 10 identified victims upon request by the victims. One victim from an ongoing sex trafficking investigation supplied video testimony. The anti-trafficking law establishes that trafficking victims should not be returned to their own countries or a country from which they have been subjected to trafficking without consideration of their safety and the possibility of harm, death, or being subjected to trafficking again. The 2010 anti-trafficking act protects identified victims from punishment for unlawful acts committed as a direct result of having been

subjected to 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 sustained modest prevention efforts. The ministry of national security estimated its annual budget for anti-trafficking efforts at 66,000 Eastern Caribbean dollars (\$24,400), a six percent decrease from 2014 levels. The government conducted a week-long awareness-raising campaign, including a march; school, government office, and NGO visits; and a fair, which resulted in greater awareness of the crime and contributed to an anecdotal increase in calls to the government-run hotline that also serves victims of domestic violence and sexual assault. Six of the 10 cases investigated in the reporting period originated with calls to the hotline. 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 2016. The government released a 2015 annual report on the efforts of the anti-trafficking committee during the reporting period. The government approved a new action plan, covering 2016 through 2018. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government and NGOs reported no evidence that child sex tourism occurred in Antigua and Barbuda; the government reported no child sex tourism investigations.

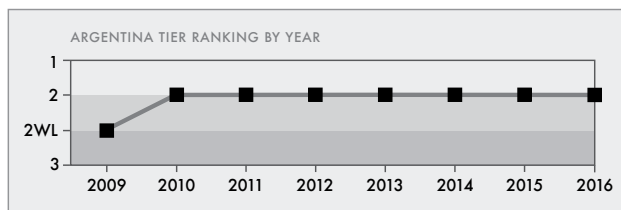
## ARGENTINA: Tier 2

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. 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.

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, mainly from Bolivia and Paraguay, and to a lesser extent from the Dominican Republic, Uruguay, and Brazil, are victims of sex trafficking, along with individuals from rural areas and the northern provinces. Traffickers from across Argentina bypass regulations that ban brothels by establishing “mobile brothels” in vans and trucks, making raids more difficult; this practice is particularly prevalent in the northern area of the country. Street vendors may victimize susceptible migrants from neighboring or African countries in forced labor. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Social and online networking has become one of the most common methods to recruit women and

children for sexual exploitation. Since the passage of a law prohibiting newspapers from publishing offers for sexual services, there has been a rise in misleading classified ads promising employment. Official complicity, mainly at the sub-national levels, continues to hinder the government's efforts to combat trafficking. Two provincial police agents and a local labor inspector were convicted for complicity in trafficking-related crimes during the year.

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 General Prosecutor's Office for Human Trafficking and Sexual Exploitation (PROTEX) continued its efforts to investigate cases and build partnerships for legal assistance to victims. The government convicted some complicit officials, but official complicity remained a widespread problem. The government identified fewer victims but increased the availability of services by opening five regional anti-human trafficking offices. The establishment of the Federal Council to Fight Human Trafficking and Exploitation and for Victims' Assistance, as mandated by the Trafficking in Persons Law, remained pending.



### RECOMMENDATIONS FOR ARGENTINA:

Increase funding for and availability of specialized shelter, legal, medical, and employment services for victims, particularly of forced labor crimes, in partnership with civil society, at the federal, provincial, and local levels; increase prosecutions and convictions with dissuasive sentences of government officials complicit in trafficking; consistently offer foreign victims the opportunity to remain in the country and document how many do so; strengthen efforts to investigate, prosecute, convict, and punish traffickers with sufficiently stringent sentences; strengthen coordination among the federal and provincial governments and NGOs, including through establishing the federal council on human trafficking and implementing an anti-trafficking plan with an adequate budget; improve efforts to collect data on anti-trafficking law enforcement and victim protection efforts; and expand training for officials, including on victim identification and assistance.

### PROSECUTION

The government maintained law enforcement efforts. Law 26842 of 2012 prohibits all forms of human trafficking 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. The law establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of trafficking, and defines facilitating or profiting from the prostitution of others and illegal sale of organs as human trafficking. The government issued implementing regulations for the law in January 2015; these regulations outline victim assistance procedures and mandate interagency collaboration, among other provisions. Although trafficking is a federal crime, some provincial authorities investigated or prosecuted trafficking cases under different

statutes related to exploitation and pimping, making it difficult to collect comprehensive data. Confusion over whether federal or provincial governments had jurisdiction caused significant delays in trafficking investigations and prosecutions.

Authorities did not report the total number of anti-trafficking cases investigated by police in 2015. The anti-trafficking prosecutor's office, which monitors trafficking cases heard by courts in the country, opened investigations of 226 sex trafficking cases and 132 labor trafficking cases, compared with 200 investigations in 2014. Authorities prosecuted 47 individuals for sex trafficking and 51 for labor trafficking in 2015, compared with 92 individuals prosecuted for sex and labor trafficking in 2014. The government convicted 35 traffickers in 2015 and acquitted 10 alleged traffickers; six other individuals were convicted of trafficking-related crimes. Sentences ranged from three to 12 years' imprisonment. Authorities did not report how many sentences were suspended. In comparison, authorities convicted 67 traffickers in 2014. A federal court in Mendoza province convicted a group of individuals, including two police agents and a local labor inspector, of sex trafficking of women in a brothel. Three police officers were among 16 individuals suspected of sex trafficking women in Buenos Aires province; the three officers were indicted and awaited trial at the close of the reporting period. The federal court overturned the acquittals for human trafficking of the Mayor of Lonquimay and a police official of La Pampa province. Several investigations of trafficking-related complicity remained ongoing, including: two separate cases from 2013 in which deputy police chiefs allegedly provided protection to brothels where sex trafficking occurred; a 2010 investigation of over 70 Buenos Aires police officers accused of taking bribes to protect brothels; and a 2010 investigation of the former head of the anti-trafficking police unit accused of running brothels. In an instance of international cooperation, upon the request of an Argentine judge, Spain granted the extradition of a citizen who, along with a group of Argentines, was charged with sex trafficking Argentine and Paraguayan victims.

The government provided anti-trafficking training to police, prosecutors, and judicial officials, among others, including through a virtual training course. Some provincial judges had limited understanding of trafficking, which at times hampered efforts to hold traffickers criminally accountable. Some government materials and officials incorrectly stated that for the crime of trafficking to have occurred, the victims had to have been transported.

### PROTECTION

Government efforts to assist victims remained uneven. The Program for Rescue—a team of government officials in Buenos Aires responsible for coordinating emergency victim services nationwide—reported identifying 424 potential human trafficking victims in December 2015, compared with 1,509 potential victims in 2014. This number may include the total number of individuals encountered during anti-trafficking law enforcement raids, some of whom were likely in exploitative labor without force, fraud, or coercion. Authorities did not report how many of these victims were adults or children, men or women, Argentine citizens or foreign nationals, or how many were exploited in sex or labor trafficking. The government opened five new regional counter-human trafficking offices in the provinces of Chaco, Santa Fe, La Pampa, Mendoza, and La Rioja, which served to cooperate with security forces in raids and liaise with hospitals, educational centers, NGOs, and other government and social services agencies. The offices



employed psychologists, social assistance workers, and lawyers and provided counseling and other services to victims. While the quality and extent of victim care varied by province, overall victim support improved in Buenos Aires and the provinces where the regional human trafficking offices opened. Foreign victims had the same access to care as Argentine nationals, although foreign victims were sometimes unaware of available services. Some federal officials had formal procedures for victim identification and assistance, but implementation of systematic procedures to identify victims among vulnerable populations varied by province. Some front-line responders had limited understanding of trafficking. There were no efforts made to identify and assist victims of domestic servitude.

Authorities did not report how many victims they provided with comprehensive services in 2015 or how much funding federal, provincial, or local governments provided for services to trafficking victims. The Program for Rescue took initial victim statements and provided emergency post-rescue care after law enforcement operations to an unspecified number of victims. The Ministry of Social Development oversaw victim services, and each province had a designated government entity responsible for coordinating victim protection at the local level. Federal and provincial authorities provided an unspecified amount of funding to one NGO for services for trafficking victims. Most government or NGO shelters provided care for trafficking victims along with gender-based violence or other populations, but authorities did not report how many trafficking victims were assisted at shelters or lodged in hotels in 2015. The government announced a new initiative to improve the employment prospects of forced labor victims but did not report how many trafficking victims received employment assistance in 2015. Specialized services were limited, and NGOs reported an acute need for shelter, job training, legal services, and emergency care. The 2012 anti-trafficking law required the government establish a fund for trafficking victims, but this fund was not created in 2015. 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 did not report how many foreign victims received temporary or long-term residency as authorized by law. It was unclear whether foreign victims were fully informed of residency and assistance options before repatriation. The government successfully collaborated with Bolivia, Paraguay, Peru, and Spain, on human trafficking cases. Argentine immigration authorities and NGOs reported repatriating victims to neighboring Bolivia and Paraguay.

Human trafficking laws provide for legal counseling for victims by the justice and labor ministries, including legal assistance during prosecution of traffickers and the filing of civil suits to obtain restitution. The prosecutorial office, established in the previous reporting period, continued to provide victims assistance during trials and referrals to government services and pro bono legal services. In September 2015, PROTEX and the Law School of the National Center University signed a cooperation agreement to implement legal assistance clinics for trafficking victims, although the clinics had not opened during the reporting period.

## PREVENTION

The government sustained prevention efforts. The efforts of the federal council on human trafficking—a broad working group mandated by the 2012 law to include federal government entities, provincial officials, and NGOs—and the smaller executive council on human trafficking—mandated to implement the initiatives of the federal council—were unclear during the year.

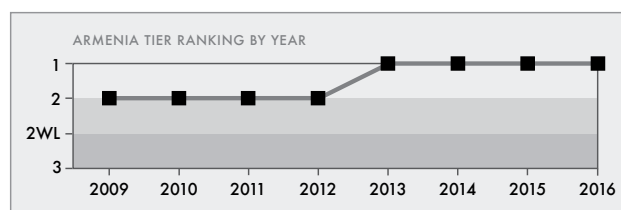
Authorities did not issue a national anti-trafficking plan as required by law; without a plan, no specific budget allocations could be assigned to new anti-trafficking structures. Some provincial governments undertook prevention efforts. NGOs and municipal authorities continued to express concern about 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 provided anti-trafficking training for its diplomatic personnel. The government did not launch new programs but continued with training programs targeting employers, unions, and the general public to reduce the demand for commercial sex acts and forced labor. Argentine troops received anti-trafficking training prior to their deployment abroad on international peacekeeping operations.

## ARMENIA: Tier 1

Armenia is a source and, to a lesser extent, destination country for men, women, and children subjected to sex and labor trafficking. Armenian women and children are subjected to sex and labor trafficking within the country as well as sex trafficking in United Arab Emirates (UAE) and Turkey. Chinese women have been subjected to sex trafficking in Armenia. Armenian men are subjected to forced labor in Russia and, to a lesser extent, in Turkey. Armenian women and children are vulnerable to forced begging domestically. 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.

The Government of Armenia fully meets the minimum standards for the elimination of trafficking. A law entered into force in June 2015 establishing standard procedures for the identification, support, protection, and reintegration of suspected and identified trafficking victims across national and local government bodies, NGOs, international organizations, and civil society. It also affords foreign trafficking victims the same rights and services as Armenian citizens, and ensures assistance is provided regardless of a victim's cooperation with law enforcement efforts. The government maintained strong collaboration with anti-trafficking NGOs, local media, donor organizations, and regional partners. The government had dedicated resources for victim services and provided funding to one NGO-run shelter for trafficking victims. The anti-trafficking interagency group met regularly to coordinate activities across the government. The government provided training and materials on victim identification to police investigators and border officials, as well as appropriate human rights training to employees at correctional institutions. The government increased the number of trafficking investigations, but initiated fewer prosecutions and secured slightly fewer convictions. The government continued to lack formal victim-witness protection.



## RECOMMENDATIONS FOR ARMENIA:

Improve efforts to identify victims of forced labor, including by strengthening victim identification training for officials, ensuring labor inspectors are able to conduct regular inspections and identify victims through unannounced visits, and increasing cooperation across law enforcement entities; adopt a new national action plan for 2016-2018; license, regulate, and educate local employment agencies and agents so they can help prevent the forced labor of Armenians abroad; provide sensitivity training to judges and lawyers to improve treatment of victims; 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; approve legislation to establish victim-witness protection measures; effectively develop and implement new trafficking victim compensation mechanisms; continue awareness-raising campaigns to rural and border communities and to children leaving child care institutions; and continue robust partnerships with civil society groups.

## PROSECUTION

The government sustained modest law enforcement efforts, but authorities reported fewer prosecutions and convictions. 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 14 new trafficking cases in 2015, compared with 10 in 2014. Four of the cases involved labor trafficking; of the 10 sex trafficking cases, six were redefined as rape or prostitution charges and one was dropped. Authorities initiated prosecutions against two defendants and courts convicted three traffickers in 2015, compared with seven prosecutions and convictions in 2014. Two traffickers received sentences of 11 years' imprisonment and one received 11 years and six months' imprisonment. Prosecution of labor trafficking cases remained a challenge as most cases happened in Russia, where Armenian investigators continued to have difficulties collaborating with law enforcement. The government provided training on trafficking and victim identification to more than 250 police investigators and new border control employees. The Ministry of Justice continued to include trafficking topics in mandatory human rights training for employees of corrections institutions. 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 Law on Identification and Assistance to Victims of Human Trafficking and Exploitation came into force in June 2015. The law outlines actions for national and local government bodies, NGOs, international organizations, and civil society to identify and support trafficking victims. It 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 mechanisms to compensate victims provided by the law were not finalized by the end of the reporting period. The government identified three male and six female trafficking victims in 2015, compared with 11 in 2014; authorities notified all victims of their right to services and five of the victims accepted NGO shelter assistance. The government assisted an NGO to repatriate a male labor trafficking victim from Russia; the victim did not stay at a shelter or testify

against his traffickers. The absence of an Armenian embassy in Turkey hindered the identification of Armenian trafficking victims in Turkey. The National Security Service distributed to border control troops 150 manuals on providing assistance to trafficking victims.

In 2015, the government allocated 46,259,000 drams (\$95,000) for assistance to trafficking victims and partially funded one NGO that provided shelter to 18 victims and vulnerable individuals, six of whom were referred in 2015. A short-term shelter operated by another NGO provided support to seven victims. The government and local NGOs jointly provide victims legal, medical, and psychological assistance; housing; and access to social, educational, and employment projects. Victims of trafficking are eligible for free health care through a government program; two victims received this service in the reporting period. Due to security concerns, NGO 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. There was no special shelter available for child victims; they could be housed in an adult trafficking shelter or referred to a child care institution. As a result of a legal change that suspended the majority of labor inspectorate functions in July 2015, inspectors were unable to conduct regular inspections and thus unable to identify indications of forced labor. 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. The government continued to lack formal victim-witness protection. 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 2015 that authorities inappropriately detained identified trafficking victims; the law exempts them from criminal prosecution for crimes they were forced to commit as a result of being subjected to trafficking. However, there was one incident of police providing information on a victim's location at an NGO to her alleged trafficker; an internal investigation resulted in disciplinary action against the police station's leadership.

## PREVENTION

The government continued robust trafficking prevention efforts. Government agencies conducted a variety of prevention projects and activities, although the government reported that some observers believed 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 discussions at schools, and officials 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. 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. The Inter-Agency Working Group against Trafficking in Persons met regularly, published reports of its activities, and began developing a fifth national action plan for the period of 2016-2018; a new action plan was not approved by the end of the reporting period. The Ministerial Council to Combat Trafficking in Persons only met once during the year due to the resignation of its chair; however, a new chair was appointed by the end of the reporting period. The government

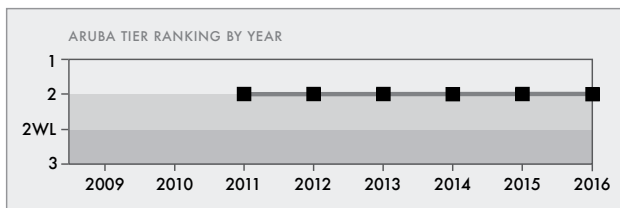


provided anti-trafficking training for its diplomatic personnel and for its troops before deployment overseas on international peacekeeping missions.

## ARUBA: Tier 2<sup>†</sup>

Aruba is a source and destination country for women, men, and children subjected to sex trafficking and forced labor. Venezuelan women are vulnerable 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. This report also noted some children may be vulnerable to sex trafficking and to forced labor in Chinese-owned supermarkets and restaurants.

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 drafted a new national anti-trafficking action plan for 2015-2019, formalized standard operating procedures to guide front-line responders in the proactive identification of trafficking victims and their referral for care, and appointed a deputy national anti-trafficking coordinator. The government screened potential trafficking victims, identified one potential victim, initiated one investigation, and sought to uphold a conviction; but did not initiate any new prosecutions or secure any new convictions during the reporting period.



### 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; continue to systematically provide information to all immigrant populations upon their arrival in Aruba so they are familiar with their rights and where to go for help; 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 did not initiate any new prosecutions for trafficking offenses for the second consecutive year, but sought to uphold the conviction of a human trafficker in the court of appeals. Articles 203a and 286a of the criminal code prohibit all forms of trafficking in persons. In 2014, the government enacted amendments to the penal code that increased penalties for trafficking offenses to eight to 18 years' imprisonment and a fine of 25,000 to 100,000 florins (\$14,045-56,180). These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The national coordinator received five referrals for potential sex trafficking and forced labor cases, but found only one potential forced labor case warranted further investigation. The government did not prosecute or convict any traffickers in 2015—it similarly failed to prosecute or convict any traffickers in 2014; in 2013 there were two prosecutions and convictions. A trafficker convicted in 2013 appealed his conviction; the public prosecutor sought to uphold the conviction and sentencing, but the court has not yet rendered a judgment. The public prosecutor and police screened all human smuggling cases for indicators of human trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The national coordinator for anti-human trafficking and smuggling provided training on trafficking indicators to police officers and managers, prison guards, health and social affairs officials, and immigration officials.

### PROTECTION

The government sustained progress protecting victims. The government drafted a trafficking victim referral process to guide officials using a three-tier system of high, medium, and low urgency based on factors such as risk of bodily harm or injury, vulnerability of the potential victims involved, and living conditions at the moment of assessment. Upon referral by the national hotline, police, or a concerned resident, the national coordinator screened six potential trafficking victims and identified one potential labor trafficking victim in 2015, compared with one potential labor trafficking victim identified in 2014 and two potential victims identified in 2013. The labor trafficking victim received services from local NGO partners, and the case remained under investigation. Multi-disciplinary teams of police, labor officials, and immigration officials conducted inspections aimed at identifying potential labor exploitation. The government operated a hotline for trafficking victims and had a policy to provide potential victims with emergency shelter, food, medical care, legal assistance, temporary immigration relief, and financial and repatriation assistance. Authorities maintained informal, verbal agreements with local NGOs and private sector accommodations to shelter adult and child victims. The national anti-trafficking taskforce lacked a dedicated budget for shelter and other forms of victim assistance, but formally requested funding. 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 their movement was limited if their lives were at risk. 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

<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.

to six months on a case-by-case basis, and allows foreign victims whose employers are suspected of human trafficking to change employers; no identified victims required such relief in the reporting period. The criminal code enables trafficking victims to receive restitution not to exceed 50,000 florins (\$28,000) for financial and emotional damages inflicted by their traffickers. Trafficking victims may file civil suits against their traffickers, and there is no limit for damages awarded in such suits. There were no reports of the government punishing victims for unlawful acts committed as a direct result of being subjected to human trafficking.

**PREVENTION**

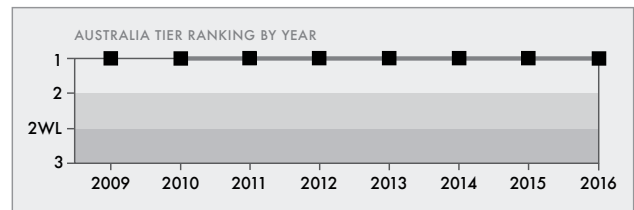
The government increased prevention efforts. The taskforce completed a national anti-trafficking action plan for 2015-2019, which was pending approval by the minister of justice. The government also assigned to the taskforce a deputy national coordinator with anti-trafficking experience in the Netherlands. In 2015, the government partnered with the Netherlands and other Kingdom of the Netherlands partners to update their memorandum of understanding to strengthen coordination and cooperation on anti-human trafficking efforts. The government continued its on-going trafficking awareness campaign, which included 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 minister of justice led an outreach event for more than 500 high school students on National Anti-Human Trafficking Day to raise awareness about sex trafficking. In an effort to reduce the demand for commercial sex acts, 2014 amendments to the criminal code criminalized the receipt of services from a trafficking victim if the individual knows the victim is being forced or coerced to provide the services. The government developed an information card for immigrants on how to recognize forced labor, which will be placed on work permit applications in 2016. The government adopted new 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. The government launched a new research project on the commercial sex industry with the Pan American Health Organization. There were no reports of child sex tourism occurring in Aruba or of Arubans participating in international sex tourism. The government provided anti-trafficking training for its diplomatic personnel.

**AUSTRALIA: Tier 1**

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 the sex trade. 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. Traffickers often operate independently or are part of small organized crime networks that frequently involve family and business connections between Australians and overseas contacts. 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 Australia.

The Government of Australia fully meets the minimum standards for the elimination of trafficking. The government prosecuted a modest number of suspected traffickers, although it did not obtain any convictions under trafficking provisions for a second year. The government increased the number of victims it identified and referred to the government-funded support program, and it made changes to its visa policies intended to better address the needs of foreign trafficking victims. It prosecuted two and convicted one Australian child sex tourist for exploitation of children abroad. The government began implementation of a new five-year national action plan to combat human trafficking.



**RECOMMENDATIONS FOR AUSTRALIA:**

Vigorously 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; strengthen efforts to proactively identify trafficking victims among vulnerable groups, such as undocumented migrants or workers filing civil grievances; require social service providers to be present when conducting initial screening interviews with potential victims and ensure such interviews are conducted in a safe and neutral location; continue efforts to expedite visas for victims; sustain and 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; increase efforts to prosecute and convict Australian child sex tourists; 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 made modest anti-trafficking law enforcement efforts. Australia prohibits sex and labor trafficking and trafficking-related offenses through divisions 270 and 271 of



the Commonwealth Criminal Code, which prescribe maximum penalties of 12 to 25 years' imprisonment and fines of up to 197,000 Australian dollars (\$144,000). These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. A February 2015 amendment to the criminal code grants universal jurisdiction to slavery offenses under division 270. The criminal code, through the 2013 Crimes Legislation Amendment, 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; these are sufficiently stringent penalties and commensurate with those prescribed for other serious crimes. State and territorial laws criminalize the prostitution of children.

The Australian Federal Police (AFP) investigated 61 cases of alleged trafficking and related offenses, a decrease from 87 cases investigated in 2014; nearly half of these cases related to suspected forced marriage offenses and it is unknown how many of these involved sex or labor trafficking. The government initiated prosecutions of four defendants, including three for suspected labor trafficking offenses, and one for suspected sex trafficking, and continued prosecution of two defendants (one for suspected sex trafficking and one for forced labor) begun in previous years; this is a decrease from nine defendants prosecuted in 2014.

For the second year, the government did not obtain any convictions under the trafficking provisions in the criminal code: it convicted six suspected traffickers under other laws which carry lesser penalties, prosecutors dropped trafficking charges against three suspects, and courts acquitted two individuals on trafficking charges.

One suspect was found not guilty on all trafficking charges but sentenced to 16 months' imprisonment for violations of the migration act; in a separate case, a defendant was found not guilty on all trafficking charges and charged a fine for violation of the Foreign Passports Act. Four individuals involved in the deceptive recruitment and debt bondage of foreign women in sex trafficking were convicted and sentenced to prison terms ranging from three years and two months' imprisonment to four years' imprisonment on charges of dealing in proceeds of crime. The government dropped all charges against three individuals suspected of labor trafficking offenses. AFP maintained its use of specialized teams to investigate suspected trafficking offenses, although the majority of labor trafficking cases continued to be addressed through civil mechanisms. The government funded and facilitated training on trafficking investigations, legal provisions, and victim support for 22 police and immigration officers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained efforts to protect trafficking victims. Authorities identified 35 potential victims (including four for sex trafficking, 17 for forced labor, and 14 for which the form of exploitation was unclear), compared with 33 in 2014, and referred them to the government-funded support program. Only AFP has the legal authority to refer victims to the government's 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. Potential victims could typically access accommodation, living expenses, legal

advice, health services, vocational training, and counseling provided by the government. In 2015, the government amended policies to expand access to English language training for foreign victims. The government continued to provide approximately one million Australian dollars (\$731,000) annually to fund its victim support program. In 2015, the government repatriated one Australian trafficking victim from abroad and provided unspecified support through this program. There were no government-run shelters for trafficking victims and one known trafficking-specific shelter run by an NGO in the country. In 2015, the government made reforms to its visa policies intended to better address the needs of foreign trafficking victims. It granted referred stay (permanent) visas, which required victims to assist with an investigation or prosecution of a trafficking offense, to four victims and their immediate family members. Victims identified by authorities were not detained, fined, or penalized for unlawful acts committed as a direct result of being subjected to trafficking.

The government's efforts to identify and refer victims of forced labor to services were limited; authorities did not routinely screen for indicators of labor trafficking among vulnerable groups. Authorities identified the majority of victims through immigration compliance actions, which may have made some victims reluctant to communicate with law enforcement officers out of a 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 officers to bring them in at their discretion. Victims could be eligible for compensation through general crime victim schemes at the state and territorial level, but benefits varied by region and could only be granted on the basis of trafficking-related crimes. In March 2015, a court ordered a convicted trafficker to pay 186,000 Australian dollars (\$134,000) in back wages and interest to the Indian national he subjected to forced labor. In May 2015, the Supreme Court of Victoria enforced a United States court order for \$3.3 million in damages against a former U.S. diplomat living in Australia, related to trafficking offenses committed against a domestic worker. The former domestic worker advised the court that she had received in full a settlement sum. NGOs reported concerns of victims not always adequately informed about legal avenues available to those who wish to remain in Australia to pursue compensation or civil remedies.

## PREVENTION

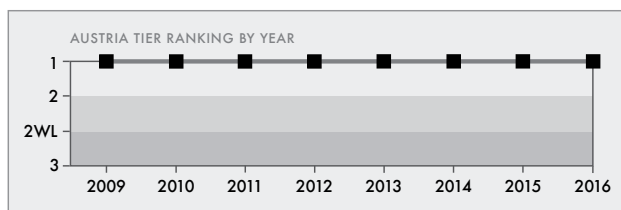
The government sustained efforts to prevent trafficking. It began implementation of its five-year national action plan to combat trafficking, launched in the previous year, and submitted an annual report to Parliament detailing its work. The government continued to fund the Australian Institute of Criminology to conduct research on human trafficking in the country. The Fair Work Ombudsman conducted awareness campaigns on migrant workers' rights and pursued civil cases through the courts for workplace violations, such as underpayment of wages; however, none of the cases it investigated were referred to AFP or immigration officials for criminal investigation of potential forced labor. The government funded anti-trafficking initiatives and delivered trainings in the Asia-Pacific region. The government continued to distribute materials to passport applicants outlining the application of Australian child sexual exploitation and child sex tourism laws to Australians overseas, and in 2015 it prosecuted two and convicted one Australian for committing child sex tourism crimes in other countries. The government did not take significant steps to reduce the demand for forced labor or commercial sex acts but continued to

demonstrate efforts to raise awareness of and prevent trafficking within its legal sex industry. It provided anti-trafficking training for its diplomatic personnel prior to being posted abroad and to military personnel prior to deployment on international peacekeeping missions.

## AUSTRIA: Tier 1

Austria is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. The majority of identified victims are girls and women subjected to sex trafficking. Victims primarily originate from Eastern Europe (Bosnia and Herzegovina, Serbia, Romania, and Bulgaria) and, to a lesser extent, China, Nigeria, the Middle East, North Africa, Southeast Asia, and South America. Traffickers sometimes lure women by offering fictitious positions, including over social media, as au pairs, cleaners, waitresses, or dancers. Forced labor occurs in the agricultural, construction, catering, restaurant, and cleaning sectors, and among domestic laborers in diplomatic households. Physically and mentally disabled persons from Eastern Europe and Romani children are victims of forced begging. In 2015, authorities identified trafficking victims among a growing population of unaccompanied minor asylum seekers, including children from Syria, Afghanistan, and North Africa forced into begging.

The Government of Austria fully meets the minimum standards for the elimination of trafficking. While the number of prosecutions and convictions declined, the government substantially increased funding for victim services and continued to identify and refer victims in partnership with NGOs. The government improved its efforts to identify trafficking victims among refugees, irregular migrants, and asylum-seekers, and provided training on victim identification to NGOs providing care to those vulnerable populations. The government continued its efforts to prevent domestic servitude in diplomatic households and its support of campaigns to sensitize buyers of commercial sex acts about sex trafficking and to prevent child sex tourism.



### RECOMMENDATIONS FOR AUSTRIA:

Sentence convicted traffickers proportionate to the gravity of the crime; expand and enhance efforts to identify victims among irregular migrants, asylum seekers, and individuals in prostitution; continue to sensitize judges on the challenges trafficking victims face in testifying against their exploiters; revise procedures to allow victims who agree to cooperate in prosecutions, particularly EU nationals who do not meet the current criteria for residency, to receive residence permits; and continue efforts to identify trafficking victims among children exploited in prostitution and forced begging and men working in sectors vulnerable to labor exploitation.

### PROSECUTION

The government sustained vigorous law enforcement efforts. The government prohibits both sex trafficking and labor trafficking

under article 104(a) of the Austrian criminal code, which prescribes penalties ranging up to 10 years' imprisonment. Article 104 criminalizes "trafficking for the purpose of slavery" and prescribes penalties ranging from 10 to 20 years' imprisonment. article 217 prohibits the movement of people into Austria for prostitution and prohibits the use of deception, threats, or force in the transnational movement of persons for prostitution. Penalties prescribed in article 217 range from six months' to 10 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2016, the government adopted additional criminal code provisions strengthening prohibitions against trafficking-related crimes, including section 106a, criminalizing forced marriage and section 205a, criminalizing nonconsensual sex, exploitation, and the use of intimidation to obtain consent.

The government investigated 118 trafficking suspects in 2015 (six under article 104, 57 under article 104(a), and 55 under article 217), compared with a total of 147 investigations in 2014. The government prosecuted 35 trafficking defendants in 2015 (10 under article 104(a), and 25 under article 217), a decrease from 57 prosecutions in 2014. Austrian courts convicted 15 traffickers in 2015 (two under article 104(a), and 13 under article 217), a decrease from 49 convictions in 2014. Prison sentences ranged from three months to more than five years in 2014, the most recent year for which sentencing data was available, but courts partially or fully suspended some sentences.

The government provided training on victim identification and trafficking awareness to a wide range of government employees, including law enforcement, military, diplomatic, detention center, asylum reception center, revenue authority, labor inspectorate, border control, and judicial personnel. Training was conducted at all levels, and is included as part of the standard curriculum for law enforcement. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

### PROTECTION

The government maintained strong protection efforts. Police, NGOs, and other government institutions identified and assisted 271 female and 30 male victims in 2015, an increase from 268 victims in 2014. The government disbursed approximately 831,760 euros (\$905,000) to a specialized anti-trafficking NGO to assist and house victims, a decrease from 838,740 euros (\$1.02 million) disbursed in 2014. The government also disbursed approximately 400,000 euros (\$435,000) to two NGO-run counseling centers for male trafficking victims and undocumented migrants, a substantial increase from 180,000 euros (\$219,000) disbursed in 2014. Government funding comprised the bulk of these organizations' budgets. The center for male victims, which began to offer secure accommodation in March 2015, assisted 30 victims and provided counseling to 424 men, some of whom may have been unidentified victims. The center for undocumented migrants identified and referred one trafficking victim in 2015. A government-run center for unaccompanied minors assisted child trafficking victims and offered specialized psychological care. Government-funded NGOs provided trafficking victims with emergency shelter, medical care, psychological care, and legal assistance. NGO staff helped victims prepare for court proceedings and assisted foreign victims with repatriation.

The government granted 17 foreign victims temporary residence permits in 2015, which allowed them unconditional access to



the Austrian labor market. Victims who were EU citizens could not legally remain in the country unless they met a minimum income requirement; this was reportedly a challenge for EU victims in previous years, and many had to leave who would have preferred to remain in Austria. Government officials from multiple agencies had guidelines and checklists to proactively identify trafficking victims. Government inspectors and police proactively screened women in prostitution for trafficking indicators; however, in previous years, NGOs reported that staff at health centers lacked resources to identify victims among individuals in prostitution. NGOs worked with government officials to improve their ability to identify trafficking victims and reported police identification was generally effective. The government increased efforts to identify trafficking victims among migrants and asylum-seekers, providing training to border officials, NGOs, and directly to migrants; nonetheless, officials identified no trafficking victims among migrants transiting through or remaining in Austria in 2015. Identified victims of trafficking were granted a 30-day reflection period to receive assistance and decide whether to cooperate in investigations. The justice ministry reported 160 victims assisted in prosecutions during 2015. Victims could testify via video conference and could provide anonymous depositions. Victims could also file civil suits for compensation against traffickers, though it was unclear whether any victims collected judgment awards in 2015. In previous years, experts reported Austrian judges needed more sensitization training on dealing with trafficking victims as witnesses. While 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, NGOs identified cases where authorities convicted and fined victims who had been forced to commit misdemeanors, such as pickpocketing.

## 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 2012-2014 national action plan and began implementation of its action plan for 2015-2017. The government subsidized several publications and television programs on trafficking and funded campaigns to inform women in prostitution of their legal rights. The government also continued school exhibitions to sensitize Austrian youth to trafficking. The exhibitions were supplemented by a handbook for teachers that contained information on identifying victims. The interior ministry continued to run a 24-hour trafficking hotline and email address. The taskforce distributed leaflets on child trafficking to government authorities and the military. The government continued to support regional anti-trafficking initiatives, hosted several international conferences on trafficking, and continued to cooperate with Germany and Switzerland on the "Don't Look Away" campaign that placed ads against child sex tourism in public transportation. The government reissued the "Global Code of Ethics for Tourism" to tour operators, hotels, and restaurants to combat child sex tourism. The government continued efforts to prevent trafficking by diplomats posted in Austria. The foreign ministry continued 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 identity cards. The government did not make efforts to reduce the demand for commercial sex acts, but did conduct awareness campaigns to sensitize clients

of prostitution about sex trafficking. Austrian troops received government-funded anti-trafficking training conducted by an NGO prior to their deployment abroad as part of peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

## AZERBAIJAN: Tier 2

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, United Arab Emirates (UAE), and Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country and in Turkey, Russia, and UAE. Azerbaijan is a destination country for sex and labor trafficking victims from Turkey, Uzbekistan, Turkmenistan, Ukraine, and, in previous years, China and Russia. Some migrant workers from Turkey and other countries in Europe and South and Central Asia are subjected to forced labor in Azerbaijan. Azerbaijan was used as a transit country for victims of sex and labor trafficking from Central Asia to UAE, Turkey, and Iran in previous years. 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. Filipina victims are subjected to domestic servitude in Azerbaijan.

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. During the reporting period, the government increased the number of trafficking investigations, maintained strong prosecution and conviction rates, and handed down severe sentences for labor and sex traffickers. The government increased victim identification efforts through the identification of seven Azerbaijani victims of forced labor; however, the government did not provide adequate and consistent financial support to NGO partners that provide rehabilitation and reintegration services to victims for the third year in a row. The government did not have formal standard operating procedures for implementation of the referral mechanism, and communication amongst participating agencies and organizations remained weak. Sources reported the government continued to pressure victims to assist in the investigation and prosecution of alleged traffickers, and victims who refused to participate did not receive the same quality of care as those who did participate.



## RECOMMENDATIONS FOR AZERBAIJAN:

Proactively investigate potential trafficking cases, particularly situations of potential forced labor; vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders; create standard operating procedures to implement the national referral mechanism and formalize the role of NGOs and other stakeholders in the referral process; improve communication among government agencies, including about

victim referrals and potential cases; increase funding to victim service providers and expand the network of providers outside Baku; proactively respond to the referral of potential trafficking victims by NGOs; provide safe accommodation and the same protective services for victims who choose not to cooperate with law enforcement as for those who do; provide sensitivity training to law enforcement officers, prosecutors, and the judiciary, including on how to work with trafficking victims who have experienced psychological trauma; strengthen the capacity of the State Migration Service to identify and refer foreign trafficking victims to services; and target public awareness campaigns to foreign migrant workers, describing indicators of human trafficking and avenues to seek help.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and article 144 of the criminal code prohibit sex trafficking and forced labor 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 29 potential sex or labor trafficking cases in 2015, 22 for suspected sex trafficking offenses and seven for suspected labor trafficking offenses, an increase from 23 trafficking investigations in 2014. The government prosecuted 32 defendants and convicted 23 traffickers in 2015, compared with 26 convictions in 2014; 18 were for sex trafficking and five for forced labor. All of the convicted traffickers were sentenced to prison: seven traffickers, two charged with forced labor and five charged with sex trafficking, received one- to five-year sentences; and 16, three charged with forced labor and 13 charged with sex trafficking, received five- to 10-year sentences. Civil society reported the government increased capacity of front-line responders through the institutionalization of training through the Ministry of Justice. The government did not report training prosecutors or judges during the reporting period.

## PROTECTION

The government increased efforts to identify and assist victims, although funding for NGOs remained insufficient for the third consecutive year. The Ministry of Internal Affairs' (MIA) Anti-Trafficking Department (ATD) continued to run a shelter in Baku; however, the shelter was heavily guarded and victims, including adults, did not have freedom of movement. Experts reported the shelters lacked specialized care for victims. In 2015, the government certified 63 trafficking victims, of which 56 were women, six were men, and one was a child, compared with 54 victims certified in the previous reporting period. Of the 56 women certified, 53 were sex trafficking victims and three were labor trafficking victims. All six men certified were labor trafficking victims and one child was a sex trafficking victim. Of the 63 certified victims, 49 were Azerbaijani citizens exploited abroad, 38 in Turkey, eight in UAE, and three in Russia; the government referred 48 to the MIA-run shelter, where they received legal, medical, and psychological support. The government provided 63 victims with a one-time allowance of 400 manat (\$245), nine victims with employment assistance, and eight victims with vocational training; it also directed 40 victims to NGOs and 58 to the state-run Victim Assistance Center (VAC) for additional social services. The government allocated 44,000 manat (\$27,500) to the VAC, an increase from 32,000 manat (\$20,000) in the previous reporting period; however, this budget did not allow the VAC to hire adequate staff. The government did not provide any funding for victim assistance

to the NGO partners that provided shelter and other services for 40 victims during the reporting period. These institutions continued to be significantly underfunded, considering the frequency with which they are asked to provide vital housing, medical, employment, and legal assistance to victims. For example, most shelter staff that provided critical protective services during the reporting period worked on a voluntary basis. Sources reported the government pressured victims to assist in investigation and prosecution of alleged traffickers. Victims who refused to participate did not receive the same quality of assistance as those who did and were not permitted to stay at the MIA-run shelter in Baku.

The government identified seven foreign national victims of trafficking from Turkmenistan, Ukraine, and Uzbekistan, all of whom received services from ATD. The government paid for five sex trafficking victims from Uzbekistan to reside in a private apartment rather than the MIA-run shelter upon the victims' request, and it coordinated with the Government of Uzbekistan to repatriate all of them. One Chinese victim from the previous reporting period remained at the Azerbaijan Children's Union shelter awaiting the conclusion of his case. Another victim from the previous reporting period was awarded restitution of 5,000 manat (\$3,000). ATD authorized the provision of legal representation to trafficking victims at the government's expense. Although ATD had a list of indicators for identifying victims, it was unclear how the list was distributed or when it was referenced in the course of an inspection. The government did not have formal standard operating procedures for implementation of the referral mechanism, and communication among participating agencies and organizations remained weak. Experts widely reported flaws in the referral process, including the government's failure to officially acknowledge or provide services for victims identified by NGOs. The government did not follow up on the referral of 130 potential trafficking victims received by an international organization during the reporting period.

## PREVENTION

The government increased prevention efforts. ATD led the implementation of the national action plan (2014-2018) during the reporting period. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts, which was made available online. The national anti-trafficking coordinator presented the government's efforts to Parliament in April 2016. On October 14, 2015, the Cabinet of Ministers ruled in Decision 330 for an expansion of social services for migrants vulnerable to trafficking and requiring additional training of migration, customs, and border officials to help improve the identification of migrants as potential trafficking victims. VAC conducted awareness campaigns in 20 regions, reaching approximately 600 individuals. The Ministry of Youth and Sport and the State Committee for Women, Family, and Children Affairs (SCWFCA) held events to raise awareness in 53 regions and also used social media and the government's website to share information intended to raise awareness about trafficking. SCWFCA published booklets, ran three different public service announcements, and participated in public and private television programs to discuss the dangers of trafficking. The labor inspectorate placed billboards throughout the city to encourage employees to register their contract in the government's electronic database and held awareness campaigns in vocational schools throughout the country. The United States Department of Justice and ATD co-sponsored an international conference promoting multidisciplinary,

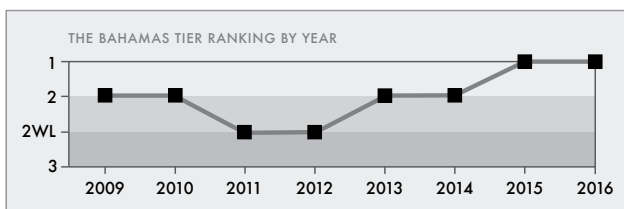


interagency taskforces and regional mutual legal assistance in March 2016 that focused on trafficking in persons. The program increased the capacity of domestic enforcement agencies to share information, avoid duplication of effort, leverage resources, and establish points of contact and working relationships with their regional counterparts. It also improved the Azerbaijanis' response to trafficking in persons crimes by increasing the capacity of prosecutors to obtain foreign evidence through a variety of channels. The State Migration Service (SMS) issued identity documents and residency status to 198 illegal migrants and legalized the residency status of 2,039 illegal migrants reducing the vulnerability of these individuals to trafficking. The government did not report any new measures to reduce the demand for commercial sex or forced labor. In accordance with the national action plan, the government trained diplomats to protect the rights and interests of Azerbaijani citizens who are discovered as victims abroad. The training did not address the prevention of diplomats themselves from engaging in trafficking, but the government had plans to hold additional such training.

## THE BAHAMAS: Tier 1

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 construction. Vulnerable populations include migrant workers—especially from Haiti, Jamaica, Colombia, and Venezuela—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. Also vulnerable are children born in The Bahamas to foreign-born parents who do not automatically receive Bahamian citizenship and individuals in prostitution and exotic dancing. Traffickers confiscate victims' passports and restrict their movements.

The Government of The Bahamas fully meets the minimum standards for the elimination of trafficking. The government continued strong collaboration across multiple government agencies, resulting in prosecutions of traffickers and protection of victims. The government arrested and prosecuted five alleged traffickers during the reporting period, sent letters to employees with work permits explaining the definition of trafficking and advising employers of the prohibition against document retention, tasked labor inspectors to screen for trafficking indicators when inspecting labor sites, and developed a referral process for immigration officers to screen for trafficking indicators. The government faced challenges in identifying victims, but continued efforts to implement its victim identification and referral protocol and provided training on trafficking in persons for 157 government officials responsible for identifying and assisting trafficking victims.



## RECOMMENDATIONS FOR THE BAHAMAS:

Increase efforts to prosecute, convict, and appropriately punish traffickers; 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; use independent interpreters when conducting inspections of migrant worker labor sites, and continue to interview workers privately; increase grassroots outreach with potential trafficking victims among vulnerable groups, in partnerships with NGOs; finalize policies and procedures for data collection, victim care, research, and case management; 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 sustained anti-trafficking law enforcement efforts. 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; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities initiated three new human trafficking prosecutions of five alleged traffickers and continued prosecutions against three alleged traffickers during the reporting period, but did not obtain convictions. It initiated 12 new labor and sex trafficking investigations involving 53 potential victims from The Bahamas and other Caribbean countries, South and Central America, and Asia, compared with 13 new investigations involving 50 potential victims in 2014. Officials screened 49 of the individuals for possible trafficking indicators during these investigations, and confirmed three through in-person interviews. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. In January 2016, the Court of Appeal ruled trafficking cases cannot be tried in the Supreme Court absent an amendment to Bahamian criminal procedure, quashing the Supreme Court's 2014 sentence of one convicted perpetrator of trafficking crimes to 15 years' imprisonment for trafficking in persons and seven years' imprisonment for withholding the victim's documents. The government appealed the Court of Appeal ruling to the Privy Council in London; meanwhile, it continued to prosecute cases in the Magistrates' Courts. Government officials funded and delivered training to 157 police, investigators, prosecutors, judges, and other officials on the Bahamian anti-trafficking law, trafficking indicators, victim referral and assistance, and trafficking investigations and prosecutions. The government cooperated with the United States to investigate a potential forced labor case, and with Costa Rica to investigate a potential trafficking case. Bahamian officials also worked with Colombian authorities to facilitate a Colombian victim's testimony in a case before the Bahamian courts.

## PROTECTION

The government sustained efforts to protect victims. Authorities continued to implement a formal victim-centered protocol to guide front-line responders in how to identify trafficking victims and refer them to services. During the reporting period, the government screened 49 potential trafficking victims—41 adult females and seven adult males—and one potential child victim. Authorities identified three sex trafficking victims—all

foreign nationals, one child and two adults—and referred them for appropriate care and assistance, including housing and medical, psychological, legal, immigration, and reintegration assistance. The government reported spending approximately 42,000 Bahamian dollars (\$42,000) on trafficking victims' care, including subsidies to three NGOs. The government granted three foreign victims relief from deportation; two victims were ultimately repatriated with Bahamian government assistance to their home countries and one victim remained in the country and continued to receive deportation relief. Authorities initially provided a work permit to one of the adult victims who later requested repatriation. Authorities encouraged trafficking victims to assist in prosecutions by providing lodging, food, a stipend, clothing and other basic necessities, accompaniment to court proceedings, and witness protection, as needed. For the first time, the justice system allowed the statements of five sex trafficking victims who had been repatriated to their country of origin to be admitted as evidence pursuant to a 2014 amendment to criminal procedure and evidence laws. 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 three 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 2015. In response to previous concerns about the small number of foreign trafficking victims formally identified among those foreign nationals detained at the migrant detention center, the government developed a process for law enforcement officers to screen for trafficking indicators and refer potential victims to service providers for assistance, including legal and interpretation assistance, as well as appropriate immigration relief.

## 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. In addition, the minister of national security met with members of the diplomatic and honorary consul corps to inform them about government efforts to combat trafficking and resources available for potential victims. The government continued to conduct a nationwide public awareness campaign to educate students about human trafficking, disseminated 2,700 anti-trafficking pamphlets to inform potential victims of their rights and available resources, conducted outreach in vulnerable communities to inform people about trafficking, and continued to air public service announcements on television and radio throughout the country. The government partnered with NGOs to implement its 2014-2018 national anti-trafficking strategy and detailed action plan that outlines efforts related to government infrastructure, prevention, victim and witness protection, investigation and prosecution, and partnerships. NGOs reported the government actively solicited their participation and feedback, including in outreach to vulnerable communities.

The government did not have standard operating procedures

for data collection and victim care or terms of reference for research, and case management. Authorities developed and disseminated anti-trafficking pamphlets, which included checklists of warning signs that may indicate a person is being subjected to trafficking and a telephone number to call for help. The government sent letters to employees with work permits explaining the definition of trafficking and advising employers of the prohibition against document retention, and it published a notice advising job seekers on avoiding potential fraud in the cruise ship industry. Labor inspectors screened for indicators of trafficking when inspecting work sites. The government provided anti-trafficking training for its diplomatic personnel, including a rotation in legal affairs and written material. The Ministry of Foreign Affairs distributed trafficking awareness-raising materials in consular reception areas. The government conducted awareness efforts targeted at potential clients of the sex trade or potential victims of forced labor; it closed some sex trade establishments, conducted random inspections of businesses and conducted operations in 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 did train tourism officials and placed anti-trafficking pamphlets in tourism information booths.

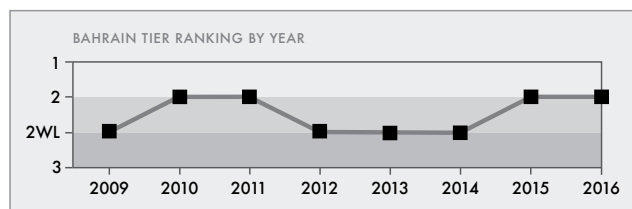
## BAHRAIN: Tier 2

Bahrain is a destination country for men and women subjected to forced labor and sex trafficking. Men and women from South, Central, Southeast, and East Asia; East and West Africa; the Middle East; and other countries migrate voluntarily to Bahrain to work as domestic workers or as laborers in the construction and service industries. In recent years, NGOs observed a greater influx of workers from parts of Africa. Some migrant workers face forced labor after arriving in Bahrain, experiencing unlawful withholding of passports, restrictions on movement, contract substitution, non-payment of wages, threats, and physical or sexual abuse. Withholding of workers' identity cards and passports and intimidation by employers prevents some workers from reporting abuse. "Free visa" holders, who work for an employer who is not their sponsor and are therefore working illegally, are particularly vulnerable to exploitation. Government and NGO officials report physical abuse and sexual assault of female domestic workers, who are often strictly confined to the household, are significant problems in Bahrain. NGOs report male Bangladeshi unskilled workers are in high demand and are considered by employers to be exploitable as they typically do not protest difficult work conditions or low pay. Domestic workers are highly vulnerable to forced labor and sexual exploitation because they are largely unprotected under the labor law. In recent years, reports of suicides among migrant workers have been associated with forced labor, debt bondage, and isolation. Migrant workers did not always have access to their employment contracts and many were unaware of their terms of employment. A large percentage of foreign workers borrowed money or sold property in their home countries to secure their jobs, increasing their vulnerability to debt bondage. Women from Asia, the Middle East, and Eastern European states are subjected to forced prostitution in Bahrain.

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. During the year, the government identified an increased number of trafficking victims; continued to refer victims to services, including to a newly established



shelter; made modest efforts to prosecute and convict trafficking offenders, including a government official; launched a hotline to report migrant worker abuse; and continued awareness-raising efforts. The government provided anti-trafficking training for more than 120 officials, including prosecutors, immigration officials, labor officials, and police officers. However, among hundreds of reported labor violations in Bahrain, efforts to investigate and prosecute serious trafficking crimes or identify potential forced labor victims remained minimal. Corruption and official complicity, especially in facilitating the “free visa” scheme, remained a concern in the reporting period. Despite past commitments and pledges, the government did not abolish the sponsorship system, which contributed to forced labor and debt bondage in the country. The government continued to arrest, detain, and deport potential trafficking victims.



## RECOMMENDATIONS FOR BAHRAIN:

Significantly increase the investigation, prosecution, and conviction of traffickers, particularly those involving forced labor; abolish or significantly amend provisions of the sponsorship system, including taking steps to eliminate the “free visa” scheme; vigorously investigate cases involving passport retention and non-payment of wages; continue to institute and apply formal procedures to identify trafficking victims among vulnerable groups, such as domestic workers and women in prostitution; institute a formal victim referral mechanism for law enforcement and other government officials to refer identified victims to protection services; 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; expand labor law protections to include domestic workers and actively enforce those laws; ensure shelter staff receive anti-trafficking training and have appropriate resources to communicate with expatriate workers that speak other languages; eliminate obstacles to migrant workers’ access to legal recourse; continue to train officials on the anti-trafficking law and victim identification; and continue to publicly raise awareness of trafficking issues in the media and other outlets for foreign migrants, specifically domestic workers, in their native languages.

## PROSECUTION

The government made modest efforts to investigate, prosecute, and convict trafficking offenders. Bahrain’s anti-trafficking law, Law No.1 of 2008, prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 15 years’ imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Although withholding a worker’s passport is illegal and carries a financial penalty under a ministerial order, a worker is required to file a complaint with the police or the Labor Market Regulatory Authority (LMRA), which can only refer a complaint to the court if the employer refuses to return the passport. According to NGO sources, employers accused of passport retention often claimed a worker’s passport was lost. A 2014 royal decree prohibiting and penalizing the

falsification of immigration documents enables authorities to prosecute Bahraini companies that illegally obtain work permits; however, it was unclear whether the decree was implemented during the reporting period.

The government reported it investigated 18 trafficking cases involving 28 suspects during the reporting period, eight of which were forced labor cases and 10 sex trafficking cases, compared to 21 investigations the previous reporting period. The government convicted 17 traffickers for sex trafficking; sentences were usually 10 years’ imprisonment and a fine of BD 2000 (\$5,300), and deportation after serving their jail sentence for non-Bahrainis. There were five additional cases being prosecuted at the end of the reporting period, including three sex trafficking and two forced labor cases.

Cases of unpaid or withheld wages, passport retention, and other abuses were often treated as labor violations and resolved through arbitration; a worker could file a complaint against the employer in labor court if arbitration was not successful. LMRA could refuse to issue new work visas to an employer until its open cases were resolved. Only particularly egregious cases were referred to the public prosecutor under the anti-trafficking law. In 2015, the Ministry of Labor and Social Development (MOLSD) received 746 complaints of non-payment of wages covering 945 migrant workers, and successfully arbitrated 255 of those cases. It referred four cases of non-payment of wages to the public prosecutor. Most of the cases resolved by MOLSD involved wage payment delays of one to two months. LMRA employed 63 inspectors in enforcement of the anti-trafficking law. According to LMRA, embassies could also inspect their nationals’ living situations, and all workers had the right to file complaints with MOLSD. The Ministry of Interior (MOI) funded anti-trafficking training sessions for 50 officials annually at the Royal Police Academy. Government officials reported a general lack of awareness of trafficking crimes among working-level police.

## PROTECTION

The government made modest efforts to protect victims. The government identified 90 trafficking victims in 2015, compared with 50 victims in 2014. The National Committee to Combat Trafficking in Persons (national committee) opened the new Migrant Worker Service Center and Shelter in November 2015, with a capacity of up to 120 victims in separate men’s and women’s sections. The service center maintains offices for LMRA’s migrant worker protection unit, physical and mental health professionals, and a representative from the police anti-trafficking unit and provides a training room for shelter residents to learn new skills and a conference space for the national committee. Trafficking victims in Bahrain also sought shelter at their embassies or at an NGO-operated trafficking shelter.

Labor Law No. 36 provides some protection to domestic workers, requiring employers provide domestic workers a labor contract specifying working hours, annual leave, and bonuses and to pay the worker at least once a month. Nonetheless, the government did not report any efforts to issue guidance on implementing the law. LMRA was responsible for coordinating with other relevant ministries, referring trafficking cases for prosecution, and conducting interviews of victims in collaboration with the respective embassies. When investigating claims of abuse from domestic workers that ran away from their employers, some police stations reportedly followed up immediately, while others waited days or weeks before attempting to contact the employer. Inspection agencies cited

difficulties conducting unannounced inspections of domestic worker living situations and investigating claims of abuse of domestic workers without receipt of an official complaint, due to cultural norms surrounding privacy in homes. This failure to immediately investigate claims of abuse and potential trafficking crimes left victims at risk of further exploitation and without protection services.

The MOI's anti-trafficking division provided law enforcement officials with written procedures, developed in partnership with an international organization, on taking statements and referring victims to services such as medical care and shelter. However, police identification of victims and implementation of those procedures continued to be inconsistent across different stations. Many police officials across the country did not systematically and proactively identify victims among vulnerable groups, such as domestic workers who fled abusive employers or women arrested for prostitution. More than 80 government officials, including inspectors, health officials, police officers, social workers, shelter personnel, and prosecutors were trained in December 2015 on victim assistance and referral procedures for specialized services.

NGOs reported workers who entered the country illegally or under false pretenses often did not benefit from protections in the law. The government sometimes punished trafficking victims for crimes committed as a direct result of being subjected to human trafficking. Some migrant workers who fled abusive situations were unaware that they should contact police to report the abuse, or chose not to due to their status as a "free visa" holder. Cases could be difficult or expensive to resolve; workers who could not resolve the cases were often deported. NGOs assessed punishment of trafficking victims had decreased in recent years.

Bahraini officials stated they encouraged victims to participate in the investigations and prosecutions of their traffickers, and the public prosecutor was responsible for protecting trafficking victims during preliminary investigations and court proceedings. The labor law stipulates foreign workers may change sponsors during investigations and court proceedings. It was unclear how many trafficking victims whose cases were not being adjudicated were able to change sponsors. Workers rarely filed complaints against employers due to distrust of the legal system, lengthy court procedures, 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 at the hands of the employer. The government assisted with the repatriation of trafficking victims during the reporting period. The national committee reported a new policy was implemented allowing foreign nationals identified as trafficking victims to obtain alternative employment without being subjected to the 30-day restrictions placed on migrant workers.

## PREVENTION

The government maintained efforts to prevent human trafficking by continuing its awareness campaigns targeting both migrant workers and Bahraini employers. The national committee met regularly during the reporting period and focused primarily on expanding victim assistance, including the newly established shelter, broadening training for government personnel, and raising awareness. From July to December 2015, LMRA held an amnesty for "free visa" holders in which they could legalize their employment with a new sponsor or return to their country and retain the right to return to Bahrain legally in the future.

More than half of the "free visa" holders took advantage of the amnesty; approximately 32,000 legalized their status and approximately 10,000 left Bahrain. In November 2015, the national committee launched a hotline for reporting abuse of migrant workers in English, Hindi, and six other Indian languages. The hotline served as a resource to educate workers about their rights and the services available. The government held the second annual Bahrain Awareness Awards in November 2015, a public awareness campaign focused on fair treatment of domestic workers. The awareness-raising competition targeted Bahraini youth aged 16 to 26 years, calling for submission via social media of photos, drawings, short movies, or posters to encourage respect for the rights of domestic workers.

LMRA continued to make available pamphlets on workers' rights, sponsored advertisements on public transit, and provided mobile phones with SIM cards to each foreign worker upon arrival at the Bahrain Airport. The Expatriate Protection Unit within LMRA maintained its role as an information hub and service center for trafficking victims and potential victims. LMRA continued overseeing domestic workers during the reporting period. Despite past commitments and pledges, the government did not abolish the sponsorship system, which contributed greatly to forced labor and debt bondage. 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.

## BANGLADESH: Tier 2

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 the Bangladesh Association of International Recruiting Agencies (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 increases their vulnerability to human trafficking. Rohingya and Bangladeshi migrants who travel by boat to Southeast Asian countries are subject to starvation, assault, abduction, and ransom demands—some migrants who are not able to pay ransom are sold into forced labor, primarily on fishing boats. 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 processing industry, or exploited in sex trafficking. 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.

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 significantly increased trafficking investigations—with a notable increase in labor trafficking investigations from 12 cases in 2014 to 265 cases in 2015. Prosecutions also increased, and the government finalized and launched its 2015-2017 national action plan and continued to fund nine multipurpose shelters, drop-in centers, and safe homes, which were accessible to victims of trafficking. However, for the third consecutive year, the government continued to prepare but did not finalize the implementing rules for the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA), thereby impeding the identification, rescue, and rehabilitation of trafficking victims. Convictions decreased, and although complicity of some officials in trafficking offenses remained a serious problem, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015. The government reported identifying significantly fewer victims in 2015, and the government’s efforts to refer victims to care during the reporting period were unknown. The government remained without a formal mechanism to refer trafficking victims to protective services and did not provide adequate victim services. While the government renewed a labor export agreement with Malaysia aimed to mitigate the impact of private recruitment agencies’ high fees and sometimes unscrupulous practices, the agreement had not yet been implemented at the end of the reporting period, and the government did little to protect Bangladeshi migrant workers outside of this agreement from extremely high legal recruitment fees and the deceitful practices of some employment recruiters.



**RECOMMENDATIONS FOR BANGLADESH:**

Finalize, adopt, and disseminate the implementing rules for the PSHTA, and train government officials on its use; take steps to eliminate all recruitment fees charged to workers by licensed labor recruiters; increase prosecutions and convictions, particularly of labor trafficking, while strictly respecting due process; establish minimal 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 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 within Bangladesh and at Bangladesh’s embassies abroad; use the PSHTA to prosecute fraudulent labor recruiters; improve quality of pre-departure trainings for migrant workers, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Bangladesh; and accede to the 2000 UN TIP Protocol.

**PROSECUTION**

The government demonstrated mixed efforts in law enforcement—investigations and prosecutions increased; however, convictions decreased, and for the third consecutive year the government continued to prepare the implementing rules for the PSHTA but did not finalize them. The 2012 PSHTA generally prohibits and punishes all forms of human trafficking, although it prohibits the fraudulent recruitment of labor migrants only if the recruiter knows the recruited worker will be subjected to forced labor. 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 investigated 181 sex and 265 labor trafficking cases in 2015, an increase from 146 sex and 12 labor trafficking cases in 2014. Of the forced labor cases, 98 cases were specifically investigated for bonded labor. Authorities prosecuted 481 alleged traffickers in 2015, compared with 449 in 2014, under the 2012 PSHTA. The government convicted four traffickers in 2015, compared with 15 in 2014. The courts sentenced three of the convicted traffickers to life imprisonment and one to 10 years’ imprisonment. During the reporting period, the government provided anti-trafficking training at training centers to 10,890 police officers in 94 training programs. An international organization provided training to 81 investigators on human trafficking and other crimes; the trafficking in human beings police unit provided in-kind support for the trainings. Some NGOs reported information about the PSHTA had not been circulated widely among district and local officials.

Complicity of some officials in trafficking offenses remained a serious problem. Media reported on the alleged involvement of a Chittagong Division member of Parliament in smuggling, extortion, and possibly human trafficking related to the Andaman Sea migration crisis. According to one report, politicians, police, and border security forces on both sides of the India-Bangladesh border allegedly used a token system to allow traffickers to evade arrest. Observers reported police and border guards sometimes ignore potential trafficking crimes at brothels and maritime embarkation points. In 2014, a Bangladeshi citizen filed a suit in New York against his former employers, a Bangladeshi consular official and his wife, alleging violations of the Trafficking Victims Protection Act, among other forms of exploitation; the case remained ongoing, and the official has since assumed two other diplomatic posts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015.

## PROTECTION

The government demonstrated decreased efforts to protect trafficking victims. The Ministry of Home Affairs 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 1,815 victims in 2015; of those identified, 1,310 were men, 315 women, and 190 children. This was a significant decrease from 2,899 victims identified in 2014; experts commented the decrease may be due in part to the application of a more accurate definition of trafficking. Of the 1,815 victims identified in 2015, police rescued 1,306. Separately, the government reported it repatriated approximately 2,700 of its citizens as part of the Bay of Bengal and Andaman Sea crisis—a small number of whom may have been trafficking victims. 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. Adult male victims could not access government services; NGOs provided male victims with some services. The government continued to lack a formal mechanism for authorities to refer victims to care. The government placed an unknown number of victims in government-operated shelters in 2015, compared with nine of the 2,899 victims identified in 2014 who were placed in government-operated shelters. NGOs provided shelter and services specifically for trafficking victims; police referred victims to these services on an ad hoc basis. The government continued to operate shelters in its embassy in Riyadh and consulate in Jeddah for female Bangladeshi workers fleeing abusive employers; however, overall, officials lacked resources in destination countries to assist labor trafficking victims adequately. Bangladeshi migrant workers, originally hired through the Bureau for Manpower, Education, and Training (BMET), could lodge complaints with BMET upon their return to Bangladesh, and seek government arbitration on labor and recruitment violations, including allegations of forced labor. NGOs reported not all victims were aware of this opportunity for redress. The arbitration process provided victims with remediation, but rewards were often minimal and did not adequately address illegal activities, including alleged fraud by licensed recruitment agencies.

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 fewer investigations and prosecutions overall. The Governments of Bangladesh and India coordinated the rescue and repatriation of child trafficking victims through established standard operating procedures; however, the PSHTA did not provide legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution. Unregistered Rohingya refugees, including potential trafficking victims, may have been at risk of indefinite detention because of their lack of documentation.

## PREVENTION

The government demonstrated limited efforts to prevent trafficking. The government continued to allow BAIRA to legally set extremely high recruitment fees, which may have facilitated debt bondage of Bangladeshi workers abroad. BMET did not cancel any recruitment agencies' licenses in 2015, compared with four canceled in 2014. In 2015, 29 victims filed cases against Dhaka-based recruitment agencies through support provided by

a foreign government. The government continued to use a labor export agreement with Saudi Arabia from the previous reporting period mandating that employers cover travel costs, including plane fare and medical tests, and that female domestic workers should be employed by a third party rather than the private households in which they work; however, the government did not stipulate the maximum cost or eliminate the processing fee charged to the migrant by recruitment agencies. The Ministry of Expatriate Welfare and Overseas Employment's (MEWOE) Vigilance Taskforce continued to operate with a mandate to improve the oversight of Bangladesh's labor recruiting process. In February 2016, the government signed a new agreement to facilitate the migration of up to 1.5 million Bangladeshi workers to Malaysia under a government-to-government agreement that aimed to mitigate the impact of private recruitment agencies' high fees and sometimes unscrupulous practices; however, the agreement increased the fees charged to Malaysian companies that employ foreign workers, and observers expressed concern these fees would be deceitfully passed onto migrant workers by their employers, increasing their vulnerability to debt bondage. Also, shortly after the agreement was signed, Malaysia banned the recruitment of new foreign workers; this ban remained in place at the end of the reporting period, effectively nullifying the agreement. The government continued to require a 21-day pre-departure training course for Bangladeshi women going abroad to work as domestic servants; the training focused on learning practical skills, such as using household appliances, but included modules on trafficking awareness and self-protection.

The government finalized and launched the 2015-2017 national action plan in June 2015, providing for better coordination between the government and NGOs. The Ministry of Home Affairs published its annual report on human trafficking. MEWOE conducted some trafficking awareness campaigns, including through posters and newspaper ads, at the national level and in some high risk localities. In Cox's Bazar, the district employment and manpower office utilized television advertisements, and in response to the Andaman Sea migration crisis hosted multiple workshops to educate the public and local officials about trafficking. 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 demonstrate efforts to reduce the demand for commercial sex or forced labor. Bangladesh is not a party to the 2000 UN TIP Protocol.

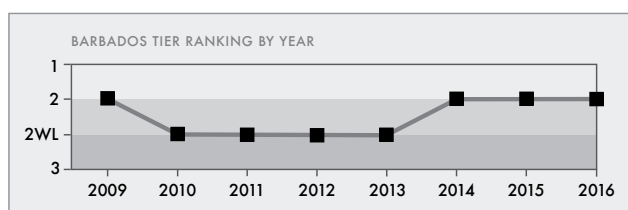
## BARBADOS: Tier 2

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 are 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.

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. A new anti-trafficking law was approved by Parliament but was awaiting proclamation at the close of the reporting period and is not yet in force. Current



law does not prohibit all forms of trafficking and prescribes some penalties—fines—that are not sufficiently stringent; the new draft law would prohibit all forms of trafficking but still allow insufficiently stringent penalties to deter the crime. The government has never convicted a trafficker, but one 2013 prosecution remains awaiting trial for the second consecutive year. The government continued drafting, but did not formally approve or implement for the second consecutive year, a national action plan establishing activities and priorities for 2016 through 2020, although the government did use the national action plan to inform a two-year work plan, covering 2015-2016, which was implemented. A government-wide anti-trafficking manual outlining identification and referral procedures was not completed for the second consecutive year. The government identified 12 potential trafficking victims, and assisted a previously identified trafficking victim during the reporting period. The government cited an overall lack of resources and manpower to adequately combat trafficking.



### RECOMMENDATIONS FOR BARBADOS:

Enact and implement a new anti-trafficking law to prohibit all forms of human trafficking and prescribe penalties that are sufficiently stringent (without an alternative of a fine) and commensurate with those prescribed for other serious crimes, such as rape; investigate, prosecute, and convict traffickers, including complicit officials, and apply stringent sentences that deter future trafficking crimes; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; continue training and encouraging government officials to implement procedures to proactively identify labor and sex trafficking victims among vulnerable populations, such as Barbadians and foreigners in prostitution and migrant workers; provide adequate funding to organizations that assist trafficking victims; codify provisions for victims' legal alternatives to their removal to countries in which they would face retribution or hardship; continue to enhance partnership with NGOs to combat human trafficking; enact a national action plan to combat trafficking and complete the government-wide anti-trafficking manual; and make efforts to reduce the demand for commercial sex acts or forced labor.

### PROSECUTION

The government made inadequate efforts to prosecute traffickers in 2015, and has never reported any trafficking convictions. The law does not prohibit all forms of human trafficking, in particular internal trafficking, and does not prescribe penalties for trafficking that are sufficiently stringent. Articles 13, 19, and 20 of the Sexual Offenses Act; articles 33 and 34 of the Offenses against the Person Act; and article 8 of the Transnational Organized Crime (TOC) Act of 2011 address trafficking in persons. Aiding, abetting, or compelling prostitution under article 20 of the Sexual Offenses Act is punishable by five years' imprisonment, which is not commensurate with the prescribed penalty for rape, which is life imprisonment. The transnational trafficking of an adult under the TOC Act is punishable by

15 years' imprisonment or a potential fine with no jail time, which is not commensurate with the prescribed penalty for rape. Transnational trafficking of a child is punishable by imprisonment for life, which is commensurate with the prescribed penalty for rape. In 2015, the government drafted a new anti-trafficking bill, which will repeal the TOC Act, expand the definition to include internal trafficking, and enact more serious penalties for child trafficking; it was approved by the parliament and is awaiting proclamation. The trafficking of adults and children under the new bill is punishable by a potential fine with no jail time; these penalties are not sufficiently stringent or commensurate with the prescribed penalties for other serious crimes, such as rape.

Authorities investigated six new potential trafficking cases during the reporting period, compared with eight in 2014. The government determined four of the six suspected cases to be trafficking, involving 12 adult female potential trafficking victims, three of whom were subjected to sex trafficking in Jamaica and identified at the airport upon their arrival in Barbados. The three victims from Jamaica chose to return home and thus were not available to assist in prosecutions. The police identified the remaining nine Jamaican victims during a raid of a commercial sex establishment that forced the closure of the establishment. All nine of the victims elected to return to Jamaica and refused to assist in prosecutions. The other two cases were determined to be child sexual abuse and rape. The government reported no new prosecutions or convictions in 2015 or 2014. One prosecution—involving an immigration official for alleged complicity and misconduct in public office as a result of an April 2013 raid of a local brothel—remained pending, awaiting trial for the second consecutive year. 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 police said it struggled to target perpetrators and obtain evidence, given perpetrators' shift in tactics. The specialized anti-trafficking police unit, which also investigates child abuse and exploitation crimes, noted a significant increase in the number of cases referred to the unit, but cited a lack of manpower to investigate adequately all cases under its purview. The unit trained 200 front-line police officers on indicators of trafficking.

### PROTECTION

The government sustained moderate efforts in the protection of victims. Officials identified 12 adult female potential sex trafficking victims compared with none in the previous reporting period. The police intercepted three of the victims at the airport upon arrival in the country, but all three chose to depart the country. The government supplied meals to the victims in the airport and offered victim assistance, which the victims refused. The government also offered victim services to the nine Jamaican victims identified in the raid, but all nine victims refused services and elected to return to Jamaica. The government continued to provide shelter and occupational training to one of five victims identified in 2013, who cooperated with the police to provide evidence against the alleged traffickers in the case. Law enforcement generally referred victims to the gender affairs bureau, which coordinated assistance with local NGOs; the NGOs reported the mechanism worked. Authorities continued to develop a government-wide manual for the second year detailing written identification and referral procedures to better guide the victim referral process. The government had an agreement with an NGO to provide shelter for male trafficking victims, although this NGO did not assist

any during the reporting period. Authorities provided some funding to an NGO crisis center that provided shelter and psychological, medical, and occupational services to female victims of violence, including potential trafficking victims. This organization and the government's gender affairs bureau cooperated with other NGOs to offer additional services. The government acknowledged having insufficient funding to support multiple victims for long periods of time. The government maintained an informal policy allowing foreign victims to receive temporary legal alternatives to their removal to countries where they would face hardship or retribution, and continued providing one victim with temporary residency in 2015. NGOs did not report any trafficking victims detained, deported, fined, or jailed for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government made moderate 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; however, it awaited final approval at the close of the reporting period before it could be implemented. The government implemented most objectives in its two-year work plan, including quarterly reporting on national trafficking statistics; public awareness presentations at two churches, reaching 75 people; an anti-trafficking awareness and training session for all government permanent secretaries; training for 40 officials in the immigration department, the Ministry of Labor, and the child care board; coordination with the labor department to produce brochures on labor trafficking; and efforts to integrate the labor department into the taskforce. The government continued to post information at the international airport listing elements of trafficking and a hotline victims could use for assistance. The government did not provide anti-trafficking training for its diplomatic personnel. The government made efforts to reduce demand for forced labor through outreach to the private sector on the penalties in the new law, but did not make efforts to reduce the demand for commercial sex acts.

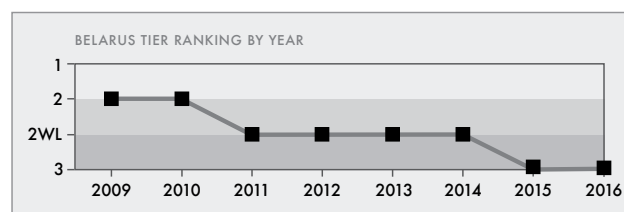
## BELARUS: Tier 3

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 within 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 UN Human Rights Council adopted a resolution in July 2015 expressing deep concern at the government's "violations of labour rights amounting to forced labour," among other human rights issues. The European Parliament condemned an April 2015 Belarusian presidential decree which requires unemployed persons to pay a fee to the state or potentially face compulsory community service. The UN Committee on Economic, Social and Cultural Rights took the position that an

earlier presidential decree, issued in December 2012, "effectively takes away the right of workers in the wood-processing industry to freely leave their jobs." That decree assigns monthly bonuses to employees in the wood-processing industry that they must pay back if they resign; failure to repay these "bonuses" risks a court order obligating the employee to continue to work in that industry 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 labour centers' for a period of 12 to 18 months and have an obligation to work, and 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 intimidated and fined 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 forced 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 the Belarusian criminal code permits penalties involving compulsory labor be imposed for the expression of views opposed to the established political, social, or economic system. The ILO Committee of Experts cited reports that the government used or threatened to use arbitrary detention involving compulsory labor for apparently political motives.

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. The government continued to be a leader in multilateral efforts to combat trafficking and made efforts to protect victims exploited abroad and internally by criminal enterprises. Additionally, the government developed a formal victim identification and referral mechanism and issued a contract to an NGO to provide victim services, the first such contract since a January 2013 law created the framework for state financing for NGOs. However, the government is engaged in practices that condone forced labor, and made no efforts to reform its policies. In fact, in 2015, the government introduced a new penalty on unemployed citizens that requires payment of a fee to the state to avoid compulsory community service. Other policies effectively creating state-sponsored forced labor continued, affecting civil servants, workers in the wood processing industry, students, and citizens suffering from drug or alcohol dependency, among others. For the third 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 by repealing presidential decrees and other laws that result in the unemployed, civil servants, wood processing workers, students, and citizens suffering from drug or alcohol dependency, among others being subjected to forced labor; significantly increase efforts to investigate and prosecute cases of forced labor and sex trafficking; amend article 181 to include causing children younger than 18 to engage in prostitution 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 did not increase 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 causing children younger than 18 to engage in prostitution a trafficking crime unless there is evidence of coercion. The government reported one trafficking investigation in 2015 under article 181, compared with one in 2014 and six in 2013. Authorities also initiated one investigation under article 181-1, which criminalizes the use of forced labor. The government did not convict any traffickers under article 181 in 2013, 2014, or 2015, which reflected a continuing decrease in law enforcement efforts, following the conviction of one trafficker in 2012, seven in 2011, and 12 in 2010. Authorities prosecuted at least six individuals for potential child sex trafficking offenses under other articles in the criminal code in 2015, compared with three individuals in 2014. The interior ministry's law enforcement academy continued to provide trafficking-specific training to Belarusian law enforcement officials, as well as foreign officials invited by the government.

## PROTECTION

The government made some increased efforts in victim protection. The government identified five trafficking victims in cases investigated under articles 181 and 181-1 in 2015, compared with 16 in 2014. Authorities identified additional trafficking victims in cases investigated under other statutes; the government reported 116 actual and potential trafficking victims from cases under other statutes, compared with 97 in 2014. The government reported law enforcement officials referred 27 victims for care by international organizations and NGOs, compared with 32 in 2014. NGOs reported assisting 263 trafficking victims in 2015, 47 of whom were children. With the assistance of international organizations and NGOs, in June 2015 the government approved a formal victim identification and referral mechanism that outlined roles for state agencies and civil society in identifying, referring, and assisting victims. It also created the instructions and forms for authorities to register victims and issue referral orders for the provision of care services. The government reported training designated

police officers and diplomats on the new procedures in 2015. Authorities identified 76 potential sex trafficking victims among the 1,625 individuals charged with prostitution in 2015 and exempted them from any criminal or administrative penalties.

An NGO received 212 million rubles (\$11,425) in government funds to provide medical, social, and psychological assistance to victims of trafficking and domestic violence; this was the first instance of financing NGO-provided services specifically for trafficking victims since a January 2013 law authorized the provision of government funding to NGOs running social welfare programs. The government also provided in-kind assistance to other anti-trafficking NGOs in the form of discounted rent on office space, lower taxes, and placement of awareness-raising materials on state-owned television and billboards. The government did not have trafficking-specific facilities available to care for victims, but local authorities operated 109 "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. Observers reported most victims sought assistance at private shelters because the government's centers were poorly equipped and lacked qualified caregivers. The government offered free medical services and psychiatric consultations to victims. The labor and social welfare ministries reported assisting four labor trafficking victims. 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

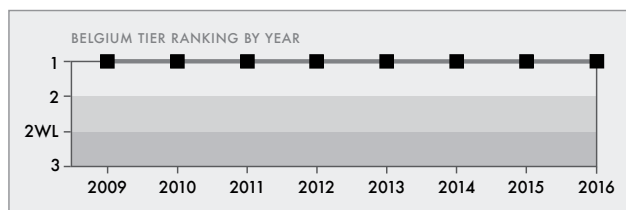
The government maintained efforts to prevent trafficking. The government conducted public awareness campaigns through television, radio, and print media. The interior ministry continued to operate a hotline for safe travel abroad to inform potential labor migrants and identify illegal recruitment practices; the hotline received 1,280 calls for consultations in 2015. Although authorities charged 58 individuals 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. The government drafted a 2016-2018 State Program on Countering Crime and Corruption, which included anti-trafficking activities; the program was not adopted by the close of the reporting period. The government did not report efforts to reduce the demand for commercial sex.

## BELGIUM: Tier 1

Belgium is a destination, transit, and limited source country for men, women, and children subjected to forced labor and sex trafficking. Foreign victims primarily originate in Eastern Europe, Africa, East Asia, and South America, notably Bulgaria, Romania, Albania, Nigeria, China, India, and Brazil. 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. Some Belgian women have been subjected to sex trafficking in Luxembourg. 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, approximately 35,000 people applied for asylum in Belgium, a dramatic increase over previous years; experts anticipate migrants whose asylum applications are denied are highly vulnerable to trafficking.

The Government of Belgium fully meets the minimum standards for the elimination of trafficking. The government continued to prosecute and convict traffickers, fund NGO shelters providing specialized assistance to trafficking victims, provide extensive training to police officers on victim identification, and began implementation of a new four-year national action plan. The government took measures to identify and reduce potential trafficking-related exploitation at reception centers, in response to the dramatic increase in asylum-seekers during the reporting period. However, the government did not allocate a regular budget to NGO shelters, and 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; improve security at reception centers to prevent traffickers from recruiting asylum-seekers; increase awareness raising efforts among migrant populations, including asylum-seekers; enhance training of law enforcement, prosecutors, and judges to improve the conviction rates of traffickers and ensure sufficiently stringent sentences; enhance training of relevant professionals to increase the number of trafficking victims identified, including child victims; 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 maintained strong anti-trafficking 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 under Belgian law 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. In its most recent assessment, 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 initiated prosecutions against 299 defendants in 2015, compared with 259 in 2014; it prosecuted 151 defendants for sex trafficking offenses and 124 for labor trafficking or economic exploitation offenses (112 and 115 in 2014, respectively). The government prosecuted 14 defendants for coerced criminality and 10 for forced begging. Authorities convicted and sentenced at least 93 traffickers in 2015 with charges including 195 counts of aggravating circumstances, compared with 47 traffickers in 2014. Most convicted traffickers received no prison time or a partially or fully suspended prison sentence. The government sentenced 88 convicted traffickers to prison terms (of which 52 were suspended or partially suspended), compared with 42 prison sentences (19 of which were suspended or partially suspended) in 2014. Most prison sentences ranged from one to five years' imprisonment; 12 offenders were sentenced to one year, 46 were sentenced to between one and three years, 21 were sentenced to three to five years, and nine 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 conducted two investigations related to the attempted recruitment of asylum-seekers waiting in reception centers, potentially for trafficking purposes; the investigations were ongoing at the close of the reporting period. 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.

### PROTECTION

The government maintained strong efforts to protect trafficking victims. Federal and regional governments continued to fund three dedicated NGO-run shelters providing specialized, comprehensive assistance to trafficking victims, including psycho-social, medical, and legal care. These shelters assisted at least 152 new adult victims in 2015 (including 93 victims of labor trafficking and 43 victims of sex trafficking), compared with 162 new victims assisted in 2014. While NGOs referred more than 20 victims to the shelters, most victims were identified by law enforcement, social workers, and medical professionals. The shelters were open to all victims regardless of gender, immigration status, or nationality. Despite complete reliance on these three shelters for the majority of victims' services, the government provided ad hoc rather than dedicated funding. The government funded three shelters for minors; trafficking victims shared these facilities with victims of other crimes. The government continued to employ systematic procedures to identify and refer victims for care. 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 organized trainings and awareness campaigns for front-line professionals, such as law enforcement, hospital and social workers, military trainers, magistrates, and other stakeholders to improve identification efforts, and circulated administrative notices to prosecutors.

The government granted most identified foreign trafficking victims residence and employment permits and protective



services; many services were conditional on the victim assisting in the prosecution of his or her trafficker. To qualify for victim status, victims must have broken off all contact with traffickers and agreed to counseling at a specialized trafficking shelter. 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 552 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.

## PREVENTION

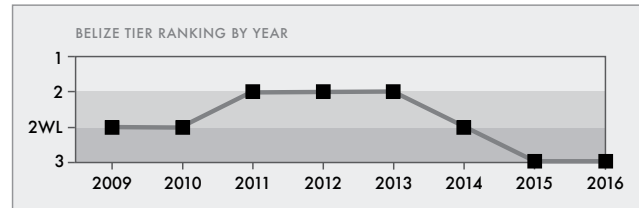
The government maintained strong efforts to prevent trafficking. The government continued to lead awareness campaigns focused on victim identification. Flyers were also available in the consular sections of Belgian embassies and consulates abroad. The inter-departmental coordination unit, in consultation with NGOs and other non-governmental stakeholders, developed and began implementation of a new national action plan for 2015-2019. 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. 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 did not provide anti-trafficking training to its diplomatic personnel.

## BELIZE: Tier 3

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, including those at high levels, remains a problem.

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. Authorities initiated investigations into seven cases involving six suspects and continued one prosecution initiated in a previous year, but did not begin any new prosecutions. In early 2016, the government convicted one trafficker, but imposed a fine in lieu of jail time. Victim

identification efforts remained weak. Authorities identified seven victims in 2014 compared with 10 identified the previous year. Although law enforcement raids on commercial sex establishments increased in number from last year, they were ineffective in identifying trafficking victims; moreover, following the raids the government arrested, detained, and deported potential victims for immigration violations. 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.



## RECOMMENDATIONS FOR BELIZE:

Develop and consistently implement formal procedures to identify and refer to care victims of sex and labor trafficking among vulnerable groups, involving Spanish-speaking social workers, NGOs, or victim advocates in the process to ensure trafficking victims are not penalized and re-victimized for crimes committed as a direct result of trafficking; implement victim-centered procedures during raids, including conducting interviews in a safe and neutral location, separate from immigration inquiries; implement the anti-trafficking law by vigorously investigating and prosecuting suspected traffickers, including complicit officials, and imposing stringent penalties, including jail time, on convicted traffickers; consider implementing measures to expedite trafficking prosecutions; increase efforts to reintegrate victims and deliver specialized victim care, in partnership with NGOs; update and implement the national anti-trafficking plan; prosecute and impose stringent penalties on child sex tourists; amend laws to effectively criminalize all commercial sex acts with minors and to restrict the ability to offer fines in lieu of prison time during sentencing for trafficking offenders; and develop a targeted campaign to raise awareness among clients of Belize's legal sex trade about the links between prostitution and trafficking.

## PROSECUTION

The government made inadequate efforts to investigate and prosecute trafficking offenses and convict traffickers. 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. The prescribed penalties are sufficiently stringent, but are not commensurate with those prescribed for rape. The 2013 Commercial Sexual Exploitation of Children (Prohibition) Act criminalizes the facilitation of prostitution of children younger than 18. This law, however, allows adults to legally engage 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 investigated seven sex trafficking cases involving six suspects, but did not initiate any new prosecutions. Authorities continued a child sex trafficking prosecution from 2014 that resulted in the February 2016 conviction of

a Honduran national for subjecting a 15-year-old Honduran girl to sex trafficking. A judge imposed a fine of approximately 74,000 Belize dollars (\$37,000), including approximately 15,600 dollars (\$7,800) in compensation to the victim, but did not impose jail time. This was the first conviction under the 2013 anti-trafficking law. The government did not provide updates on cases pending from previous years.

The government's enforcement activity against suspected trafficking consisted largely of raids on venues operating in Belize's sex trade; due to limited intelligence-gathering, a lack of formal victim identification procedures, and suspected complicity among some law enforcement officials, few trafficking crimes were uncovered during these operations and at times they caused further harm to victims. Many women and girls, potentially including trafficking victims, were arrested, jailed, or deported for immigration violations. Many off-duty police officers provided security for sex trade establishments, which may have inhibited victims from coming forward and officers from investigating allegations of trafficking in the sex trade—particularly if made against their employers. The government did not investigate, prosecute, or convict any officials for complicity in trafficking crimes. The Ministry of Human Development hosted a roundtable with judicial officials to discuss ways to improve the anti-trafficking law and prosecutions. The government coordinated training workshops financed and delivered by NGOs for front-line officials on child protection issues, including child trafficking.

## PROTECTION

The government made minimal efforts to protect trafficking victims. Authorities identified seven sex trafficking victims in 2015, including three women and four girls, compared with 10 victims identified in 2014. The government did not have formal written procedures to guide officials in identifying victims. Police asked questions to screen for indicators of trafficking among women and girls apprehended in raids on bars; officials screened more than 250 women and girls suspected to be sex trafficking victims in 2015 and identified five victims through this method. Local experts report these procedures have been largely ineffective in identifying trafficking victims, as the incidence of trafficking among this population is believed to be much higher. Instead, many women and girls, potentially including trafficking victims, were arrested, jailed, or deported for immigration violations. Victims' fear of detention or deportation may have made them reluctant to communicate with law enforcement officers, leaving some victims unidentified.

Identified victims were referred to the Department of Human Services, which made decisions for protection on a case-by-case basis. Adult victims were typically referred to an NGO shelter, while children were placed in foster homes. Experts questioned the appropriateness of foster home placements due to the lack of education about human trafficking for foster parents, uneven coordination and communication between the foster parents and government agencies, and limited psycho-social care for the victims. Services such as medical care and psychological counseling, when available, were provided by NGOs. 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 caused 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, though it is unknown whether any received this benefit in 2015; 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

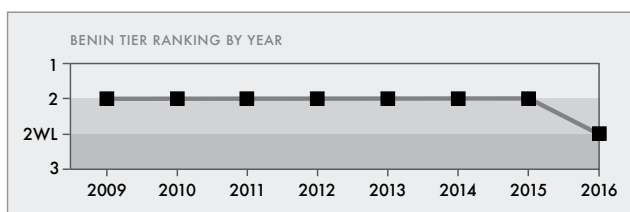
The government demonstrated minimal prevention efforts. Its anti-trafficking council met quarterly and reportedly began work on a new national action plan, though none was in place during the reporting period, and the prior 2012-2014 anti-trafficking national strategic plan remained largely unimplemented. The government, in partnership with an NGO, expanded its awareness campaign through television, posters, and billboards in English, Spanish, Mandarin, and Hindi. Authorities continued to disseminate public service announcements on child sexual exploitation, tourism, and the demand for commercial sex acts, but did not investigate, prosecute, or convict any child sex tourists. 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.

## BENIN: Tier 2 Watch List

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. The practice of *vidomegon*, which traditionally provided educational or vocational opportunities to children by placing them in the homes of wealthier families, is sometimes used to exploit children in 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 prostitution in Benin. Cases of child sex tourism involving both boys and girls in Mono and on the shores of the Bight of Benin have been reported in previous years. In northern Benin and Nigeria, *marabouts*, Koranic teachers, exploit Beninese children in forced begging in Koranic schools. Most Beninese child trafficking victims are from the northern regions, and 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. Most child victims intercepted in Benin, either from Benin or other West African countries, are exploited or intended for 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 prostitution in Benin. At least one Moldovan trafficking victim was identified in Benin during the reporting period.



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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Benin is placed on Tier 2 Watch List. The government decreased prosecution, protection, and prevention efforts. During the reporting period, the government identified 131 potential child trafficking victims and convicted four traffickers for the illegal movement of these children. However, authorities continued to focus on intercepting traffickers and victims in transit rather than rescuing victims from exploitation in the country. The government did not systematically investigate instances of trafficking of adults or provide protective services to adult victims. Anti-trafficking legislation—including prohibitions and penalties for the trafficking of adults—remained pending review by the Ministry of Justice (MOJ) for the fourth consecutive year. Inadequate funding and staffing for the Office for the Protection of Minors (OCPM), the Ministry of Family (MOF), and the Ministry of Labor (MOL) continued to hinder anti-trafficking progress. The government did not make efforts to investigate alleged government complicity.



### 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 complicit officials, via existing statutes; develop systematic procedures for proactive victim identification—including those found to be in situations of forced labor—and their subsequent referral to care; train law enforcement officials on relevant legislation and identification and referral procedures; increase funding to OCPM, MOL, and MOF to ensure they can adequately inspect worksites for trafficking crimes and provide support to victims; improve efforts to collect law enforcement data on trafficking offenses and make it available to other government agencies and the public; and launch a nationwide anti-trafficking awareness campaign.

### PROSECUTION

During the reporting period, 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 all forms of child trafficking, prescribing penalties of 10 to 20 years' imprisonment. However, the act focuses on prohibiting and punishing the movement of children rather than their ultimate exploitation and prescribes much lower penalties—six months to two years of imprisonment or fines—for actual trafficking crimes involving labor exploitation; these penalties are not sufficiently stringent. The penal code outlaws procuring or offering someone for prostitution and the facilitation of prostitution and prescribes punishments of six months to two years of imprisonment. The labor code prohibits forced labor and prescribes punishments

of two months to one year of imprisonment or a fine. These punishments are neither sufficiently stringent nor commensurate with punishments prescribed for other serious crimes, such as rape. Comprehensive anti-trafficking legislation that includes prohibitions and penalties for the trafficking of adults has remained pending MOJ review since the draft was completed in September 2012.

During the year, the Ministry of the Interior's OCPM—a specialized unit responsible for all criminal cases involving children—investigated 49 cases of child trafficking and 12 cases of exploitative child labor, compared with 102 cases of child trafficking and four cases of exploitative child labor in the previous reporting period. The government did not systematically investigate the trafficking of adults. OCPM referred 12 suspects to the courts for prosecution, compared with 19 suspects in the previous reporting period. MOJ reported convicting four offenders for child trafficking and the illegal movement of children, which may have included trafficking crimes, under act 2006-04, a decrease compared with 10 convicted in 2014, but did not report sentencing details for these convictions. However, courts routinely release convicted traffickers held in pre-trial detention before handing down suspended sentences. In one case, the government detained an alleged trafficker who forced two girls into domestic servitude in Nigeria and confessed he acted in collusion with a child trafficking network, which officials began to investigate during the reporting period.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Allegations of complicity involving Beninese diplomatic personnel resurfaced in the previous reporting period. Instead of assisting in the placement of child trafficking victims among care providers, consular staff allegedly colluded with complicit officials in a destination country to return victims to a trafficking network. Immigration officials in Cotonou also allegedly supplied falsified travel documents to facilitate the illegal movement of children as adults.

### PROTECTION

The government decreased efforts to protect child trafficking victims during the year and made no efforts to identify adult victims or provide them protection. OCPM identified 131 potential trafficking victims in 2015, compared with 220 in 2014. OCPM provided the children temporary shelter and legal, medical, and psychological services, before transferring victims to long-term NGO shelters; however, the government failed to provide financial or in-kind support to NGOs providing such care. Officials with the Ministries of Family, Justice, and Interior worked in partnership with an international organization and NGOs to coordinate placement of child trafficking victims with host families who provided additional care to children prior to reinsertion 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 broad services in support of victims of crime and vulnerable groups, 85 centers for social promotion under the MOF offered basic social services, food, and temporary shelter to trafficking victims throughout the country, particularly in rural areas where such services were scarce, and reintegration of victims into their home communities. Officials and NGO stakeholders in destination countries noted re-trafficking was an issue once victims returned to Benin, with the parents often sending the children or their siblings back to the trafficker to uphold their initial agreement to send children. In August 2013, Beninese and

Gabonese officials met to finalize an agreement for cooperation on child trafficking, although this remained incomplete at the end of the reporting period for the second consecutive year. The government did not make systematic efforts to identify adult trafficking victims or employ any mechanism to screen individuals in prostitution for trafficking, which may have left victims unidentified in the law enforcement system.

## PREVENTION

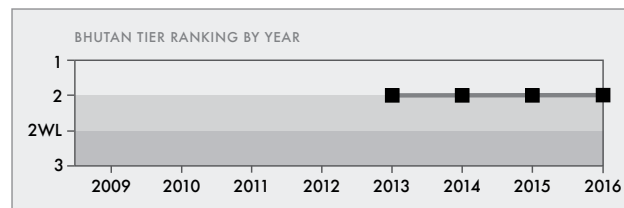
The government made decreased efforts to prevent trafficking in persons. The anti-trafficking coordinating body—the Trafficking and Exploitation Technical Working Group of the National Monitoring and Coordination Working Group for Child Protection—did not meet during the year, nor did its six affiliated working groups. The government engaged local authorities and traditional leaders in child trafficking prevention. The government has local child protection committees in 33 communities throughout the country to raise awareness, detect trafficking networks, and reintegrate victims, but it did not report any committee activities during the year. With support from a foreign donor, the government trained police officers, social assistants, local civil society organizations, and journalists to identify and re-integrate children as part of a project on migrant children in West Africa. During two five-day trainings MOL, in partnership with an international organization, trained 60 print and radio journalists on child sex and labor trafficking and subsequently disseminated information in local languages throughout villages and communities in the northern and southern Benin. In November 2015, MOL hired an additional 25 labor controllers, 31 labor inspectors, and five labor administrators. Labor inspectors generally imposed administrative penalties, resulting in fines, even for serious labor violations, some of which likely included trafficking crimes. The government took no systematic steps to reduce the demand for commercial sex acts or forced labor both within the country and abroad during the reporting period. It provided its troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, conducted by a foreign donor. The government did not provide anti-trafficking training for its diplomatic personnel.

## BHUTAN: Tier 2

Bhutan is a destination country for men, women, and children vulnerable to forced labor and sex trafficking, and a source country for Bhutanese children subjected to forced labor and sex trafficking within the country and in India. 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.

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 and civil society did not identify any victims of trafficking during the reporting period; subsequently, the government did not investigate or

prosecute any trafficking cases. The government continued to detail personnel to an NGO serving trafficking victims and funded programs around the country to increase public awareness on anti-trafficking laws, including at industrial and construction sites in border districts. However, the government did not train officials during the year, and a lack of understanding of the crime continued to limit the government's response to human trafficking.



## RECOMMENDATIONS FOR BHUTAN:

Amend section 154 of the penal code to refine the definition of human trafficking so the purpose of the crime is “exploitation” rather than “any illegal purpose;” formalize standard operating procedures to proactively identify trafficking victims and refer them to protection services; proactively investigate potential cases of trafficking, and if there is enough evidence, prosecute those cases; train officials on the implementation of anti-trafficking laws and victim identification and referral procedures; 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 raising events among vulnerable populations; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government did not report any anti-trafficking law enforcement efforts beyond its standard policing duties during the reporting period. 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 for the purpose of engaging in “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. It 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. The government did not investigate or prosecute any trafficking cases during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. The government did not conduct anti-trafficking training during the year and a lack of understanding of the crime continued to limit the government's response to human trafficking.

## PROTECTION

The government made modest efforts to protect trafficking victims; however, it did not employ systematic procedures for the identification and referral of victims. During the previous reporting period, the National Commission for Women and Children (NCWC), an autonomous agency funded by the government, began development of standard operating protocols for anti-trafficking law enforcement procedures, in partnership with an international organization and including input from government representatives; these procedures were not finalized during the reporting period. The government did not report identifying any victims during the reporting period. An NGO, supported with personnel from the government, provided shelter to women and child victims of crime, including human trafficking, and rehabilitation services to men, women, and children; however, it is unclear whether trafficking victims utilized its services during the year. There was no shelter facility for men. The government continued to deport undocumented migrant workers without screening them for trafficking victimization. The law did not provide legal alternatives to removal of trafficking victims to countries in which victims would face retribution or hardship.

## PREVENTION

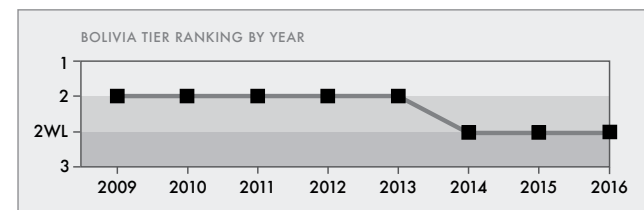
The government undertook some efforts to prevent human trafficking. The government did not have a national action plan to combat trafficking, nor did it appoint an agency to coordinate its anti-trafficking action; however, the government continued to partner with an international organization on a project designed to enhance government and civil society responses to trafficking. The NCWC partnered with an international organization to begin to establish a hotline and data collection system on women and child trafficking victims. The Bhutan Labor and Employment Act of 2007 required employment recruiters to abide by the same labor laws as employers and required recruiters to be licensed. The government registered migrant laborers and monitored working conditions. The NCWC conducted government-funded programs around the country to increase public awareness on anti-trafficking laws, including at industrial and construction sites in border districts. The police monitored businesses potentially offering commercial sexual services, such as massage parlors. The government did not report whether it took steps to reduce the demand for 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.

## BOLIVIA: Tier 2 Watch List

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 found in sex trafficking in Bolivia. Civil society and media report 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 service, 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 found in forced labor in Argentina, Brazil, and Chile, other countries in sweatshops, agriculture, domestic service, textile factories, and the informal sector. Media reports also indicate traffickers, including extended families with ties to the communities and groups they exploit, use social and online networks to advertise high-paying jobs abroad to recruit vulnerable populations. Traffickers also 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Bolivia is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Bolivia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government published and resourced its 2015-2019 national anti-trafficking action plan aimed at prevention, protection, and prosecution, as well as national and international coordination. The government devoted 18 million bolivianos (\$2.6 million) for 2015 of an estimated 60 million bolivianos (\$8.7 million) budget to implement the plan from 2015-2019. Authorities reportedly convicted five traffickers but did not report the total number of victims identified, referred, or assisted in 2015, or the kinds of services these victims received.



## RECOMMENDATIONS FOR BOLIVIA:

Strengthen efforts to prosecute all trafficking offenses, and convict and punish traffickers, including complicit officials; implement the established protocols for the identification of trafficking victims among vulnerable populations and the referral of victims to care services; establish a national registry of employment agencies to inhibit fraudulent labor recruitment; devote additional resources to implement the 2015-2019 national anti-trafficking action plan, including funds designated for specialized assistance for all trafficking victims across the country; direct dedicated human trafficking units to increase efforts on human trafficking cases rather than focusing on other crimes, such as missing persons; implement systematic victim-centered anti-trafficking training for government officials, including police, prosecutors, judges, and social workers; improve data collection and sharing on anti-trafficking efforts, adequately distinguishing human trafficking from other crimes; provide reintegration services to returning Bolivian trafficking victims; and coordinate efforts among government and non-governmental entities working to combat trafficking.



## PROSECUTION

Government anti-trafficking law enforcement efforts remained weak. 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, however, 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, it creates only one government infrastructure to address the two crimes, which may lead to confusion in collection of data and in the response to perpetrators and victims of these separate crimes. Some officials conflated human trafficking with the movement of children within the country or to other countries without proper documentation. 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 reliable or comprehensive data on the number of trafficking investigations or prosecutions initiated in 2015. Trafficking crimes reported to the Bolivian police decreased from 380 in 2014 to approximately 247 in 2015. Authorities reportedly convicted five traffickers, a decrease from 12 traffickers in 2014; however they did not report sentence length or specify the form of trafficking committed for each conviction. Press reports indicated two traffickers were sentenced to two and eight years' imprisonment, respectively, for smuggling and trafficking two newborn children for illegal adoption, a crime under law 263 but not under the international definition. 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. Civil society indicated departmental (provincial) governments received funding from a national tax, but devoted less than 1.5 percent to budgets for law enforcement operations, generally judged to be insufficient. As a result, police relied heavily on donations from NGOs and civil society to conduct operations, including anti-trafficking operations. The government, in collaboration with an international organization, provided anti-trafficking training to 108 investigators, police, prosecutors, judges, and social workers. While law 263 imposes a serious penalty for public servants involved in trafficking crimes, some experts reported traffickers could bribe prosecutors to avoid being charged. For the third consecutive year, no information was available regarding government response to a 2013 report from the ombudsman's office that two police officers allegedly forced female inmates into prostitution. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government made inadequate victim protection efforts. Authorities approved an early detection protocol for police and social service providers to identify trafficking and smuggling cases, and a protocol for specialized attention to trafficking and smuggling victims. However, these protocols were not implemented nor did they receive any dedicated funds. The government did not report the total number of victims identified, referred, or assisted in 2015 or the kinds of services these victims received. An international organization reported assisting five internal trafficking victims and repatriating 18

Bolivian victims of labor exploitation without assistance from the government. A civil society organization reported providing services to three foreign trafficking victims in Bolivia. 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 (MOL) had 10 inspectors to investigate child and forced labor, and employed another 87 inspectors who could investigate such cases if found during routine labor inspections. MOL did not report the number, if any, of labor trafficking victims identified in 2015. Law 263 requires the MOL to create a national registry of employment agencies to monitor for trafficking activity. However, authorities did not establish this mechanism in 2015; and NGOs expressed skepticism that even with the registry, many employment agencies would continue to operate informally and be difficult to regulate.

Government-funded or provided specialized victim services were lacking in most of the country. NGOs provided the majority of specialized care, including emergency housing, without government funds. Law 263 requires regional governments to create specialized care centers for trafficking victims in each of Bolivia's nine departments, but the government did not operate or fund such centers. Law 263 also requires the government to provide free access to services for victims, but the government did not fund 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 services to adult male victims. The government detained boy trafficking victims in juvenile justice centers with juvenile criminals due to a lack of shelters. Five departmental governments operated special victims units, which focused on providing legal and psychological services to victims of gender-based violence, but did not report the number of trafficking victims these units assisted in 2015. Victims may provide written testimony rather than testifying in a court proceeding, although the procedure was not used in 2015. Bolivian law allowed victims to seek civil damages, but there were no reports of trafficking victims doing so in 2015. The government could provide foreign victims with humanitarian visas to remain in Bolivia temporarily and if granted, enable victims to apply for a work permit; but it did not report issuing such visas in 2015. Two Colombian trafficking victims received permanent residency through a Mercosur agreement.

## PREVENTION

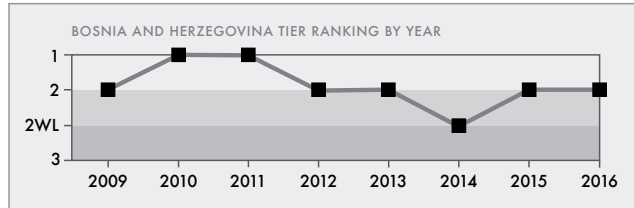
The government made modest progress in its prevention efforts. The government published and resourced its 2015-2019 national anti-trafficking action plan aimed at prevention, protection, and prosecution, as well as national and international coordination. The government devoted 18 million bolivianos (\$2.6 million) for 2015 of an estimated 60 million bolivianos (\$8.7 million) budget to implement the plan from 2015-2019. The Plurinational Council against Human Trafficking and Smuggling published a national policy to implement law 263 that requires each department to develop anti-trafficking plans; only one of nine departments developed a plan. Authorities conducted some anti-trafficking awareness events. The plurinational council met seven times in 2015 and civil society representatives participated for the first time. Two separate government entities were responsible for coordinating anti-trafficking efforts, and experts noted a lack of interagency coordination, in part due to overlapping mandates. In addition, the Office of the Human Rights Ombudsman continued to coordinate a network of government officials and civil society organizations, which engaged in prevention efforts in four border cities and

collaborated with civil society in four departments. Law 263 required media outlets to run public service announcements on trafficking and written news outlets to publish public service announcements on trafficking, and most outlets complied. The government created an observatory of trafficking crimes to collect information on trafficking trends and law 263 also mandates the plurinational council to submit an annual report to Congress on its work; neither report has been published. 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. As of 2015, two companies obtained the seal. There were no reported investigations, prosecutions, or convictions for child sex tourism in 2015. The Vice Ministry of Tourism requested hotels to post signs informing tourists of sanctions for child sex tourism; some hotels complied. The government did not report efforts to reduce the demand for forced labor. The Department of Defense, in coordination with an international organization, provided anti-trafficking training to 19,000 troops that patrol national borders. The government provided anti-trafficking training for its diplomatic personnel.

## BOSNIA AND HERZEGOVINA: Tier 2

Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Bosnian women and girls are subjected to sex trafficking within the country in private residences, motels, and gas stations. Economically-vulnerable 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.

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. Federation, Republika Srpska, and Brcko District authorities increased law enforcement efforts overall. The national, state-level criminal code was amended to further establish legal jurisdiction and increase the prescribed penalties for transnational human trafficking. While the Federation began the process of amending its criminal code to prohibit all forms of trafficking, its parliament had not yet formally passed the legislation at the end of the reporting period, hampering overall prosecution of trafficking crimes at all levels of the government during the year. The government trained prosecutors and judges on trafficking case-management techniques; however, experts stated judges deciding trafficking cases remained inadequately prepared, and interview techniques and protections available to shield child trafficking victims from further trauma were not adequately utilized. The government continued to allocate small grants to NGOs for assistance to trafficking victims, but male victims could not access specialized services.



### RECOMMENDATIONS FOR BOSNIA AND HERZEGOVINA:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and deliver sentences that are sufficiently stringent; harmonize Federation government legislation to explicitly criminalize all forms of trafficking consistent with state law and the 2000 UN TIP Protocol; train judicial authorities on a victim-centered approach to prosecution; train front-line officers on proactive victim identification, particularly those subjected to forced labor and forced begging; standardize victim assistance throughout the country and develop specialized assistance for male victims; adequately protect victims from threats and re-victimization during the investigation and prosecution of trafficking cases, particularly child victims; integrate Romani groups into decision-making processes regarding victim protection; allow trafficking victims to leave shelters at will without a chaperone; and adequately assist all victims regardless of whether their cases are prosecuted.

### PROSECUTION

The government demonstrated increased progress on anti-trafficking law enforcement efforts. Bosnia consists of two entities within the state, the Federation of Bosnia and Herzegovina and the Republika Srpska. Each entity has political, legislative, and judicial authority. The Brcko District 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. In May 2015, to distinguish legal jurisdiction, article 186 of the state-level criminal code was amended from prohibiting both domestic and international trafficking to only prohibiting 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 amendment also increased the prescribed penalties from a minimum of three to five years' imprisonment. Republika Srpska and Brcko District prohibit sex trafficking and forced labor with minimum prescribed penalties of three years' (Republika Srpska) and five years' (Brcko District) imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the Federation Parliament began the process of adopting articles 210a and 210b to criminalize sex trafficking and forced labor and organized human trafficking, respectively, but at the close of the reporting period had not formally passed the legislation.

During 2015, the state prosecutor's office launched an investigation against one trafficking suspect, the same number as during 2014, and indicted one individual under article 186. This was a decrease from 13 individuals indicted in 2014 for subjecting 672 individuals to labor trafficking; the case—Bosnia's largest indictment for trafficking in the country's history—remained ongoing. The state did not convict any traffickers in 2014 or 2015. In January 2015, with the support of Eurojust—the European Union's Judicial Cooperation Unit—

Bosnian and French law enforcement officials formed a joint investigative team to address a case in which Bosnian citizens, primarily Romani women and girls, were sent to France and forced to pickpocket and steal. During the reporting period, seven arrests related to the investigation were made in Bosnia and 11 in France.

During the reporting period, Republika Srpska, Brcko District, and Federation authorities increased law enforcement efforts overall. Republika Srpska authorities began two investigations into five suspected traffickers and indicted two persons, compared with zero investigations and prosecutions in 2014. Republika Srpska courts convicted two traffickers, compared with three in 2014, and sentenced them to two and three years' imprisonment. Brcko District authorities began one investigation against three suspected traffickers, compared with one suspected trafficker investigated in 2014, and issued one indictment against two suspects, compared with zero in 2014; there were no convictions in 2014 or 2015. Federation authorities investigated 10 suspects and prosecuted four defendants under their Enticement to Prostitution statute, compared with five suspects investigated and four defendants prosecuted in 2014. Federation courts convicted eight traffickers, compared with five in 2014. Two individuals received one year of imprisonment, one received two years', two received one-and-a-half years', and two persons were sentenced to three-and-a-half years' imprisonment. One trafficker received a suspended sentence, compared with two suspended sentences in 2014.

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. However, experts stated judges deciding trafficking cases remained inadequately prepared, and more training was necessary. During the reporting period OSCE, in partnership with the state, developed curricula for prosecutors and judges on trafficking cases and trained nine officials to serve as future trainers to their colleagues. NGOs hosted additional trainings for officials. Corruption and official complicity in trafficking crimes remained significant concerns. In December 2015, the state prosecutor's office issued an indictment of a Bosnian official for involvement in trafficking-related crimes; the 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. A Federation police officer was charged with enticement to prostitution for coercing his paramour to provide sexual services to clients in exchange for money.

## PROTECTION

The government maintained its protection efforts. The government identified 31 victims of trafficking in 2015, compared with 48 in 2014; 24 victims were subjected to forced begging and seven to sex trafficking. Of these, 23 victims were female, 14 were minors, and all were citizens of Bosnia and Herzegovina. The state coordinator acknowledged there were likely to be additional victims that did not come to the attention of authorities. Bosnian law enforcement used a screening questionnaire to evaluate potential victims and authorities followed a formal referral mechanism for assisting victims. Authorities referred 14 victims to NGO-run shelters; officials provided assistance to victims only if they proactively requested it. Shelters accommodated male trafficking victims but did not offer them specialized services. Shelters did not permit victims to leave without a chaperone. Six government-run social welfare centers provided assistance to 129 children

involved in begging or working on the streets and identified of being at risk of trafficking. The Ministry of Human Rights and Refugees distributed small grants totaling 60,000 marks (\$33,400) to six NGOs for assistance to domestic trafficking victims, including shelter, clothing, counseling, education, and job training. Domestic victims did not have to stay at the shelters to receive reintegration assistance. The Ministry of Security budgeted 120,000 marks (\$66,800) for NGOs to provide assistance to foreign victims, including shelter, medical and psychological support, and repatriation services. The funds were returned to the state budget when no foreign victims were identified and were not re-allocated for domestic victim assistance.

Observers reported law enforcement and prosecutors were often unwilling to pursue investigations and prosecutions against a child's parents, even if they were involved in subjecting the child to trafficking; shelters would subsequently return the child to their parents. Experts expressed concerns about interview techniques used with child trafficking victims, reporting one instance where a victim was interviewed in front of the suspected exploiter. 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 minors 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. Only the criminal codes of the state and Brcko District contain provisions exempting trafficking victims from prosecution for such acts. Officials acknowledged the need to strengthen continuity of victim care throughout trials and improve protection of marginalized populations, such as Roma. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in Bosnia. Victims were permitted a 30-day reflection period to determine whether they wanted to request a visa, although in practice temporary residence permits were granted only to victims whose cases were prosecuted. Observers reported when prosecutors determined a victim's testimony was not needed, or when they closed a case, the government often initiated deportation procedures without providing adequate assistance or arranging for the victims' safe repatriation. Trafficking victims could seek restitution through criminal or civil suits. In 2014, an NGO filed the first lawsuit for non-material compensation on behalf of four trafficking victims; in 2015, a district court dismissed the charges and the NGO has since filed an appeal.

## PREVENTION

The government continued efforts to prevent trafficking. In December 2015, the Council of Ministers approved the 2016-2019 national anti-trafficking action plan. A nationwide interagency taskforce met monthly to monitor the progress of trafficking investigations and prosecutions and continued to implement its 2015-2017 work program towards increased awareness of trafficking, interagency cooperation, and cooperation with neighboring countries. The national anti-trafficking coordinator published its annual report in 2015. The government allocated 10,000 marks (\$5,570) for activities associated with the 2015 European Anti-Trafficking Day; an NGO developed a social media campaign that concluded with a photo exhibition and media event. The Ministry of Defense provided training on identifying and reporting trafficking to members

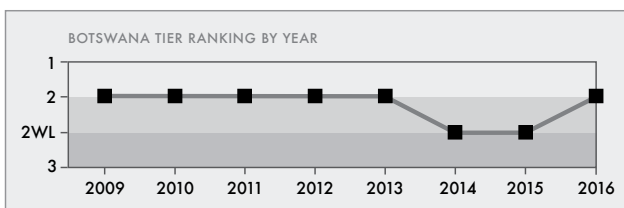


of the armed services from other European countries who participate in UN peacekeeping operations. The government continued public prevention campaigns targeting the demand for commercial sex acts. The government did not make efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## BOTSWANA: Tier 2

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 along major highways by truck drivers. Some women may be subjected to trafficking internally or transported from neighboring countries and subjected to sexual exploitation. Officials confirmed for both adults and children of the San ethnic minority group labor conditions on private farms and cattle posts in Botswana’s rural west might rise to the level of forced labor. Undocumented migrant children might be vulnerable to trafficking in Botswana. There has been no comprehensive international or domestic study of trafficking trends within the country.

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. During the reporting period, the government investigated five trafficking cases and prosecuted seven traffickers under the 2014 Anti-Human Trafficking Act, in comparison with none reported the previous reporting period. The cases were ongoing at the end of the reporting period. The government did not convict any traffickers. The government established the Anti-Human Trafficking Committee, in accordance with the Anti-Trafficking Act, in January 2016; it held two meetings during the reporting period. The government identified six trafficking victims and provided them food, amenities, and basic assistance, including medical and psychosocial care. The government provided social service personnel with formal written procedures to guide them in identifying potential trafficking victims among vulnerable populations; other officials remained without formal identification and referral procedures. The government launched a nationwide public awareness campaign, which also served to educate local government officials in 16 districts. It conducted a train-the-trainers event for law enforcement and immigration officials on anti-trafficking efforts. The government did not provide anti-trafficking training for its diplomatic personnel.



## RECOMMENDATIONS FOR BOTSWANA:

Amend the anti-trafficking law to ensure penalties are sufficiently stringent by restricting the ability of judges to impose fines in lieu of prison time when sentencing convicted traffickers; continue efforts to investigate, prosecute, and convict traffickers using the 2014 Anti-Human Trafficking Act for both internal and transnational trafficking cases; implement formal victim identification procedures for all stakeholders, including law enforcement and immigration officials, and train officials on the procedures; fully formalize the system to refer victims to social services; 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; amend the 2009 Children’s Act to define child trafficking including exploitation of children in prostitution without any force, coercion, or movement necessary; 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 prohibits all forms of trafficking, although the law’s definition of trafficking also links trafficking to ancillary crimes such as rape, pornography, and child labor. The act prescribes penalties for sex and labor trafficking of up to 30 years’ imprisonment or a fine of one million pula (\$111,000), which are commensurate with those prescribed for other serious crimes. For sentences that only include a fine, penalties are not sufficiently stringent with those prescribed for other serious crimes, such as rape. Sections 57 and 114 of the 2009 Children’s Act prohibit child prostitution and child trafficking, respectively; section 57 prescribes penalties of two to five years’ imprisonment for facilitation or coercion of children into prostitution, while section 114 prescribes penalties of five to 15 years’ imprisonment for child trafficking. The children’s act does not define child trafficking; however, the 2014 Anti-Human Trafficking Act specifically links its definition of child trafficking to the children’s act. The 1998 penal code prohibits most forms of trafficking in sections 150-158 (forced prostitution), section 256 (kidnapping for slavery), and sections 260-262 (slavery and forced labor). The sufficiently stringent penalties prescribed for offenses under these sections range from seven to 10 years’ imprisonment, and are commensurate with those prescribed for other serious crimes, such as rape.

The government investigated five trafficking cases and prosecuted seven traffickers under the 2014 Anti-Human Trafficking Act, in comparison with investigating an unreported number of trafficking cases and obtaining no prosecutions the previous reporting period. The prosecutions were ongoing by the end of the reporting period; the government did not convict any traffickers. There were anecdotal reports that Botswana victims may have been subjected to internal trafficking, including children exploited in prostitution or domestic servitude. While authorities conducted some targeted investigations into the issue, they did not encounter any cases nor initiate any prosecutions involving Botswana victims. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The Ministry of Defense, Justice, and Security (MDJS) led awareness-raising and training sessions on the 2014 act, prosecuting trafficking offenders, and identifying and assisting potential victims for local government officials in all 16 districts. In December 2015, it separately held an informational session to sensitize judicial

officials at the national level across the country on trafficking and the 2014 Anti-Human Trafficking Act. In July 2015, MDJS also held a train-the-trainers event for 40 law enforcement and immigration officials. Judicial authorities lectured at the Botswana Police College to sensitize incoming recruits on trafficking issues. Additionally, during the reporting period, 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.

## PROTECTION

The government increased efforts to protect trafficking victims. The government identified six victims during the reporting period. Law enforcement officials, in partnership with an international organization, coordinated with the Department of Social Services to refer the victims to NGO-run shelter services while their cases were pending and ensured victims received medical services funded by the government, in comparison to the previous year where the government's role in referring and providing assistance to victims was limited by the lack of qualified cases. The government provided formal written procedures to guide social service officials in proactively identifying victims of trafficking among vulnerable populations; however, it did not provide such procedures for other officials, including law enforcement and immigration officials. The government had not fully operationalized the victim referral measures detailed in the 2014 act. The government provided an NGO-run shelter with 8,965,601 pula (\$804,000) during the reporting period. As permitted under the 2014 act, the government granted one foreign national victim an extended stay in Botswana. The government did not penalize trafficking victims for crimes committed in relation to being subjected to trafficking. The government implemented informal measures designed to encourage victims to assist in the investigation and prosecution of traffickers, in comparison to the previous reporting period where no measures were taken.

## PREVENTION

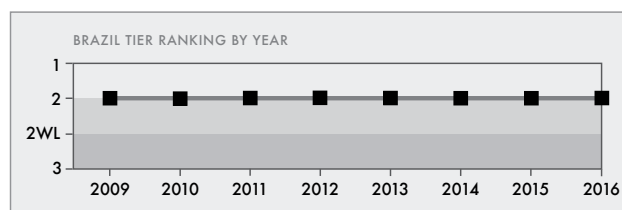
The government increased efforts to prevent trafficking during the year. In January 2016, MDJS established the Anti-Human Trafficking Committee in accordance with the 2014 act. It met twice during the reporting period. The committee and MDJS began work on a national action plan. In July 2015, in collaboration with an international organization, the government hosted an anti-trafficking commemoration day in Palapye to raise awareness on human trafficking; approximately 300 local citizens attended. The government made efforts to reduce the demand for commercial sex acts; however, it did not make efforts to reduce the demand for forced labor during the reporting period. It did not provide anti-trafficking training for its diplomatic personnel.

## BRAZIL: Tier 2

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, and federal police report higher rates of children exploited in prostitution in the north and northeast regions. Brazilian women are found in sex trafficking abroad, often 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. Brazilian law defines *trabalho escravo*, or slave labor, as forced labor or labor performed during exhausting work days or in degrading work conditions. While not all individuals in *trabalho escravo* are forced labor victims, many are. 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 with approximately 213,000 children 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. Brazil is a destination for men, women, and children from other countries—including Bolivia, Paraguay, Haiti, and China—exploited in 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 tolerate children exploited in sex trafficking, patronize brothels, and rob and assault women in prostitution, impeding proactive identification of sex trafficking victims. Government officials and former officials have been investigated and prosecuted for *trabalho escravo*.

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. Brazilian law defines trafficking as a movement-based crime and statutes prohibiting trafficking do not align with international law, making it difficult to assess government efforts accurately. Decentralized data collection on prosecutions, convictions, and sentences inhibits government coordination and also makes assessment difficult. Most trafficking cases took many years to progress through the legal and judicial systems. An increased number of state governments offered vocational training and access to public services to forced labor victims. Authorities confirmed providing general services to only a small portion of potential victims, and the federal government did not fund specialized shelters, although some states provided job training for vulnerable populations, including forced labor victims. The government continued awareness-raising efforts.



## RECOMMENDATIONS FOR BRAZIL:

Increase efforts to investigate and prosecute trafficking offenses and convict and sentence traffickers, including those engaged in internal sex trafficking not involving movement, the exploitation of children in prostitution and child sex tourism, and any

form of trafficking involving complicit officials; improve judicial processes, including by improving coordination and collaboration between the judiciary and the federal prosecutor's office, so measurable results are achieved in holding traffickers accountable, and implement sentences that are sufficiently stringent; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; in partnership with civil society, increase funding for specialized services for victims of sex trafficking and forced labor and fund shelters for victims of sex trafficking and forced labor; amend legislation to harmonize the definition of trafficking with the 2000 UN TIP Protocol and establish sufficiently stringent sentences for traffickers; verify with measurable results that victims of both sex and labor trafficking are referred to comprehensive services and that officials working at social service centers have funding and training to provide specialized care, such as employment assistance; increase oversight of local guardianship councils so child trafficking victims receive specialized services and case management; enhance timely data collection on prosecutions, convictions, and victim identification and care; increase law enforcement dedicated to identifying victims of sex trafficking and domestic servitude; increase labor inspectors trained to recognize and report indicia of forced labor; and increase collaboration between government entities involved in combating different forms of trafficking.

## PROSECUTION

Authorities maintained uneven law enforcement efforts largely focused on sex trafficking and not sufficient given the scope of both sex trafficking and labor trafficking in Brazil. The lack of a unified anti-trafficking law and comprehensive data made efforts difficult to evaluate. Brazilian laws prohibit most forms of trafficking in persons. Articles 231 and 231-A of the penal code respectively prohibit international and domestic sex trafficking, but they are inconsistent with international law as they require movement as a necessary element, with violence, threats, or fraud as aggravating elements as opposed to necessary elements of the offense. These articles prescribe penalties of two to eight years' imprisonment, which are sufficiently stringent, but not commensurate with those prescribed in Brazil for other serious crimes, such as rape. Officials investigated and prosecuted cases of sex trafficking not involving movement under other statutes, such as those related to pimping or sexual exploitation. Article 149 of the penal code prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery, prescribing penalties of two to eight years' imprisonment. Article 149 goes beyond situations in which people are held in service through force, fraud, or coercion to criminalize other treatment, including subjecting workers to exhausting work days or degrading working conditions. Article 149 does not adequately criminalize non-physical coercion, such as threatening foreign victims with deportation unless they continue to work. Draft legislation to harmonize the definition of trafficking with the 2000 UN TIP Protocol and increase the minimum sentences for anti-trafficking crimes was introduced in 2014, but not approved by Congress in 2015.

Since the laws related to trafficking also criminalize non-trafficking crimes, and other laws may have been used to prosecute and convict trafficking offenders, the total number of trafficking investigations, prosecutions, and convictions was unknown. In 2015, authorities reported 374 existing police investigations, 97 new or existing prosecutions under article 231 and article 231-A, and 12 new convictions, 10 under article 231 and two under article 231-A, as decided by regional federal

tribunals; and 296 new investigations, 65 new prosecutions, and nine new convictions under article 149. In comparison, in 2014, authorities reported police investigations of 75 new cases and five new prosecutions under article 231, and 77 cases and 16 new prosecutions in 2013; nine investigations and two new prosecutions under article 231-A; and 327 new or existing investigations, 105 new prosecutions initiated, and four final convictions under article 149. Most sex and labor traffickers convicted by lower courts appealed their convictions while out of jail; there were 43 appeals related to trafficking cases in the federal court system in 2015. These judicial processes lasted years and delays made holding traffickers accountable difficult. Authorities leniently implemented sentences issued under trafficking statutes. Based on incomplete data, in 2015 federal appeals courts upheld the convictions of 12 international sex traffickers in five cases and nine labor traffickers in six cases, compared with nine international sex traffickers in two cases and four labor traffickers in 2014. Officials reported no final convictions for cases involving child victims. Sex traffickers convicted in 2015 had sentences ranging from six years' to six years and five months' imprisonment; however, most convicted traffickers served these sentences under house arrest or by spending only nights in prison while being free during the day. Imposed sentences for convicted labor traffickers in 2015 ranged from one year and two months to nine years. In 2015, federal judges emphasized that collecting evidence from victims and witnesses gathered at the scene remained challenging, and that many cases had been dismissed due to insufficient evidence.

Efforts are also being undertaken by some states. In Paraíba state, officials investigated a criminal ring that subjected more than 50 male teenagers to trafficking in Latin America and Italy for sexual exploitation as transvestites. Investigations have been ongoing since 2013, and authorities arrested and charged 12 Italians and Brazilians in criminal court in 2015. The case is in the hearing stage. The federal government also brought a civil class action lawsuit for 20 million reais (\$5,566,400) against the defendants; a final ruling is expected in 2016. This is the first time the federal government filed a civil class action suit on behalf of trafficking victims in Brazil. Any monetary compensation from the lawsuit will go to a fund that assists trafficking victims, but it is unconfirmed whether any of the money will go to the victims in the case. In 2015, labor inspectors rescued 11 trafficking victims from northeastern Brazil who were hired for the construction of the Olympic Village. The prosecutor's office for labor cases said that although no civil action had been taken on this case, each of the workers was awarded 20,480 reais (\$5,700) in back-wages. No criminal charges have been filed to date.

Anti-trafficking law enforcement efforts were disjointed due to different laws and government entities involved. Significant challenges stemming from bureaucratic and systemic deficiencies in the criminal justice system remain in the areas of investigation and prosecution. Law enforcement units required more funding, expertise, and staff to investigate trafficking, and awareness of trafficking among law enforcement was low. In addition to state committees tasked with coordinating data sharing among courts, authorities established a national forum of judges from various levels, including the president of the supreme federal court, which compares notes and information on sentences related to trafficking cases. The coordinating body sought to prioritize the collection of data on judicial cases related to international sex trafficking and slave labor, and to work with the federal prosecutor's office to share prosecution data. The government collaborated with an international partner to provide a two-day anti-trafficking training for some law enforcement officials,



judges, and prosecutors; however, training for law enforcement remained uneven, especially for state police. In Sao Paulo, the city government trained police to detect signs of trafficking. The Ministry of Labor (MOL)'s anti-*trabalho escravo* mobile units freed workers and required those responsible for their exploitation to pay fines. Labor inspectors and prosecutors could only apply civil penalties, and the government did not criminally prosecute many *trabalho escravo* cases. Local political pressure, threats from landowners, a shortage of labor inspectors or police, and the remoteness of properties hampered some investigations. Officials found domestic servitude particularly difficult to identify and investigate.

Authorities did not report any new investigations of complicit officials in 2015. The government did not report progress on 2013 cases involving a judge in Bahia state allegedly involved in sex trafficking and police officers in Rio de Janeiro allegedly involved in operating a brothel.

## PROTECTION

The government maintained inadequate victim protection efforts and identified significantly fewer potential victims than in 2014. A government publication provided guidance on how to identify and assist potential trafficking victims, but many officials did not have or did not implement this guidance and lacked guidelines for screening vulnerable populations for trafficking indicators. Government entities used different definitions of trafficking, making it difficult to assess victim identification and assistance efforts. Sixteen of 27 state governments operated state-level anti-trafficking offices, which varied in effectiveness, and unreliable data remained a problem. There were also 19 offices helping migrants at airports, up from three in 2014. The 16 state anti-trafficking offices and 19 offices at airports reported a total of 528 potential sex trafficking and 176 potential labor trafficking victims in the first half of 2015, compared to 170 potential sex trafficking and 2,145 potential labor trafficking victims in the first half of 2014. They reported 459 potential sex trafficking and 700 potential labor trafficking victims in the latter half of 2015, compared to 81 potential sex trafficking and 1,185 potential labor trafficking victims in the latter half of 2014; in some cases the same victims were counted twice. MOL mobile inspection units identified many potential labor trafficking victims and identified and freed 1,010 laborers in situations of *trabalho escravo* in 2015, compared with 1,509 in 2014. Officials did not report the total number of victims of domestic servitude or commercial sexual exploitation of children identified in 2015.

The federal government did not fund specialized shelters for trafficking victims; however, some states provided job training for vulnerable populations, including forced labor victims. There were no specialized services for male and transgender sex trafficking victims. The government did not fund long-term shelter for trafficking victims. Specialized shelters for child sex trafficking victims were lacking, and NGOs and officials reported local 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. Anti-trafficking centers for social assistance were responsible for referring victims to services, but authorities did not report how many victims these offices referred to services. Of the 2,453 specialized social assistance centers across the country where psychologists and social workers provided assistance to vulnerable people, only 675 centers, or 28 percent, were certified to assist trafficking victims; and many centers

were underfunded. In 2014, 623 centers were certified to assist trafficking victims. Officials generally did not refer individuals in *trabalho escravo* to these centers. In 2014, the last year for which statistics were available, these centers reported assisting 1,137 trafficking victims, including 192 girls, 284 women, 145 boys, and 516 men. In comparison, in 2013, these centers reported assisting 292 trafficking victims. The Sao Paulo shelter providing temporary assistance for refugees and trafficking victims did not report how many victims stayed at the shelter.

The government provided individuals removed from *trabalho escravo* with unpaid wages plus three months' minimum wage salary and transportation home, a benefit sex trafficking victims did not receive. While labor prosecutors awarded some workers compensation from fines levied against employers, in some cases officials did not file for these indemnities, and in other cases victims did not receive them due to non-payment by employers. Authorities reported that rescued workers received 3.1 million Brazilian reais (\$860,000) in back pay in 2015. State governments in Mato Grosso, Bahia, Rio de Janeiro, and the "Bico do Papagaio" region provided funds to a program that offered vocational training to freed slave laborers. Most rescued slave laborers remained vulnerable to re-trafficking due to few employment options and lack of adequate assistance; however, the government sought to address this issue by expanding vocational training. The Ministries of Labor and Social Development signed a memorandum of understanding to provide forced labor victims access to comprehensive public services by including the victims in the registry for social programs, granting them priority access to the Bolsa Familia 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. Some victims were reluctant to testify due to fear of reprisals from traffickers. Sex trafficking victims were eligible for short-term protection under a program for witnesses created in 1999, and authorities reported that two trafficking victims received protection in 2015, one victim of international trafficking for slave labor and one for international sex trafficking. Foreign sex trafficking victims were entitled to permanent visa status, and the government reported one victim received it in 2015, compared to no victims in 2014. At least one labor trafficking victim was repatriated to China with assistance from the Rio State government and NGOs; he was the first Chinese trafficking victim ever repatriated. There were no reports in 2014, the last year for which data were available, that victims were penalized for unlawful acts committed as a result of being subjected to human trafficking, although in past years police officers deported foreign citizens in *trabalho escravo* and with the weak victim identification system it is likely some victims were detained and jailed.

## PREVENTION

The government continued modest prevention efforts, amidst reduced resources and budgets. Coordination among anti-trafficking initiatives was uneven, making the initiatives less effective. The national committee on trafficking included selected NGOs, and officials maintained a separate commission to eradicate *trabalho escravo*. Authorities issued two reports in 2015 on efforts to implement the 2013-2016 plan for movement-based trafficking. Most federal ministries reported reduced budgets limited their ability to implement the plan. State anti-trafficking offices often lacked adequate human resources and budgets, and interagency coordination was weak in several states. Federal, state, and municipal entities undertook anti-trafficking initiatives and awareness efforts.

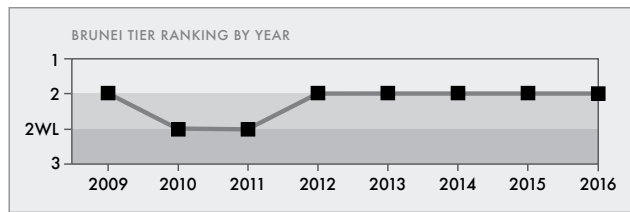
The MOL last published a public list identifying individuals and businesses responsible for *trabalho escravo* in 2014; some companies sued to be removed from the list. The July 2014 list cited 609 employers who were denied access to credit by public and private financial institutions because of this designation. The supreme federal court is expected to make a final decision in 2016 on the publication of the list. Authorities continued awareness campaigns in an effort to reduce the demand for commercial sexual exploitation of children. In 2014, federal police helped identify points of increased risk for sexual exploitation of children along federal highways; at the close of the reporting period, no data was provided as to efforts made at the points of risk. Officials did not report any new investigations, prosecutions, or convictions of child sex tourists in 2015. There was no reported progress on an ongoing prosecution of a case initially investigated in 2007 involving a fishing tour company that brought U.S. citizens to engage in child sex tourism with indigenous girls in Amazonas State. 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.

## BRUNEI: Tier 2

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 women and girls are reportedly subjected to sex trafficking in Brunei. Although it is illegal for employers in Brunei 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. Government officials have been investigated for complicity in trafficking offenses, including domestic servitude, in previous years, although no such investigations took place during the reporting period.

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. During the reporting period, authorities charged three foreign nationals for child sex trafficking and one individual for forced labor under the anti-trafficking law, compared to the previous two years in which it did not initiate any prosecutions. Victim protection efforts remained inadequate. Although the government used standardized mechanisms for proactive victim identification, it continued to detain and punish some individuals in prostitution and for labor and immigration violations who may have been victims of trafficking. The government did not offer foreign victims any long-term alternatives other than removal from the country, and shelters used to house victims restricted freedom of movement. The government informed the public on the illegality of withholding workers' passports but did not prosecute any employers or agencies for passport retention even though the practice remained widespread. The government continued national campaigns to raise trafficking awareness

among businesses, migrant workers, and the general public; however, it did not formally approve its national action plan to combat trafficking for the second consecutive year.



### RECOMMENDATIONS FOR BRUNEI:

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 arrest, deportation, and punishment of trafficking victims for crimes committed as a direct result of their being subjected to trafficking; train officials on implementation of proactive procedures to identify victims of trafficking among vulnerable groups, with a focus on psychological coercion as a technique used by traffickers; increase efforts to investigate and prosecute trafficking offenses and convict and punish both sex and labor traffickers, including complicit government officials; train judges on how to accurately and effectively implement Brunei's anti-trafficking laws; allocate government resources to the fund established by the 2004 law, and allow this to be paid directly to victims as restitution; 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 the sex trade; provide anti-trafficking training to diplomatic personnel; approve and implement the national action plan; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government demonstrated increased law enforcement efforts. The Trafficking and Smuggling Persons Order of 2004 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. The government screened for suspected trafficking offenses among 66 cases involving labor complaints or prostitution, a slight decrease from 81 cases the previous year. After three years without initiating any trafficking prosecutions, the government charged three foreign nationals for child sex trafficking under the 2004 anti-trafficking law; it also charged one individual—a case pending trial since 2012—under the anti-trafficking law for allegedly recruiting and subjecting a domestic worker to forced labor. One alleged sex trafficking case from 2014 and the four cases charged during the reporting period remained pending. As in the previous reporting period, the government did not achieve any convictions. Officials continued to refer cases involving prostitution, unpaid wages, workers fleeing their place of employment, or physical abuse of workers to the Human Trafficking Unit (HTU) of the Royal Brunei Police Force (RBPF) for investigation. Some of these cases resulted in prosecutions for other offenses.

The HTU facilitated anti-trafficking training for an unknown number of labor, immigration, and marine police authorities during the year; however, many officials continued to conflate trafficking and human smuggling. Some judicial officials interpreted the law to require deception at the recruitment stage, resulting in fewer prosecutions or convictions under anti-trafficking laws when victims migrated willingly or were not deceived into trafficking immediately upon arrival in Brunei. Officials cited the lack of incentives for victims to remain in Brunei and participate in investigations as an impediment to effective law enforcement. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period.

## PROTECTION

The government sustained limited efforts to protect victims. 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 in which there was suspected trafficking involvement. The government screened for potential trafficking victims in 66 cases and identified one child sex trafficking victim during the reporting period, although it initially detained and charged the child victim with prostitution. Once the government identified the victim as underage, it dropped prostitution charges and placed the victim in protective care. Some officials considered physical abuse or confinement as necessary factors for trafficking, and general misconceptions may have resulted in the government not identifying some victims and subjecting them to punishment. Officials apprehended foreign women and children during brothel raids and detained and deported many for labor or immigration violations; while some victims voluntarily requested deportation to avoid charges, this practice may perpetuate victims' fear of communicating with law enforcement officers. The government maintained a general-purpose shelter for female trafficking victims, but it required victims to apply to leave the shelter and to be accompanied by a chaperone. One victim and eight potential victims received assistance in the shelter, and three chose to reside at their respective embassies. No facilities were available for adult male trafficking victims.

The 2004 law established a fund to compensate victims and cover repatriation costs; however, the paucity of court judgments from which such funds are derived and the election of convicted traffickers to serve jail time instead of paying fines resulted in the fund's continued lack of resources. The Ministry of Home Affairs negotiated with finance ministers to secure financial allocation from the government's budget toward the fund; however, it did not allocate funding, as such discussions remained ongoing at the close of the reporting period. The lack of incentives to remain in Brunei encouraged foreign victims to elect immediate repatriation and decline participation in investigations. The government reported granting temporary stays in Brunei to some potential victims while working with respective embassies to obtain new travel documents or repatriation assistance; it also allowed victims of labor violations to receive temporary work passes on an ad hoc basis while assisting in investigations, although it did not issue such passes for a fourth consecutive year and many victims were ineligible as a result of not being legally employed at the time of the violation. 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 made uneven efforts to prevent trafficking. The government reported transforming its ad hoc anti-trafficking working group to a permanent interagency committee to coordinate implementation of its national action plan to combat trafficking; however, it did not formally approve this plan for the second consecutive year. Brunei's first anti-trafficking NGO was formed during the year and held a series of awareness-raising workshops, film screenings, and art exhibitions, despite lacking official recognition from the government. Police authorities and labor and immigration officials conducted 10 nationwide roadshows to raise awareness of human trafficking, which specifically targeted employers, human resource managers, students, migrant workers, and the general public, and reached over 1,200 companies and employees across the country. In 2015, the government placed informational posters in strategic public places, including immigration checkpoints, and government-influenced media continued to regularly publish articles related to trafficking. The government disseminated information to the public that employers should not withhold workers' passports, but it did not prosecute any employers or agencies for passport retention and the practice remained widespread. Officials prosecuted one individual who operated an employment agency without a license. It made limited progress in decreasing the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Brunei is not a party to the 2000 UN TIP Protocol.

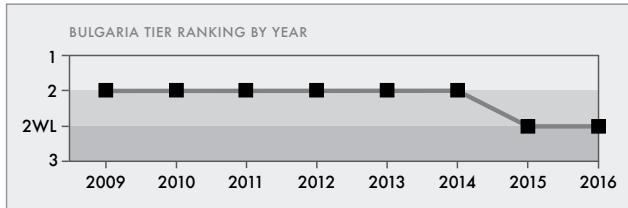
## BULGARIA: Tier 2 Watch List

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. Bulgarian women and children are subjected to sex trafficking within the country, as well as in Europe, Russia, the Middle East, and the United States. 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 Austria, Greece, Italy, Sweden, and the UK. 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Bulgaria is placed on Tier 2 Watch List for the second consecutive year. During the reporting period, the government designated a chairperson and appointed an executive secretary for the national anti-trafficking commission that drives the government's anti-trafficking efforts, leading to increased inter-ministerial coordination and policy development. The commission also awarded contracts to re-open two publicly funded shelters and an apartment for female trafficking victims. The country's overall capacity to shelter and provide services was minimal relative to the number of victims identified, and specialized services for child and adult male victims of



trafficking were nonexistent, although the government took steps to assess the needs of male victims with a view to offer consultation and other suitable services. Law enforcement investigated fewer trafficking cases, continuing a multi-year decline. Efforts to prosecute traffickers, which declined markedly in 2014, modestly improved in 2015 as prosecutors tried more traffickers. However, courts convicted fewer traffickers and issued suspended sentences for most of those convicted. Law enforcement continued to take action against public officials and police officers complicit in trafficking offenses.



### 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; proactively investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials accountable with prison terms; provide all male victims with services, including reintegration assistance and legal services; provide specialized assistance to child victims; provide sensitivity training to prosecutors and judges working with sex trafficking victims; implement a comprehensive database of trafficking crimes and victims identified, referred, and assisted; provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions; and increase the number of traffickers subjected to fines and the number of victims receiving compensation.

### PROSECUTION

The government did not make progress in law enforcement efforts, as the government convicted fewer traffickers and issued suspended sentences to the majority of those convicted. Article 159 of the criminal code prohibits all forms of trafficking and prescribes penalties of between two and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities launched 71 sex trafficking and seven labor trafficking investigations in 2015, compared with 81 sex trafficking and six labor trafficking investigations in 2014. Authorities charged 55 defendants with sex trafficking and 10 with labor trafficking in 2015, compared with 43 and four, respectively, in 2014. The government convicted 47 sex traffickers and no labor traffickers in 2015, compared with 53 sex traffickers and one labor trafficker convicted in 2014. Only 16 of the 47 convicted sex traffickers—34 percent—received a prison sentence that was not suspended, a similarly low rate as in the previous two years. As in the previous reporting period, the government was unable to report the range of sentences imposed on convicted traffickers that resulted in imprisonment. Courts issued fines to 23 convicted traffickers in 2015, compared with 31 in 2014. 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, established in 2012, continued to review trafficking cases, although the prosecutors at the court reported receiving fewer new investigations from law enforcement agencies as a result of a continuous restructuring of the units responsible for combating organized crime. In February 2015, Parliament reinstated the directorate for combating organized crime under the Ministry of Interior. Observers noted police rarely launched operations against internal trafficking and investigations were too lengthy, giving suspected traffickers time to conceal assets and relocate operations. Bulgarian authorities cooperated with six 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 May 2015, a court upheld a 10-year sentence of a former municipal councilor charged with leading an organized crime group involved in human trafficking; another appeal was pending at the close of the reporting period. 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 prostitute themselves and sell drugs. In August 2015, authorities indicted seven police officers accused of bribery and blackmail, due in part to their alleged soliciting of bribes from pimps. The group was arrested in July 2014 and several members were held in custody during the investigation. At the end of the reporting period, a trial was ongoing against the group members 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. In addition, observers alleged some prosecutors arbitrarily dropped charges against defendants.

### PROTECTION

The government increased efforts to shelter victims, but decreased efforts in other areas of victim protection. The prosecution service identified 298 victims of sex trafficking and 32 victims of labor trafficking in 2015 from new and ongoing cases at the pre-trial and trial stages, compared with 409 sex trafficking and 27 labor trafficking victims identified in 2014. Thirty of the identified victims were children, compared with 46 in 2014. All victims identified during the year were Bulgarian, whereas two foreign victims were identified in 2014. 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 has written procedures for authorities to use in referring victims to care facilities, but authorities did not consistently apply them. Local authorities in one region trained 90 social workers, police, and NGO staff on victim identification and assistance. The government funded training for 80 labor inspectors and social workers covering human trafficking. The law permits anonymity for victims during the pre-trial and trial phases, but authorities rarely applied this, resulting in victims changing their statements out of fear, intimidation, and bribery. 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 retraumatize victims. There were specific cases of police interviewing child victims seven times. Observers 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.

Authorities re-opened two government-owned, NGO-operated shelters that closed in September 2014 and have a capacity of six persons each. The government spent approximately 25,000 lev (\$13,900) to refurbish and provide maintenance for both shelters in 2015. One shelter reopened in January 2016 and accommodated five victims in the first quarter of 2016. Additionally, one victim received services but did not utilize accommodation at the shelter. The government awarded a contract to an NGO in March 2016 to operate the second shelter, as well as a nearby apartment for long-term victim care; no victims were accommodated in this shelter or the apartment during the reporting period. The government allocated approximately 128,000 lev (\$71,200) for shelter operations in 2016, to be disbursed based on the number of victims receiving services during the year. Neither shelter was located in Sofia, the largest city and most common repatriation point for victims exploited abroad. However, the government also operated 16 crisis centers for child victims of violence and five for adults that could provide shelter and generalized psychological and medical assistance to victims of trafficking. The government provided these 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. The government did not offer male victims specialized services, including legal aid, reintegration assistance, or shelter. With assistance from NGOs, the national anti-trafficking commission began conducting a survey to assess the needs of male victims. 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.

## PREVENTION

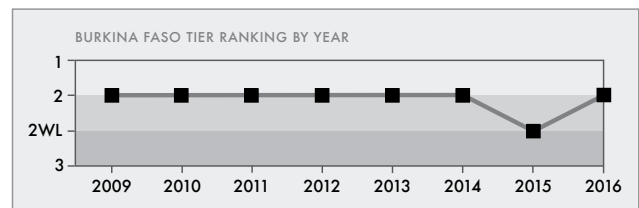
The government increased efforts to prevent trafficking. In June 2015, the government designated a chair for the national anti-trafficking commission and appointed an acting executive secretary, starting in the second half of 2015, the commission improved inter-ministerial coordination and re-energized governmental efforts, including developing long-term strategies and empowering local-level commissions. The national commission and its nine local commissions partnered with NGOs in awareness campaigns in 2015. In January 2016, the commission began developing a national anti-trafficking strategy for 2017-2021. The government continued to adopt annual national action plans accounting for individual activities to occur during the year; the government approved the 2015 plan in August 2015. The commission drafted and started implementation of the 2016 plan, although the government had not formally approved it by the close of the reporting period. The commission also continued to publish an annual report of

the government's anti-trafficking activities. Observers noted the need for improved statistics on law enforcement cases, identified victims, and their traffickers; the commission reported work on such a data collection system continued during the reporting period. The government provided anti-trafficking training to its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex.

## BURKINA FASO: Tier 2

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, street vendors, domestic servants, and forced begging by unscrupulous Koranic school teachers; 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 but subject them to forced prostitution. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire, and is a destination for children subjected to trafficking from neighboring countries, including Ghana, Guinea, Mali, 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. In recent years, Nepalese traffickers have subjected Tibetan women to sex trafficking in Burkina Faso. During the reporting period, women and girls from Cote d'Ivoire were discovered in Burkina Faso en route to Saudi Arabia, where they allegedly would have faced domestic servitude. Reports from an international organization contend 10 Burkinabe peacekeepers deployed to the UN mission in Mali may have engaged in sexual exploitation.

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 reported an increased number of prosecutions and convictions of trafficking offenders, made some modest efforts to address unregistered Koranic schools that subject students to forced begging, and continued to train authorities and social workers on victim protection. It also increased its funding for victim services. Despite identifying seven alleged traffickers posing as Koranic school teachers, however, there is no evidence the government initiated investigations into the traffickers; victim protection measures remained inadequate, especially long-term services and services for adults; and the national anti-trafficking committee remained inactive for a second consecutive year.



## RECOMMENDATIONS FOR BURKINA FASO:

Vigorously investigate, prosecute, and convict trafficking offenders—including traffickers posing as Koranic school teachers—and apply penalties prescribed by the 2008 anti-

trafficking law; increase resources for victims, including social reintegration, to prevent additional trafficking among identified victims; expand training for law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children working in agriculture and mining, and refer them to protective services; increase the availability of shelter and services for all victims, including adults; strengthen the system for collecting anti-trafficking law enforcement and victim identification data, and ensure that authorities responsible for data collection receive adequate resources; investigate trafficking allegations that do not involve movement; improve coordination among the national and regional anti-trafficking committees, including by increasing funding to the regional bodies; convene the national, regional, and provincial anti-trafficking committees annually; and work with NGOs to develop a formal referral mechanism to provide victims with long-term care.

## PROSECUTION

The government increased its anti-trafficking law enforcement efforts. The 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum penalties of 10 years' imprisonment. 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 or fines between 1,500,000 West African CFA francs (CFA) (\$2,490) and 3,000,000 CFA (\$4,980), or both. For sentences that include only a fine, penalties are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. In September 2015, the government adopted a law on the prevention and repression of violence against women and girls. Under the law, sexual slavery is punishable with two to five years' imprisonment and a fine of one to two million CFA (\$1,660-\$3,320), which are sufficiently stringent and commensurate.

The government investigated 38 suspected traffickers in 2015, which led to the prosecution of 16 suspects and the conviction of nine traffickers—an increase from two prosecutions and no convictions in 2014 and closer to the 22 prosecutions and 18 convictions reported in 2013. During the reporting period, law enforcement intercepted seven unregistered Koranic teachers transporting 43 children to Mali and Cote d'Ivoire, allegedly for forced labor in cotton fields; officials returned the children to their families and arrested the seven teachers, but it is unclear if authorities investigated or continued to detain them. There were no prosecutions or convictions for forced begging by unscrupulous Koranic school teachers, despite the prevalence of this form of trafficking in the country. During the previous reporting period, the government arrested a Burkinabe woman for allegedly subjecting more than 30 women to trafficking in Lebanon, Qatar, and Saudi Arabia; she was imprisoned pending trial, but it was unclear if she remained in prison or if the case was ongoing at the end of the reporting period. Law enforcement identified 17 Ivoirian women and girls allegedly bound for domestic servitude in Saudi Arabia and arrested three suspected traffickers in connection with the case. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, law enforcement efforts remained hindered by general corruption in the judiciary.

## PROTECTION

The government sustained efforts to identify trafficking victims

and modestly increased its funding for short-term victim services for a large number of potential child trafficking victims, yet there were no shelters or services for adults, and long-term care for all victims remained inadequate. In 2015, the government continued to support 400 potential child trafficking victims, compared with 280 in 2014; it is unclear how many of these potential victims were identified during the reporting period and how many the government identified. The majority of these children were intercepted while being transported, sometimes in large numbers on trucks or buses, and were rescued prior to reaching destinations where they would have faced exploitation, typically in gold mines or in city centers as domestic servants or street beggars. Due to data collection constraints and lack of disaggregated trafficking and smuggling statistics, it is unclear how many of these children were trafficking victims. The government, with funding and other support from local NGOs and international organizations, operated 23 multipurpose transit centers that provided limited food, medical care, and counseling to child trafficking victims and children vulnerable to trafficking before reuniting them with their families; it did not report how many victims were referred to protective services. The government allocated 21,200,000 CFA (\$35,200) to these transit centers to support protection activities, including health care, schooling, vocational training, family returns, and social workers; the government had allocated the equivalent of approximately \$11,000 the previous reporting period. The government acknowledged victim services remained inadequate; the lack of protection and resources for victims resulted in many being subjected to additional trafficking after identification. 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. There is no evidence the government made efforts to establish such centers during the reporting period.

The government trained 210 government employees, social workers, police, *gendarmerie*, and members of civil society on the links between mobility and trafficking. It also trained members of its anti-trafficking committees—including law enforcement, immigration, and social services personnel—on the 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 during the reporting period. The law provides that foreign citizens may apply for asylum if they fear they will face hardship or retribution in their country of origin. The government did not report assisting with the repatriation of victims abroad, but it helped 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.

## PREVENTION

The government moderately increased efforts to prevent trafficking. The Ministry of Social Action and National Solidarity, which had the lead on anti-trafficking efforts, renewed the annual national anti-trafficking plan, but there was no evidence the government took action to implement the plan; the national anti-trafficking committee—responsible for the plan's implementation and comprised of representatives from government ministries and NGOs—did not meet during the reporting period. Thirteen regional bodies composed of police, social workers, transit companies, NGOs, and other



regional stakeholders coordinated administrative efforts to support anti-trafficking law enforcement activities and victim protection efforts, as well as collect anti-trafficking data. These bodies lacked sufficient resources, and it is unclear how many met during the reporting period. The government had child protection networks, composed of law enforcement, judicial officials, health workers, and NGO representatives in 23 of the country's 45 provinces to improve coordination between stakeholders that provide care for child victims, including victims of trafficking. Some of the committees met during the reporting period and gathered trafficking data for the national anti-trafficking committee. The government began to develop a basic integrated data system to collect statistics on child protection, including child trafficking, and sent officials on field missions to brief law enforcement agents on the proper collection of anti-trafficking data. The government continued to conduct anti-trafficking advocacy campaigns and operated a toll-free number for people to report cases of violence against children and violations of children's rights, including trafficking. Unlike in previous years, the government did not provide funding for the hotline; it is unclear if the number received any trafficking-related calls during the reporting period. The government also allocated 106,671,000 CFA (\$177,000) to vocational training for and the social reintegration of young street children vulnerable to trafficking.

During the reporting period, the government created an intermediary body to help monitor new Koranic schools and teachers at the local level and identify unregistered schools and instructors who subject children to trafficking. This organization helped law enforcement intercept seven unregistered teachers and 43 children reportedly bound for exploitation in Mali and Cote d'Ivoire. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. Burkinabe labor inspectors are not allowed to inspect private homes, rendering victims of domestic servitude invisible to authorities. While inspectors are authorized to inspect private farms, they rarely did. The government, in partnership with foreign donors, provided Burkinabe troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. During the reporting period, 10 Burkinabe peacekeepers were accused of sexual exploitation while deployed on the UN mission in Mali; the government was investigating the allegations at the end of the reporting period. While the government did not provide formal anti-trafficking training for its diplomatic personnel, it did give its diplomats an informal briefing on human trafficking.

## BURMA: Tier 3

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 report a continued increase in the number 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 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. There were also limited reports of smuggled Rohingya individuals being abducted and sold into forced labor en route to other countries, or sold into forced marriage in Malaysia; some of these individuals may have become victims of domestic servitude or sex trafficking. Complicit officials in Burma, Thailand, and Malaysia reportedly facilitated the smuggling and exploitation of Rohingya migrants.

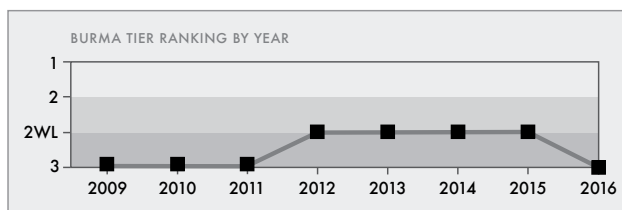
Within Burma, men, women, and children from ethnic areas—including the estimated 100,000 persons displaced by conflict in Kachin and northern Shan States and the estimated 120,000 displaced persons in Rakhine State—are at increased risk of trafficking. Rohingya individuals are particularly vulnerable to sex and labor trafficking in Rakhine State, including forced labor perpetrated by government authorities. Ethnic Rakhine are also 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 palm oil and rubber plantations or in jade and precious stone mines. Children are subjected to sex trafficking or to forced labor (at times through debt bondage) in teashops, the agricultural and construction sector, 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 three cases of child recruitment by the Burmese military that occurred in 2015. 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, though 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 three children into its ranks, the military continues to use children for labor or other support roles; children in Rakhine State are particularly at risk. 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 to provide forced labor. In areas with active conflict, local populations—mostly men, but also women and children as young as 12 years old—are used for forced labor. ILO reported it 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 remains significant. Reports of forced labor occur across the country; prevalence is higher in

states with significant armed conflict, while reports have declined in cease-fire states. Reporting and verification mechanisms are weak or non-existent in conflict areas, making it difficult to assess fully the ongoing scale of forced labor. Officials continue to compel civilians to perform forced labor—at times using violence or threats of violence—including portering, mandatory work on public infrastructure projects, and activities related to the military’s “self-reliance” policy. The army uses children as porters, cooks within battalions, or to carry supplies or perform other support roles. Under the self-reliance policy, military battalions are responsible for procuring their own food and labor supplies from local villagers – a major contributing factor to forced labor. Some observers noted forced labor practices are changing, resulting in a reported decrease in 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 places agricultural workers at risk for forced labor, including on lands they previously occupied.

The Government of Burma 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 Burma meets the criteria for the Tier 2 Watch List, because it has been on the Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3. The government continued to investigate and prosecute primarily cross-border sex and labor trafficking offenses and cooperate with international partners to identify and demobilize children forcibly recruited into the military’s ranks. During the reporting period, the government released 146 child soldiers from its armed forces through implementation of its UN-backed action plan and launched a second national campaign to raise awareness about the recruitment and use of child soldiers. However, authorities continued to arrest and imprison deserters, including children who fled military service or were demobilized by civil society organizations. The government sent a delegation to Indonesia to advocate for victim screening and repatriation—conducted by an international organization—of more than 1,000 Burmese victims of forced labor on fishing vessels, and made efforts to provide limited reintegration assistance upon their return. Overall victim identification and protection, however, remained weak and a lack of adequate services left victims highly vulnerable to re-trafficking. Military and civilian officials continued to compel men, women, and children into forced labor, and army recruiters and civilian brokers continued to recruit children into the Burmese armed forces. Yet the government failed to make progress in holding civilian officials criminally accountable for trafficking offenses. The Ministry of Defense punished 11 officers and 14 noncommissioned personnel for child soldiering offenses, including through reprimands, fines, or a decrease in pension—but these penalties were not commensurate with the seriousness of the trafficking offenses committed. Despite several laws that prohibit underage recruitment into the military, the government has never prosecuted any military personnel or civilian brokers for child soldiering offenses in civilian courts. Furthermore, authorities have never used the 2012 Wards and Village Tracts Administration Act or other relevant laws to prosecute a forced labor offense committed by a public official.



## RECOMMENDATIONS FOR BURMA:

Prosecute and convict individuals complicit in forced labor and child soldiering offenses, including military and other government officials and civilian brokers—including in civilian courts—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; increase investigations, prosecutions, and convictions of internal trafficking offenses; 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; 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; continue to strengthen age verification procedures for new military recruits; cease arresting, detaining, or otherwise punishing victims for acts committed while being subjected to trafficking or those fleeing trafficking situations, including through conducting age assessments of any potential minors before making an arrest for desertion; implement formal procedures for proactive victim identification among vulnerable groups and their referral to service providers; provide legal status to stateless persons in Burma to decrease their vulnerability to exploitation; continue to increase coordination between specialized anti-trafficking police units, general police units, and prosecutors; through partnerships with local and international civil society organizations, continue 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; appoint a case manager to facilitate victims’ involvement in criminal proceedings and maintain a victim-centered approach to investigations and prosecutions; and increase training and resources for consular officials and labor attaches in overseas diplomatic missions to provide assistance to Burmese migrant workers, including trafficking victims.

## PROSECUTION

The government sustained law enforcement efforts comparable to those in previous years, but it did not make progress in holding civilian officials criminally accountable for trafficking offenses. The 2005 Anti-Trafficking in Persons Law prohibits sex and labor trafficking and prescribes criminal penalties that are sufficiently stringent and commensurate with those prescribed for rape. Forced labor, including the recruitment of children into the army, is a criminal offense under both the Wards and Village Tracts Administration Act, passed in March 2012, and penal code section 374; violations can result in imprisonment for up to one year, a fine, or both—penalties that are not sufficiently stringent. In addition, section 359 of the 2008 constitution prohibits forced labor. During the reporting period, the government continued a legal review to develop recommendations to strengthen the 2005 law.

The government reported investigating 119 cases involving 373 suspects, and prosecuting and convicting 168 traffickers in 2015, compared with 98 cases investigated and 143 traffickers prosecuted and convicted in 2014. As in previous years, most of the government's law enforcement efforts focused on sex trafficking or forced service of Burmese women through forced marriages to Chinese men. The government reported investigating 21 suspected cases of internal trafficking and 33 cases of labor trafficking—compared with 26 internal and 18 labor cases in 2014. The anti-trafficking in persons division (ATIPD) maintained dedicated anti-trafficking taskforce (ATTF) police throughout the country, but a lack of clarity between the roles and responsibilities of ATTF officers and general police investigators, as well as poor police-prosecutor cooperation in Burma, continued to hamper the success of investigations and prosecutions. Local experts reported general (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 was a major obstacle for police to undertake proactive investigations into trafficking crimes. The ATIPD provided both basic introductory and on-the-job training for police, and international organizations funded additional anti-trafficking training for Burmese officials.

Corruption and impunity remained pervasive in Burma and hindered the enforcement of human trafficking laws. Individuals with alleged ties to high-level officials reportedly pressured trafficking victims not to seek legal redress against 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 11 officers and 14 noncommissioned personnel in 2015. It further reported issuing punishments for forced labor offenses, but these cases could not be verified. Imposed punishments were significantly lesser than those prescribed by criminal laws, with most receiving reprimands, fines, or a decrease in pension. There were no other investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.

## PROTECTION

The government made progress in identifying and protecting victims, but overall victim protection remained inadequate and some officials reportedly continued to victimize men, women, and children in Burma. Most known victims were identified by authorities in other countries, including 1,018 men and boys an international organization repatriated after they were subjected to forced labor on Thai fishing vessels in Indonesia. Police and border officials identified an additional 118 victims at border crossings, compared with 68 such victims in 2014. An unknown number of victims were returned from Thailand and China, or were identified within Burma. In 2015, the government released 146 children from the military through implementation of its UN-backed action plan on child soldiers, compared with 322 children the previous year. The border guard forces released one child in 2015. 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. 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, and front-line officers largely lacked adequate training to identify potential victims. The government did not make efforts to screen for indicators of trafficking among other vulnerable groups such as returning migrant workers filing complaints regarding employment abroad, working children, or individuals in prostitution. The military identified 29 suspected cases of child soldier recruitment and cooperated with the UN, which received complaints throughout the year and referred to the government 210 suspected cases of forced labor and child soldier conscription committed by members of the military or civilian administrators. The military granted within 72 hours all requests from UN monitors to access military installations to inspect for the presence of children, although it sometimes denied access to certain locations within the installations. Deteriorating security conditions in Kachin and Shan states in 2015 occasionally restricted UN monitors' access to these regions—which were most likely to see the use of children around active fighting—and access to military detention facilities was at times denied or conditional. The military continued to victimize civilians. An NGO reported seven cases of forced labor by the Burmese military in Rakhine State between December 2015 and January 2016. In one case, three men were reportedly abducted from their village, subjected to threats, deprived of food, physically restrained, and forced to carry weapons and dig graves over the course of 11 days.

Police and border officials consistently referred repatriated victims and demobilized child soldiers to the Department of Social Welfare (DSW) to receive reintegration services, but the availability of services was limited. Local experts reported some improvement in working-level cooperation between DSW and the police during the year. The government conducted 10 trainings for 75 public officials and civil society members on the provision of assistance to trafficking victims. The government continued to operate five centers for women and children, including trafficking victims, one dedicated to female trafficking victims, and two 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. The government accommodated the large influx of labor trafficking victims repatriated from Indonesia in transit centers for one or two days before reintegrating them in their home communities. Services in government facilities were 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. Trafficking victims, including former child soldiers, may have benefited from the government's first deployment of trained DSW social workers—whose mandate includes trafficking—to serve local 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 the bulk of 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 in 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 attaches in Thailand, Malaysia, and South Korea, whose responsibilities included assisting trafficking victims. In 2015, it sent a delegation to Indonesia that effectively advocated on behalf of trafficking victims on fishing vessels to facilitate their screening and repatriation by an international organization.

Authorities encouraged victims to assist in investigations and prosecutions, but the lack of adequate victim protection or compensation programs, exacerbated by a lengthy trial process and victims' mistrust of the legal system, caused many victims to decline cooperation. A cumbersome investigation process required victims to give statements multiple times to different officials, increasing the possibility of re-victimization. Further, a legal impediment to victim-prosecutor communication made court processes very opaque for victims. The government made efforts to include victims' perspectives in training sessions with police and during government meetings. Inadequate efforts to screen for indicators of trafficking in thousands of anti-prostitution interventions may have led to the treatment of sex trafficking victims as criminals. Authorities continued to arrest and imprison children who fled military service or were demobilized by civil society organizations on charges of desertion. However, in all cases where these individuals were identified as minors, authorities subsequently processed their release, although some remained in civilian detention for several months. 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 prevention efforts, but did not make sufficient efforts to prevent trafficking crimes perpetrated by public officials. The central body for the suppression of trafficking in persons continued to coordinate anti-trafficking programs and policies in line with the five-year national action plan. The government introduced new training courses on age assessment into curriculum for military recruitment personnel and made real progress in centralizing military recruitment to enable greater oversight. While oversight and monitoring of recruitment procedures remained insufficient to prevent child recruitment, UN observers report age verification procedures were increasingly applied and were improving the military's ability to identify and prevent some child recruitment. In April 2015 the military issued and widely disseminated a directive prohibiting the use of children by the armed forces. The government did not reform the military's "self-reliance" policy that continued to make adults and children vulnerable to forced labor. The government continued to deny citizenship to an estimated 810,000 men, women, and children in Burma—most of whom were ethnic Rohingya living in Rakhine State. The lack of legal status and access to identity documents significantly increased this population's vulnerability to trafficking in Burma or in other countries. The government continued to conduct awareness campaigns in print, television, radio, billboards, and other media and train members of community-based watch groups and students on trafficking. ILO reported the public's awareness of laws prohibiting forced labor and the mechanism for reporting such complaints remained low. In January 2016, however, the government launched a second national campaign to raise awareness about the recruitment and use of child soldiers and encourage the public to report information about such cases through the dedicated hotlines operated by the UN. It did not make efforts to punish labor recruiters or brokers for illegal practices that increase migrants'

vulnerability to exploitation abroad. The government provided anti-trafficking training for its diplomatic personnel. Anti-trafficking police continued to provide training to tourism police units to stem child sex tourism, and authorities partnered with an NGO to raise awareness among some hotel industry personnel, but no related investigations or prosecutions were reported. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

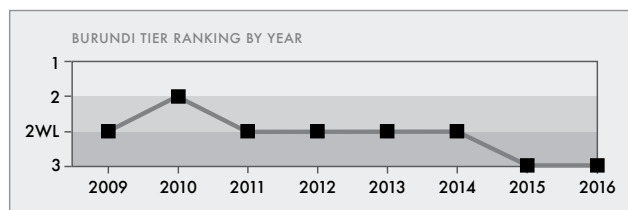
## BURUNDI: Tier 3

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 236,000 Burundians fled to refugee camps in neighboring countries and countless more sought refuge at internally displaced persons (IDP) camps or moved to the homes of extended family members. Though there is little official data available on abuses committed against the approximately 25,000 IDPs, 60 percent are younger than age 18 and are highly vulnerable to exploitation. Burundi's chaotic security environment created an opportunity for criminals, including traffickers, to take advantage of Burundians in precarious or desperate situations. Between April and December 2015, approximately 70,000 Burundian 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 prostitution 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 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.

Children and young adults are coerced into forced labor on plantations or small 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 include victims' family members, neighbors, and friends, who recruit them under false pretenses to exploit them in forced labor and sex trafficking. Some families are complicit in the exploitation of children and adults with disabilities, accepting payment from traffickers who run forced street begging operations. Children endure 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 exploited in prostitution. Children are fraudulently recruited from rural areas for domestic work and later exploited in prostitution, including in Bujumbura. Young 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 prostitution, 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. Male tourists 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 prostitution. Business people recruit Burundian girls for prostitution 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 prostitution in Uganda after transiting Rwanda; some of these girls may also be subjected to forced labor in domestic work in Uganda.

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. The government's priorities and funding were focused on the complex political and security crisis in 2015, which stalled the government's efforts to combat trafficking. The government did not prosecute or convict any trafficking offenders, nor did it investigate or punish officials complicit in trafficking crimes. Authorities continued to lack understanding of the crime, and the government did not provide anti-trafficking training for its personnel. The government did not proactively identify trafficking victims or provide them with adequate protection services. Trafficking victims, including children and adults exploited in prostitution and children fraudulently and forcibly recruited into armed groups, continued to be vulnerable to arrest and detention for crimes committed as a direct result of being subjected to trafficking. The government's inter-ministerial anti-trafficking commission was inactive in 2015, and the government made very limited efforts to prevent trafficking.



### 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; implement the anti-trafficking law and significantly increase investigations, prosecutions, and convictions of traffickers, including 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; and drastically improve provision of protective services to trafficking victims, including through partnerships with NGOs that provide appropriate care to victims.

### PROSECUTION

The government made little to no law enforcement efforts. Burundi's anti-trafficking law, enacted in October 2014, prohibits the trafficking of adults and children for the purpose of forced labor or services and sex trafficking. The definition of "forced labor or services" in the law, however, fails to account for situations where 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. In 2015, the government redirected funding and security forces away from regular government activities to stabilize the country and counter anti-governmental protests. The government did not provide adequate funding for law enforcement agencies responsible for investigating trafficking crimes, thereby severely limiting their capacity and effectiveness. Furthermore, rampant corruption and officials' lack of investigative skills and basic understanding of trafficking crimes continued to impede investigations. The government did not provide training for its law enforcement and judicial officials on application of the anti-trafficking law.

The government did not prosecute or convict any trafficking offenders in 2015, and it made very limited efforts to investigate potential trafficking crimes. In November 2015, authorities arrested and detained three individuals for their alleged involvement in kidnapping two girls aged 12 and 14 years from Rumonge and forcing them into prostitution in Tanzania; however, the court acquitted and released them in December 2015. The government did not report investigating or prosecuting the perpetrators allegedly responsible for fraudulently recruiting 58 children to participate in an armed invasion in Rumonge Province in July 2015. 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 trafficking. Moreover, it was extremely dangerous for civil society organizations or individuals reporting on these allegations; several activists fled the country after receiving threats against themselves and their families when they attempted to investigate a trafficking network or provide care to a trafficking victim.

### PROTECTION

The government made inadequate efforts to identify and provide appropriate protection to trafficking victims. The government identified 11 trafficking victims in 2015. It was unclear, however, whether it provided any protection services directly or referred victims to civil society organizations for such care. For example, from April to October 2015, law enforcement officials identified nine young women who were recruited to work in Oman under false pretenses; however, authorities did not report providing or referring them to NGO-provided protection services. Overall, the government did not provide adequate protection services or support for NGOs, religious organizations, or women's or children's associations that offered care to trafficking victims. The government continued to operate a care center in Gitega,

which provided protection to foreign and domestic victims of sexual and gender-based violence (SGBV) including some potential trafficking victims; this center provided services to 752 SGBV victims, but it did not distinguish if trafficking victims were among them. Overall, lack of funding seriously reduced the government's ability to support 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, without standardized identification procedures, trafficking victims likely remained unidentified in the law enforcement system and vulnerable to being penalized for unlawful acts committed as a result of being subjected to trafficking. Although the government stated that trafficking victims would not be detained or held responsible for crimes committed during their exploitation, it was unlikely this policy was implemented. For example, the government detained 58 children for several months in Rumonge prison after they were forced to participate in an armed invasion in Kayanza Province in July 2015. These children were eventually released from prison, but the government did not provide them with protection services after their release; seven of the children, who were younger than the age of 15, received protection services from an international organization. The government did not encourage victims to participate in the prosecution of their traffickers. Burundian law did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution.

## PREVENTION

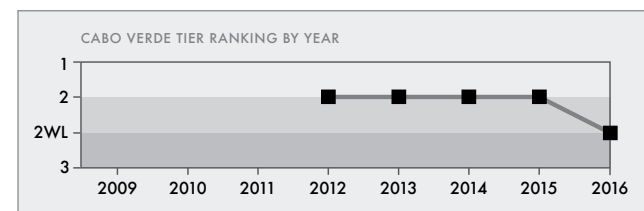
The government's efforts to prevent trafficking were inadequate. The government did not implement its national anti-trafficking action plan, which was validated in March 2014, and its inter-ministerial anti-trafficking commission was inactive. The government did not conduct anti-trafficking awareness campaigns in 2015, nor did it make efforts to prevent or raise awareness of the forcible or fraudulent recruitment of children and adults into armed groups. The government did not report efforts to monitor or investigate fraudulent labor recruitment practices. The government did not make efforts to reduce the demand for forced labor, but it took minor steps to reduce the demand for commercial sex acts and child sex tourism. The Children and Ethics Brigade, responsible for the investigation of trafficking crimes, conducted an unknown number of raids on hotels in Bujumbura and along the shore of Lake Tanganyika to combat sex tourism, but it did not report if it provided protection services to trafficking victims found during the raids or if perpetrators were referred for prosecution. The government did not provide anti-trafficking training for its diplomatic personnel. Prior to Burundian troops' deployment abroad on international peacekeeping missions, personnel received human rights training, provided by a foreign donor which included some training on human trafficking.

## CABO VERDE: Tier 2 Watch List

Cabo Verde is a source and destination country for children subjected to forced labor and sex trafficking within the country and in Guinea and a destination country for women in forced prostitution. Boys and girls, some of whom may be foreign nationals, are exploited in sex trafficking in Santa Maria, Praia,

and Mindelo. Sex tourism involving children subjected to prostitution also occurs. 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. West African migrants may transit the archipelago en route to situations of exploitation in Europe. Adult migrants from China, Guinea-Bissau, Senegal, Nigeria, and other ECOWAS countries may receive low wages, work without contracts, and have irregular status, creating vulnerabilities to forced labor and sex trafficking. During the reporting period, Nigerian women were identified in sex trafficking on the island of Boa Vista. Cabo Verde's porous borders make it difficult to monitor the flow of people across the borders, rendering both legal and illegal immigrants vulnerable to trafficking.

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 conducted one investigation, identified its first two adult trafficking victims, and enacted amendments to its penal code that provide a legal framework to prosecute trafficking. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Cabo Verde is placed on Tier 2 Watch List. The government did not prosecute or convict any traffickers, identify any child trafficking victims, or provide specialized services to victims, and it did not have a national committee or action plan to combat trafficking in persons.



## RECOMMENDATIONS FOR CABO VERDE:

Using the new penal code amendments, vigorously investigate and prosecute trafficking offenses, including child sex trafficking, and convict and punish traffickers; develop and institute standardized victim identification procedures—including for adults and victims among vulnerable populations—and provide specialized training to law enforcement and judicial personnel on such procedures; develop and institute a standardized victim referral mechanism to guide officials in referring identified trafficking victims to institutions that provide care; educate law enforcement that children exploited in prostitution is sex trafficking, and robustly investigate such cases, especially in high-tourist areas; provide training for law enforcement and judiciary officials on the anti-trafficking amendments; expand labor inspectors' mandates to include the regulation and inspection of workplaces in the informal sector, such as street vending, car washing, and agriculture; allocate funding for victim services—including for shelter and services for adults—to government agencies that provide care to trafficking victims; develop a system to compile comprehensive anti-trafficking law enforcement data; draft and implement a national action plan on trafficking in persons; designate a government entity specifically mandated to coordinate anti-trafficking efforts; and increase efforts to raise public awareness of human trafficking.



## PROSECUTION

The government amended its criminal code to prohibit all forms of trafficking in persons but maintained minimal law enforcement efforts. Cabo Verde amended its penal code in November 2015 in a way that appears to prohibit all forms of trafficking in persons under article 271-A by penalizing the use of force, fraud, or coercion for the purposes of sexual or labor exploitation. Article 271-A 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 use of any means with those purposes is a trafficking offense and the penalty increases to six to 12 years' imprisonment. As the law 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 promotes 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 of age, 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). Under the amended penal code, investigations into sex crimes involving children aged 14 and 15, including children exploited in prostitution, no longer require a complaint from a child's legal guardian.

The government did not provide comprehensive law enforcement data during the reporting period. It arrested and initiated an investigation of one alleged Nigerian sex trafficker involving two adult female victims from Nigeria; the investigation was ongoing at the end of the reporting period. The government did not report initiating any prosecutions, compared with one investigation and three prosecutions reported the previous reporting period, and did not convict a trafficker for the second consecutive year. Despite law enforcement and judges' lack of understanding of trafficking crimes—which hampered their ability to identify, investigate, and prosecute trafficking cases—the government did not provide anti-trafficking training to such officials during the reporting period. Insufficient staffing and a lack of resources also hindered law enforcement efforts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government identified its first two adult trafficking victims but continued minimal efforts to protect victims. The government identified two adult female sex trafficking victims, compared with no victims identified in 2014 but a significant decrease from 17 child victims identified in 2013. It is unclear if the identified victims received any services, specialized care, or were repatriated during the reporting period. There were

no shelters or services specifically for trafficking victims, but government-funded agencies could provide emergency services, temporary shelter, and psycho-social care to at-risk populations and female and child victims of crime, which trafficking victims could access. It is unknown if any trafficking victims benefited from these services during the reporting period. The government 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 access to reintegration services for children experiencing long-term trauma, including trafficking. It is unclear whether any child trafficking victims received care in such facilities during the reporting period.

Border police have written procedures to guide in the proactive identification of trafficking victims and people vulnerable to trafficking, but these procedures were not fully implemented during the reporting period. The government did not have a formal mechanism to refer trafficking victims to care, but the Cabo Verdean Institute for Children and Adolescents continued to operate a national network to prevent and provide assistance to victims of child sexual abuse, which coordinated their referral to care and offered support throughout court processes. In practice, law enforcement officials would conduct sex trafficking victim interviews in collaboration with psychologists and the victims' parents, in cases of children, to provide a comfortable and safe environment for the victim. The government did not report collaborating with foreign governments on anti-trafficking law enforcement efforts. Cabo Verdean law does not provide for legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. There were no reports officials penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking.

## PREVENTION

The government sustained modest prevention efforts. There was no government entity specifically mandated to coordinate anti-trafficking efforts and no national action plan to combat trafficking, which hampered the government's ability to address trafficking and coordinate prevention efforts. 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; it is unclear if these included information on human trafficking. The government approved a list of hazardous occupations and activities prohibited for children younger than 18 years to further protect children from harmful labor practices. Despite these measures, however, it did not identify any cases of forced child labor during the reporting period, and labor inspectors were not mandated to conduct inspections of workplaces in the informal sector, where Cabo Verdean children are vulnerable to forced labor. 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 child 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. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. The government continued projects to address child sexual abuse, which included child sex trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

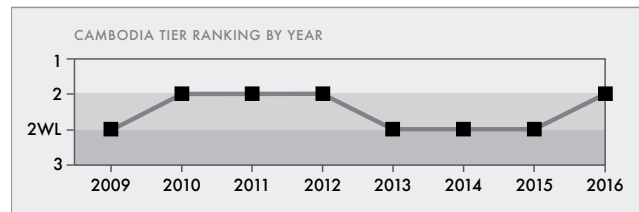
## CAMBODIA: Tier 2

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, often 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 are 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 for work on fishing boats and subjected to forced labor on Thai-owned vessels in international waters. Cambodian victims escaping 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. NGOs report significant numbers of women from rural areas are recruited under false pretenses to travel to China to enter into marriages with Chinese men; some are subjected to forced factory labor or forced prostitution.

All of Cambodia's provinces are sources for human trafficking. Sex trafficking is largely clandestine; Cambodian and ethnic Vietnamese women and girls move from rural areas to cities and tourist destinations, where they are subjected to sex trafficking in brothels and, more frequently, "indirect" sex establishments such as beer gardens, massage parlors, salons, karaoke bars, and non-commercial sites. An NGO report released in 2013 examined the prevalence of children among individuals in commercial sex establishments in three Cambodian cities and found that children comprised 8.2 percent of this population. The study concluded that the 2013 finding represented a significant decline in this form of child sex trafficking compared to earlier reports by different entities published in 1997 and 2000. The same NGO reported that a March 2015 assessment found that the prevalence of children among this population declined further to 2.2 percent; the NGO had not yet formally published these results at the close of the reporting period. Cambodian men form the largest source of demand for children exploited in prostitution; however, men from other Asian countries, the United States, Australia, South Africa, and Europe travel to Cambodia to engage in child sex tourism. Vietnamese women and children, many of whom are victims of debt bondage, travel to Cambodia and are subjected to sex trafficking. NGOs report criminal gangs transport some Vietnamese victims through Cambodia before they are exploited in Thailand and Malaysia. Traffickers in Cambodia are most commonly family or community members or small networks of independent brokers. Trafficking-related corruption remained a significant concern. Corrupt officials in Cambodia, Thailand, and Malaysia cooperate with labor brokers to facilitate the transport of victims between countries. Local observers report corrupt officials often thwart progress in cases where the perpetrators are believed to have political, criminal, or economic ties to government officials.

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 finalized

national guidelines for the identification and referral of victims, and local authorities identified 589 victims, an increase from 326 in the previous year. The government lacked comprehensive data on law enforcement efforts, but information collected from various sources indicates progress on prosecutions and convictions, particularly for labor trafficking offenses. The government began implementing the national action plan launched during the previous reporting period and allocated \$500,000 to the interagency committee that leads Cambodia's anti-trafficking efforts. However, the government failed to investigate, prosecute, or convict any complicit officials. The government did not issue formal guidance allowing the use of undercover investigation techniques in trafficking investigations, and the lack of explicit authority continued to impede officials' ability to fully hold sex traffickers accountable.



### RECOMMENDATIONS FOR CAMBODIA:

Vigorously investigate and prosecute trafficking offenses and convict and punish labor and sex traffickers, individuals who purchase commercial sex acts from children, and complicit officials; issue an executive decree (*prakas*) or other official guidance authorizing the use of undercover investigative techniques in the enforcement of the anti-trafficking law; fully implement the new 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 through diplomatic missions abroad or in countries without Cambodian diplomatic representation; implement a system for monitoring, collecting, and reporting data on anti-trafficking prosecution and victim protection efforts; modify the law to allow restitution upon conviction of the trafficker; facilitate greater NGO access to the policy for formally transferring custody of child victims; increase efforts to make court processes more sensitive to the needs and interests of victims, including through the provision of witness protection and options for compensation; include anti-trafficking content in police training academies; and increase public awareness campaigns aimed at reducing the local demand for commercial sex and child sex tourism.

### PROSECUTION

The government lacked comprehensive data on law enforcement efforts, but information collected from various sources indicates progress in prosecutions and convictions, particularly for labor trafficking offenses. 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 penalties that are sufficiently stringent and commensurate with other serious crimes, such as rape. Some authorities lacked familiarity with the anti-trafficking law and used provisions of the penal code to prosecute trafficking offenses. The government did not provide comprehensive data on anti-trafficking law enforcement efforts. However, the information the government did provide,

augmented by NGOs, indicates the government prosecuted at least 69 suspects under its anti-trafficking law or comparable provisions in the penal code, including 38 for sex trafficking offenses and 31 for labor trafficking offenses. Reports from the government, media, and NGOs indicate the government convicted at least 19 sex traffickers and 24 labor traffickers, an increase from at least 22 sex traffickers and seven labor traffickers convicted during the previous year. Convicted traffickers received sentences ranging from two to 15 years' imprisonment. Five Taiwanese nationals convicted in absentia during the previous reporting period for the forced labor of hundreds of Cambodian men in the commercial fishing sector remained at large. The government continued to design and deliver donor-funded training on the implementation of the anti-trafficking law to police, prosecutors, judges, and other government officials. Local organizations and some officials noted an urgent need for more sophisticated evidence collection techniques, including undercover investigations, to decrease the reliance on witness testimony and adapt to the increasingly clandestine nature of sex trafficking in Cambodia. Police continued to investigate cases of sex trafficking that occurred in brothels or cases where victims brought complaints directly, but did not typically pursue more complicated cases. The government did not issue guidance granting explicit approval of undercover evidence collection in human trafficking cases; in its absence, many police self-limited such investigations, and prosecutors denied investigators' requests for such authority, which effectively forced them to close some investigations. An NGO reported officials faced particular challenges building cases for cross-border trafficking offenses.

Endemic corruption at all levels of the government severely limited the ability of individual officials to make progress in holding traffickers accountable. However, 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 conviction for human trafficking was overturned in an unannounced, closed-door Supreme Court hearing in 2013.

## PROTECTION

The government made progress on victim protection. During the year, the government finalized and adopted guidelines for a standardized, nationwide system for the proactive identification and referral of victims among vulnerable groups that had been in development for more than five years. With assistance from an international organization, the government continued to operate a transit center in Poipet, where it screened for trafficking victims among the approximately 60,000 migrants deported from Thailand in 2015. It identified 100 victims among this group and provided them temporary shelter; however, given the extent of trafficking among this population, it likely failed to identify many more victims. The government operated a temporary shelter in Phnom Penh for female trafficking victims 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. Authorities did not provide complete statistics on the number of victims it assisted or referred, and the total number of victims identified or assisted by the government or NGOs is unknown. However, local police identified and referred 589 trafficking victims to provincial agencies for NGO referrals, an increase from 326 referred in the previous year. Authorities reported the majority of these were victims of labor trafficking. The government continued to rely heavily on civil society to protect trafficking victims; however, it failed to facilitate NGO access to procedures intended to allow for the formal transfer

of custody of child victims, leaving organizations that accepted child victims vulnerable to court action. Government officials at times returned children to high-risk environments if family members would not consent to temporary guardianship in a shelter, leaving them extremely vulnerable to re-victimization. Despite a prevalence of male labor trafficking victims, assistance for this population remained limited.

Although the prime minister appealed to Cambodian diplomats to better serve overseas migrant workers, diplomatic missions overseas continued to lack adequate funding or capacity to provide basic assistance or repatriate victims; victims identified in countries without Cambodian diplomatic representation had access to even less support. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) received 857 repatriated Cambodian victims from Indonesia, China, Thailand, Malaysia, Vietnam, Papua New Guinea, Saudi Arabia, and South Africa. The majority were repatriated with the assistance of an international organization. Hundreds of these victims were subjected to forced labor on commercial fishing vessels, but experts estimate this represents only a small number of total Cambodians subjected to this form of trafficking.

The government required the repatriation of foreign victims and did not provide legal alternatives to their removal should they face hardship or retribution upon return to their countries of origin; five victims were repatriated to Vietnam during the reporting period. There were no reports the government punished individuals identified as victims for crimes committed as a result of being subjected to trafficking; however, insufficient victim identification efforts left many victims unidentified and at risk of being punished. Officials often lacked sufficient office space to keep victims and perpetrators separated during interviews. In cooperation with an NGO, the government launched a pilot project in three provinces designating trained social workers to provide case management services to victims with cases moving through the legal process. 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 whose families received out-of-court settlements from traffickers often changed their testimonies, hampering the pursuit of successful prosecutions. Victims were theoretically eligible for restitution, although this was limited by a legal requirement that compensation be paid only following the completion of a trafficker's jail term.

## PREVENTION

The government increased prevention efforts. The interagency committee and its secretariat coordinated anti-trafficking activities and began implementing the national action plan launched during the previous reporting period. The government dedicated 72 staff members to the committee and, for the first time, allocated an independent budget of \$500,000. Local committees coordinated efforts at the provincial level; NGOs report the central government provided modest funds to four of these in 2015, compared to two committees in 2014. An NGO reported receiving 96 complaints from victims seeking legal redress from brokers or recruiting agents complicit in their being subjected to trafficking in Malaysia. The government convicted one labor recruiter for illegal practices that may have contributed to trafficking. With support from foreign and local donors, it produced and disseminated printed materials, radio broadcasts, billboards, and posters on the dangers of human trafficking. The anti-trafficking police independently developed and delivered training for members of the entertainment sector



on policies and procedures to prevent and report sex trafficking crimes. The government reported reaching an agreement with the Chinese embassy in Phnom Penh to scrutinize more closely visa applications from unmarried Cambodian women to identify potential vulnerabilities to and indicators of trafficking; it is unknown, however, whether this was implemented in such a way to reduce an undue burden for potential migrants. The Ministry of Tourism sustained collaboration with NGOs in producing trainings, billboards, and handouts aimed at reducing the demand for commercial sex acts and 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 prosecuted six and convicted three child sex tourists, extradited one suspect to the United States, and prosecuted one and convicted five Cambodian citizens for the purchase of commercial sex acts with children. Local experts reported concern over the government's ongoing failure to impose appropriate punishments on foreign nationals who purchase commercial sex acts with children; during the year, one convicted offender's prison sentence was reduced from eight to five years. The government provided anti-trafficking training for its diplomatic personnel and to members of the military prior to their deployment abroad on peacekeeping initiatives.

## CAMEROON: Tier 2 Watch List

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. Child traffickers increasingly resort to kidnapping victims, as heightened public awareness of trafficking has led parents to be less willing to give their children to these intermediaries. 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 construction as errand boys, laborers, or night watchmen. Children are subjected to sex trafficking within the country. 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 become victims of forced prostitution or forced labor, especially in domestic servitude. Cameroonians are exploited in forced labor and sex trafficking in several Middle Eastern countries, Haiti, the United States, and multiple African countries. Increasing numbers of Cameroonian women are exploited in domestic servitude in Kuwait. Cameroonians are increasingly acting as intermediaries in subjecting other Cameroonians to trafficking in foreign countries. These perpetrators are often locals working for foreign

recruitment agencies in Cameroon or former trafficking victims residing in destination countries. Anecdotal evidence indicates increasing numbers of Cameroonians are operating trafficking networks in Morocco that 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 Central African Republic (CAR) and Nigeria are lured to Cameroon by the prospect of better employment opportunities and enhanced livelihoods but are subsequently subjected to labor trafficking. Refugees from CAR and Nigeria, as well as displaced Cameroonians fleeing human insecurity in border areas, are more 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. Media and international observers reported Cameroon was a destination for Nigerian women and girls used as forced suicide bombers and boys used as child soldiers by the terrorist organization Boko Haram during the reporting period. There are reports Cameroonian officials were complicit in human trafficking offenses.

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. During the reporting period, two regional anti-trafficking taskforces investigated some trafficking offenses and conducted awareness-raising activities. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Cameroon is placed on Tier 2 Watch List. The government recorded fewer trafficking investigations and convictions than the previous year and did not provide sufficient funding or resources to the anti-trafficking taskforces or inter-ministerial anti-trafficking committee, which severely hampered their ability to fulfill their mandates. The government did not adhere to its own sentencing requirements, issuing suspended sentences for trafficking crimes or allowing settlements out of court. It did not train or provide support for anti-trafficking training for its law enforcement officials. The government did not provide any repatriation assistance or victim services to dozens of Cameroonian trafficking victims identified abroad.



### RECOMMENDATIONS FOR CAMEROON:

Finalize and enact legislation to conform the definitions of human trafficking with international law and to address the lack of victim protection measures provided under current law; increase efforts to prosecute and convict traffickers for the full spectrum of trafficking crimes, including government officials complicit in trafficking-related offenses; expand training for police, labor inspectors, judges, lawyers, and social workers on the anti-trafficking law and victim-centered investigations; issue travel documents, including *laissez-passer* cards, to Cameroonian trafficking victims abroad to enable them to return home; provide repatriation assistance and victim services to Cameroonian trafficking victims identified abroad, and

increase services for adult trafficking victims; train government officials and NGOs on the standardized procedures for referring trafficking victims to government and NGO services; investigate allegations of fraudulent labor recruiters and agencies suspected of participating in human trafficking of Cameroonians abroad and prosecute if complicit in trafficking; provide funding, material resources, and training on trafficking investigations to the inter-ministerial anti-trafficking committee and regional anti-trafficking taskforces, and establish taskforces in the remaining seven regions; provide pre-departure information to citizens on their rights as foreign workers and sources of assistance while abroad; take action to regulate unlicensed recruiters and intermediaries, and monitor recruitment signs posted in rural areas; expand funding to Cameroonian embassies to better assist trafficking victims abroad; dedicate resources to improve data collection on victim identification and law enforcement efforts; and investigate cases of hereditary slavery in the northern regions.

## PROSECUTION

The government decreased law enforcement efforts. In its 2011 anti-trafficking law, the definition of “trafficking in persons” requires movement and does not define “exploitation.” The definition of “slavery in persons” does not require movement and criminalizes most forms of human trafficking. However, crimes of “slavery in persons” against a child younger than 18 years require the use of threat, fraud, deception, force, or other forms of coercion to be considered sex trafficking, which is contrary to international law where such means are not required. Section 4 of the law prescribes penalties of 10 to 20 years’ imprisonment and a fine of 50,000 to one million CFA francs (FCFA) (\$83-\$1,660) for trafficking and “slavery in persons,” which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Section 5 prescribes penalties ranging from 15 to 20 years’ imprisonment and a fine of 100,000 to one million FCFA (\$166 - \$1,660) 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. Section 3 prescribes penalties for debt bondage ranging from five to 10 years’ imprisonment and a fine of 10,000 to 1,000,000 FCFA (\$17-\$1,660). These penalties are also sufficiently stringent. Draft legislation to improve the 2011 law to address victim and witness protection and to address definitional inconsistencies with international law, which was drafted in 2012 in collaboration with the government, an NGO, and national and international experts, remained pending for the fourth consecutive year.

The government did not collect anti-trafficking law enforcement data from eight of its 10 regions, resulting in unreliable and incomplete statistics on victim identification and law enforcement efforts. Information available from the Northwest and Southwest regions indicated the government initiated 17 trafficking investigations, prosecuted 20 defendants, and convicted two traffickers, all for labor trafficking. This is a decrease from 25 investigations and eight convictions, but an increase from 11 prosecutions the previous reporting period. The two convicted traffickers received suspended sentences and paid fines of 60,000 FCFA (\$100) each; while all traffickers convicted during the previous reporting period faced jail time, penalties applied in 2015 were far below the minimum mandated by the 2011 law, reportedly because the victims’ families were paid by the defendants and refused to cooperate with the judiciary. These punishments were not commensurate with the seriousness of the crime, allowed the traffickers to avoid imprisonment, and served as an ineffective deterrent to the commission of

trafficking offenses. For the second year, prosecutions against at least three alleged traffickers and investigations of 10 additional cases remained ongoing, and the 2013 conviction of a child trafficker remained under appeal. Officials indicated that 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.

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. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, there were indications that official complicity occurred. For example, authorities did not investigate a judicial official after a missing girl was discovered in domestic servitude in his home, reportedly because he agreed to pay for several years of the girl’s education as compensation. Despite the identification of several dozen Cameroonian trafficking victims abroad, including many in Kuwait, the government did not initiate investigations of labor recruitment agencies within Cameroon or cooperate with foreign governments on transnational trafficking investigations.

## PROTECTION

The government maintained its modest internal victim identification and protection efforts, but made inadequate efforts to identify or assist Cameroonians exploited abroad. Limited information available from two of the country’s 10 regions indicated the government identified 13 labor trafficking victims, including four children—a decrease from 17 victims identified the previous reporting period. The government provided all 13 victims with services, including transportation, temporary accommodation, and medical care. NGOs identified several dozen cases of Cameroonians subjected to labor trafficking abroad during the reporting period, yet there is no evidence the government provided victim assistance, including funds for repatriation. There were reports Cameroonian trafficking victims abroad approached a Cameroonian embassy for assistance, but the embassy did not help initiate investigations for trafficking offenses, provide or refer victims to protective services, or support repatriation. However, 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 and law enforcement efforts. The government continued to offer direct assistance to vulnerable children and child victims of crimes such as trafficking, including temporary shelter, medical and psychological services, and reintegration support through care facilities in several cities. Government shelters were available for women victims; however, there was no evidence any victims used the shelters during the reporting period. NGOs reported identifying at least 20 Cameroonian labor trafficking victims; NGOs provided the majority of in-country services to these victims, as well as victims identified by the government.

There is no evidence the government made efforts to encourage victims to participate in investigations or legal proceedings against their traffickers. It is unclear whether the government provided counseling, legal support, or any other assistance to victims during court proceedings. Victims may file suits or seek legal action against traffickers, and family members may also bring civil suits against traffickers on behalf of children. At least 20 victims filed restitution suits against traffickers during the reporting period; the cases were ongoing at the end of

the 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 year. There were no reports the government punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. However, due to a lack of formal victim identification procedures during the reporting period, some victims may have remained unidentified in the law enforcement system. During the reporting period, the government deported several thousand undocumented Nigerian refugees without screening for indicators of trafficking.

## PREVENTION

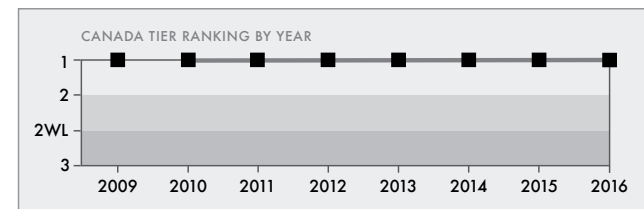
The government maintained prevention efforts, but its inadequate provision of resources to national and regional coordinating bodies stymied coordination on anti-trafficking initiatives. The inter-ministerial committee met on an ad hoc basis and made modest efforts to implement its 2014-2019 anti-trafficking national action plan by offering education and psycho-social care to street children vulnerable to trafficking and conducting awareness campaigns through its regional taskforces. The Ministry of Social Affairs continued to assist street children vulnerable to trafficking by placing 20 children in government-sponsored shelters that offered healthcare, education, and psycho-social services. Anecdotal reports suggest border police, especially those at the Nigerian and CAR borders, were more aware of trafficking and required parental authorizations for children traveling without their parents. The anti-trafficking regional taskforces' effectiveness decreased due to a severe lack of resources and clear mandates, and the government did not establish new taskforces in the remaining regions; it had established two new taskforces in the previous reporting period. The Northwest and Southwest taskforces, comprised of representatives from social welfare agencies, police, *gendarmarie*, magistrates, and NGOs, coordinated the response to trafficking cases and conducted awareness campaigns on the radio and through community watch groups; however, they lacked the resources and training necessary to adequately fulfill their mandates.

Although officials and NGOs identified several dozen Cameroonian trafficking victims in Europe and the Middle East, some of whom had been recruited and defrauded by unlicensed Cameroonian middlemen, the government did not attempt to proactively regulate such recruiters or initiate investigations of suspicious recruitment practices as cases arose during the year. To reduce the demand for commercial sex acts with children, the government continued its public awareness campaign against child sexual exploitation; however, it did not make efforts to reduce the demand for forced labor or for commercial sex acts with adults. 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. There were allegations Cameroonian peacekeepers deployed to the UN mission in CAR sexually exploited civilians during the reporting period; the investigations were ongoing at the end of the reporting period. The government reported providing anti-trafficking training for its diplomatic personnel.

## CANADA: Tier 1

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 Aboriginal communities; migrants, including those newly arrived, 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 some local street gangs and transnational criminal organizations are involved in sex trafficking. Labor trafficking victims include foreign 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 servants, including in 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.

The Government of Canada fully meets the minimum standards for the elimination of trafficking. The Government of Canada continued to operate a national anti-trafficking taskforce to coordinate, monitor, and report on efforts to combat trafficking. Canadian authorities maintained law enforcement and prosecution efforts against sex traffickers and courts delivered longer sentences than in previous years. Awareness of and resources against sex trafficking were considerably greater than those against labor trafficking. Police identified fewer trafficking victims than the previous year; NGOs reported government funding for specialized services was inadequate; the quality, timeliness, and range of such services varied among the provinces. Interagency coordination was also uneven across the provinces and territories, as was national data collection on anti-trafficking efforts.



## RECOMMENDATIONS FOR CANADA:

Significantly 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 efforts 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 to document numbers of identified victims and assistance provided.

## PROSECUTION

The government maintained efforts to hold traffickers criminally accountable, though most efforts focused on sex trafficking. Criminal code sections 279.01 and 279.011 prohibit all forms



of human trafficking, prescribing penalties of four to 14 years' imprisonment for trafficking of 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 of 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 prohibits receiving financial or any other material benefit obtained from trafficking and prescribes a maximum penalty of 10 years' imprisonment where the victim is an adult, and a mandatory minimum of two years to a maximum of 14 years' imprisonment where the victim is a child. Section 279.03 prohibits withholding or destroying documents to facilitate trafficking and prescribes a maximum penalty of five years' imprisonment where the victim is an adult, and a mandatory minimum of one year to a maximum of 10 years' imprisonment where the victim is a child.

In 2015, police charged 112 individuals in 63 trafficking cases (two for labor trafficking) compared to 121 individuals in 77 cases in 2014. Prosecutions continued against 202 individuals, including 22 suspected labor traffickers. The government convicted six sex traffickers and no labor traffickers in 2015 compared to eight sex traffickers in 2014. Sentences ranged from six months' to 9.5 years' imprisonment, compared with fines or community service and probation to 6.5 years' imprisonment in 2014. NGOs noted a continued imbalance in the government's anti-trafficking efforts, with greater attention and understanding of sex trafficking versus forced labor. Contacts and NGOs indicated police and prosecutors' understanding of human trafficking varied, leading some to categorize trafficking cases as other crimes or to bring civil instead of criminal charges. Police and prosecutors used prostitution-related statutes for sex trafficking cases, sometimes due to a perception of difficulty proving exploitation to judges. Federal and provincial authorities conducted training sessions for some officials and maintained online training courses. The federal Royal Canadian Mounted Police (RCMP) included trafficking in the national academy training for all new recruits; trained 62 police officers in an in-depth human trafficking investigator's course; and maintained a national anti-trafficking enforcement unit in Quebec. A police sergeant who led a pilot anti-trafficking investigative unit in Hamilton, Ontario pled guilty to charges related to sexual misconduct involving witnesses in human trafficking cases. Because he resigned from the police force prior to sentencing, a prosecution under the Police Services Act was halted. The provincial special investigations unit conducted a separate investigation, found no criminal conduct, and closed the case in July 2015. Authorities did not report any other investigations, prosecutions, or convictions of government officials complicit in human trafficking.

## PROTECTION

The government identified fewer trafficking victims than in previous years; did not provide adequate funding for specialized victim services; and the range, quality, and timely delivery of services varied across the provinces. Police identified 99 new victims in cases where trafficking-specific charges were laid in 2015, compared with 261 victims in 2014. Of these, 90 were female, three were male, and the gender of six victims was unknown; nine were victims of labor trafficking; 90 were victims of sex trafficking; and 29 were children. Authorities reported a total of 300 trafficking victims related to current and ongoing cases before the courts where trafficking-specific charges were laid. Immigration officials continued to implement guidelines

to assess whether foreign nationals were potential trafficking victims, and police and prosecutors screened potential trafficking cases using established indicators, which has resulted in the identification of victims. Civil society reported provincial and territorial governments often lacked adequate resources and personnel to effectively monitor the labor conditions of temporary foreign workers or to proactively identify human trafficking victims among vulnerable groups.

The government did not report the number of trafficking victims assisted in 2015. The government assisted trafficking victims through its general crime victim assistance regime, which relied on Justice Canada's funding to provincial and territorial governments. NGOs, with provincial and federal support, also provided specific services, as did provincial crime victims assistance centers, where available. Services generally included shelter, legal and immigration services, medical care, psychological and crisis counseling, income support, and interpretation. According to a shelter survey published in July 2015, two percent (67 of 4,476) of women residing in shelters in April 2014 sought shelter due to trafficking.

While 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 Aboriginal communities. In 2015, the city of Toronto provided a \$1 lease of a house to an NGO, which raised private funds to operate a shelter for female sex trafficking victims. In Ontario, 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, though 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. NGOs and law enforcement noted the demand for some services—particularly longer-term services such as housing and drug addiction treatment—exceeded available resources, and NGOs reported inadequate funding from the federal and provincial governments and, in some cases, cutbacks in existing funding. 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. NGOs noted victims without proper documentation may not be able to access general services, including health care. NGOs gave differing assessments of the effectiveness of the informal victim referral mechanism in use, with some desiring a more codified process and others prioritizing flexibility.

Foreign trafficking victims could apply for a temporary resident permit (TRP) to remain in Canada. The government issued TRPs to 44 foreign victims in 2015, compared with five TRPs in 2014; 19 permits were issued to first-term recipients; 25 were issued to persons who had previously received TRPs. In comparison, authorities granted 14 TRPs to 14 foreign victims in 2013. During a 180-day reflection period, immigration officials determined whether to grant TRP holders a longer residency period of up to three years. TRP holders could apply for fee-exempt work permits, but it was unclear how many foreign victims received these permits in 2015. 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 the government

penalized identified victims for crimes committed as a direct result of being subjected to human trafficking. Some NGOs indicated lengthy labor trafficking investigations could expose foreign victims to immigration violations, and some child sex trafficking victims might be treated as juvenile offenders for petty criminal offenses. There were no reports victims filed for or obtained restitution in 2015.

## PREVENTION

The government maintained diverse trafficking prevention efforts. The Department of Public Safety led a federal interagency taskforce, published regular anti-trafficking newsletters, and released annual progress reports in 2014 and 2015. The RCMP continued to conduct awareness-raising activities aimed at youth, law enforcement, and the public. The RCMP human trafficking awareness coordinators in 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 had the only provincial anti-trafficking office in the country, which conducted training, prevention, and awareness activities. NGOs cited the need for better coordination between and among the federal, provincial, and territorial governments on anti-trafficking law enforcement efforts. Authorities provided information to temporary foreign workers to let them know where to seek assistance in cases of exploitation or abuse. In 2015, the government announced an overhaul of the temporary foreign worker program to increase detection of abuse and prioritize Canadian employees over lower paid migrants. The government did not report if these measures led to the identification of any potential trafficking victims. The government continued to limit which foreign diplomats were eligible to bring domestic workers to Canada. 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 to two years and one day's imprisonment and designating this individual a long-term sex offender for 10 years in 2015. The government provided more than 370,000 Canadian dollars (\$292,300) to support anti-trafficking initiatives in 16 countries globally. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions. The government made efforts to reduce the demand for commercial sex and forced labor through awareness-raising, training, and research. The government provided anti-trafficking training for its diplomatic personnel.

## CENTRAL AFRICAN REPUBLIC: Tier 3

The Central African Republic (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 appear to be CAR citizens exploited within the country, and a smaller number are transported back and forth between CAR and Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo (DRC), Sudan, and South Sudan. Traffickers—likely including people from Nigeria, South Sudan, and Chad, 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. Reports indicate the incidence of forced marriages, often perpetrated by members of armed groups, increased during the year.

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 2016, more than 420,000 people remained internally displaced and approximately 470,000 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. The UN reported between 6,000 and 10,000 children remained under the control of these armed groups during the reporting period. 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. Since the beginning of 2015, 1,990 children have been separated from armed groups. The government remained without an effective disarmament, demobilization, and reintegration program. However, all children received reintegration support from an international organization and most were reunited with their families, while others received care from substitute families pending family tracing and reunification. There were 1,015 verified child soldiers amongst the ex-Seleka, anti-Balaka, and the Lord's Resistance Army (LRA), including 12 girls, at the end of the reporting period, a significant decrease following the demobilization agreement and subsequent demobilization programs. 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.

Allegations of sexual abuse by peacekeepers within the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) persisted during the reporting period. MINUSCA peacekeepers raped or sexually abused at least eight women and girls between October and December 2015, some of whom may have been trafficking victims. More than 100 cases have been reported since MINUSCA's inception in September, 2014, and 38 of these cases were reported during the reporting period. Peacekeepers from DRC and Republic of the Congo allegedly perpetrated the majority of these 38 reported cases; however, soldiers from Bangladesh, Morocco, Niger, Senegal, Cameroon, and Egypt were also reportedly involved.

The 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 DRC. Between January and March 2016, the LRA abducted 217 people, nearly double the number abducted in 2015. 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, UNICEF reported the LRA abducted at least 12 children, who were used as porters and combatants.

The Government of the Central African Republic does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The transitional government, which assumed power in January 2014, continued to govern during the reporting period and was not aligned with any armed groups currently operating in CAR. In May 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. An international organization, in partnership with the government, provided medical care and psychological services for demobilized child soldiers. Although criminal cases were heard during the reporting period for the first time since 2011, the government did not investigate or prosecute any trafficking cases or convict any traffickers. The government did not independently identify, provide protection to, or refer to service providers any trafficking victims.



## RECOMMENDATIONS FOR CENTRAL AFRICAN REPUBLIC:

Continue to demobilize and reintegrate child soldiers in armed groups and self-defense units, and institute a zero-tolerance policy for the use of children within the government's armed forces; thoroughly vet incoming members of the reconstituted Central African army (FACA) to ensure soldiers who have committed abuses against children are not reintegrated; investigate allegations of child recruitment into armed groups and punish public officials or civilians who perpetrate these crimes; 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; 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 and girls in prostitution, street children, children associated with armed groups, and Ba'aka minorities.

## PROSECUTION

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

2009 labor code prohibit forced and bonded labor and prescribe sufficiently stringent penalties of five to 10 years' imprisonment. Victims can file civil suits to seek damages from their traffickers. These provisions were not enforced. Although Central African courts heard criminal cases during the reporting period for the first time since 2011, the government did not investigate or prosecute any trafficking cases or convict any traffickers and has not done so since 2008. Traditional dispute resolution methods are widely practiced throughout the country to punish criminal acts, often to the exclusion of formal legal proceedings. In previous reporting periods, NGOs reported low political will to prosecute traffickers. The government did not provide technical training to law enforcement, prosecutors, or judges.

## PROTECTION

The government made minimal efforts to identify and protect victims. It did not report identifying any trafficking victims during the year. The government did not 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. In previous years, reports indicated the government arrested and jailed individuals involved 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 involvement 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, and no such victims were identified. However, 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. Diplomatic personnel in CAR's embassy in Kuwait provided assistance to some Cameroonian trafficking victims pending repatriation from Kuwait.

## PREVENTION

The government maintained minimal anti-trafficking prevention efforts during the reporting period. In May 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. The UN reported the release of 520 children between May and August 2015. The government's working group carried out limited activities due to continued instability throughout the country. In March 2015, a working group established by an NGO, in partnership with the government, began drafting a national action plan against trafficking during the reporting period for presentation to the Transitional National Council during 2015. The government did not report any efforts to establish a policy against child soldiering or raise awareness about the country's laws prohibiting the use of children in armed forces. The government did not report any measures to reduce the demand for commercial sex acts or forced labor or provide anti-trafficking training for its diplomatic personnel.

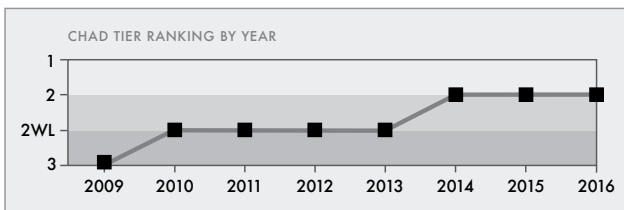
## CHAD: Tier 2

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 Koranic 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, 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 prostitution or are abused in domestic servitude. NGOs report that the Nigerian terrorist group Boko Haram, (which refers to itself as the Islamic State—West Africa Province), is involved in child trafficking.

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. During the reporting period, the government took steps to increase its capacity to combat trafficking and sustain its progress from the previous reporting period. It regularly convened the inter-ministerial committee on trafficking and identified at least 13 trafficking victims. The government also completed during the reporting period, though has not yet published, a guide for security forces, NGOs, social workers, and civil society that outlines steps to assist suspected trafficking victims. The government continued efforts to prevent the recruitment and use of child soldiers by training members of the military and verifying the age of entrants at military centers. The government reported fewer prosecutions, more investigations, and the same number of convictions. The government did not provide services specific for trafficking victims and did not systematically refer victims to NGOs or international organizations for care.



## RECOMMENDATIONS FOR CHAD:

Enact legislation prohibiting all forms of trafficking in persons and prescribing sufficiently stringent punishments; strengthen enforcement of existing penalties to combat trafficking in persons; increase efforts to enhance magistrates' understanding of managing trafficking in persons cases and punishing trafficking offenses under existing laws; continue anti-trafficking law enforcement efforts, including the investigation and prosecution of suspected trafficking offenders; provide specialized anti-trafficking training to law enforcement officers and prosecutors; continue collaborating with NGOs and international organizations to increase the provision of protective services to all types of trafficking victims, including children exploited in prostitution 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 sustained modest anti-trafficking law enforcement efforts. Existing laws do not specifically prohibit trafficking, though they do prohibit forced prostitution and many types of labor exploitation. Title 5 of the labor code prohibits forced and bonded labor, prescribing fines of 50,000 to 500,000 Central African CFA francs (FCFA) (\$93-\$928), but not imprisonment; 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 FCFA 1,000,000 (\$1,860); 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 1991 Chadian National Army Law prohibits recruitment of children younger than 18 years; punishment for those who violate this provision is at the discretion of military justice officials. Draft revisions to the penal code and a child protection code, both of which contain provisions criminalizing trafficking in persons, have not been enacted. During the last reporting period, the government drafted anti-trafficking legislation with the support of an international donor; the draft was pending final review by the Council of Ministers at the close of the reporting period. On May 21, 2015, the government, in collaboration with an international organization, inaugurated in N'Djamena the new facility for the Chadian National Police's Child Protective Services (Brigade des Mineurs), charged with the protection of children against all forms of abuse and exploitation, including trafficking. Although the government did not collect comprehensive law enforcement data, the government reported at least six investigations, four current prosecutions, and three convictions during the reporting period, compared with five investigations, five prosecutions, and three convictions during the previous reporting period. NGOs reported local officials were sometimes complicit in trafficking. Authorities arrested the police commissioner of the city of Kelo in February 2016 on suspicion of involvement in child trafficking and held him in custody while awaiting trial at the close of the reporting period.

## PROTECTION

The government sustained minimal 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 13 victims in the course of its investigations. 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 lack of formal victim identification procedures continued to be a problem. However, during the reporting period the government drafted a guide for security forces, NGOs, social workers, and civil society that outlines 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 any trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

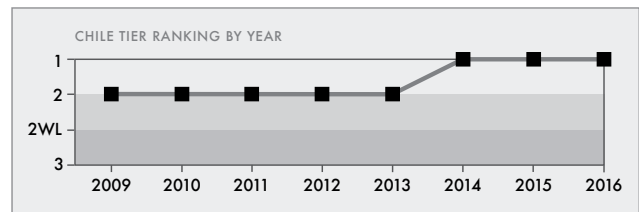
The government sustained modest efforts to prevent trafficking. The inter-ministerial committee responsible for coordinating government efforts to combat trafficking met regularly throughout the reporting period. In October 2015, the Ministry of Women, Childhood Protection, and National Solidarity conducted a two-week anti-trafficking training for magistrates, in cooperation with two international organizations. The government made no discernible efforts to 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.

## CHILE: Tier 1

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. Men, women, and children—primarily from other Latin American countries, as well as Asia—are exploited in forced labor in mining; agriculture; construction; street vending; the hospitality, restaurant, and garment sectors; and in domestic service. Authorities report Chinese immigrants may be vulnerable to sex trafficking and forced labor and Korean women are subjected to sex trafficking. Chilean authorities identified 260 children involved in illicit activities in 2015, including drug trafficking and theft; some of these children may have been trafficking victims. Chilean men were reported to be transported to Peru for the purposes of labor exploitation and Chilean women to Argentina for commercial sexual exploitation. Some Chilean women may be exploited in sex trafficking in other countries. NGOs report brothels in small towns are often frequented by police officers, dissuading potential trafficking victims from reporting exploitation. The government noted that traffickers, aware of law enforcement crackdowns on human trafficking, are changing their operations, including avoiding direct involvement in illegal activities, setting up work contracts for victims through third parties, and establishing shell companies to justify illicit gains.

The Government of Chile fully meets the minimum standards for the elimination of trafficking. Authorities convicted sex traffickers under child prostitution statutes, increased victim protection services to child sex trafficking victims, and created a separate fund to assist immigrants in vulnerable situations, including victims of trafficking. In April 2015, the government

enacted a law to strengthen protections for domestic workers. Authorities increased training for front-line responders, including health workers and phone operators. Authorities did not prosecute internal child sex trafficking cases as human trafficking, which hindered efforts to penalize traffickers appropriately and accurately assess anti-trafficking efforts.



## RECOMMENDATIONS FOR CHILE:

Increase efforts to investigate and prosecute all forms of human trafficking, including internal child sex trafficking, under law 20507, and convict and penalize traffickers with sufficiently stringent sentences, ordering victim restitution as appropriate; expand access to specialized shelters for victims, including male victims and victims outside the capital; continue training for front-line responders in victim identification and implementation of the victim assistance protocol; implement mechanisms requiring that cases of pimping of children be referred to specialized anti-trafficking police and prosecutors, and issue guidance to law enforcement and members of the judiciary clarifying that third-party prostitution of children is trafficking; strengthen law enforcement's capability to investigate trafficking cases outside the capital through training and resources, especially for potential forced labor and domestic servitude; develop guidelines for officials to screen for trafficking indicators for children involved in illicit activities; improve data collection; and enhance interagency coordination mechanisms and communication with NGOs.

## PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. Law 20507 prohibits all forms of human trafficking, prescribing penalties ranging from five years and one day to 15 years' imprisonment, plus fines, for trafficking offenses. Such 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 the prostitution of minors. Penalties for this crime range from three to five years' imprisonment, which are not commensurate with those for other serious crimes. In practice, judges often suspended or commuted sentences.

Anti-trafficking police units opened investigations of seven new sex trafficking and eight new labor trafficking cases in 2015. Authorities prosecuted 91 individuals for facilitating the prostitution of children; the government used the anti-trafficking law to prosecute only three cases of trafficking of adults. In 2014, the government initiated 115 prosecutions for facilitating prostitution of children and three prosecutions under the anti-trafficking law. The government did not report any convictions in 2015 under the trafficking law, and convicted three traffickers in 2015 under article 367. Two of those convicted were given sentences of three years' imprisonment and one a sentence of daily overnight imprisonment. Convicted traffickers under article 367 were at times released on parole or given suspended

sentences. In comparison, in 2014 authorities convicted five sex traffickers using the anti-trafficking law and 22 under article 367. During the previous reporting period, authorities investigated a former deputy police chief for involvement in the commercial sexual exploitation of children while in office. As of the end of the reporting period, the case was still under investigation. The government did not report any prosecutions or convictions of government officials allegedly complicit in human trafficking offenses during 2015. The government provided specialized training on trafficking to more than 520 government officials in 2015, including law enforcement, prosecutors, justice officials, social workers, health workers and labor inspectors, often in partnership with NGOs and international organizations. The public prosecutor's office maintained an active anti-trafficking working group made up of specialized units at the national office. In June 2015, the public prosecutor's office strengthened trafficking case management by providing additional guidelines for investigating human trafficking cases and designating a human trafficking coordinator in each regional office. The human trafficking coordinator will notify and coordinate new cases with specialized units at the national office to ensure its assignment to prosecutors with trafficking experience or experience prosecuting other complex or transnational crimes. In addition, the new guidelines also emphasized the importance of seeking international cooperation in transnational cases, and the prohibition of conditional pardons as a procedural means to an abbreviated criminal process. Authorities staffed a trafficking and smuggling investigative police unit in Santiago with 24 detectives; a similar unit in Iquique, with 11 detectives, had jurisdiction from Chile's northern border to Copiapo. The interagency taskforce acknowledged that the lack of legal representation for victims, particularly for those seeking restitution via civil lawsuits, was a challenge. Law enforcement reported that lack of qualified translators and interpretation services hampered some trafficking investigations with foreign victims.

## PROTECTION

Authorities increased victim protection efforts. Authorities identified 65 trafficking victims during the year, compared with 16 in 2014; 53 were labor trafficking victims, and 12 were exploited in sex trafficking. Most child sex trafficking victims were identified as victims under article 367, and the National Service for Minors (SENAME) assisted 1,285 children involved in commercial sexual exploitation in 2015. The National Service for Women (SERNAM) shelter, which provides specialized services for trafficking victims, assisted 10 women, including nine foreigners from Bolivia, Venezuela, Paraguay, Brazil, China, South Africa, and Syria. The Social Action Department of the Ministry of Interior created a separate fund to assist trafficking victims and other immigrants in vulnerable situations. Authorities continued to use an interagency victim assistance protocol, which established guidelines and responsibilities for government agencies in trafficking victim care, but 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 activities.

Provision of victim services remained uneven across the country. The government funded several NGOs to assist adult labor and sex trafficking victims, although NGOs reported funding was inadequate to provide all necessary services, especially shelter. There were no shelters for male victims or victims outside the capital. SERNAM maintained its 2014 budget allocation of 85 million Chilean pesos (\$140,000) to fund the NGO-operated shelter for women victims of trafficking, smuggled women, and

their children. The shelter facilitated health, migration, and employment services. 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. SENAME increased this funding to 2.276 billion Chilean pesos (\$3.47 million) in 2015 from 1.539 billion Chilean pesos (\$2.54 million) in 2014. Specialized assistance for male victims was limited. Reintegration services such as education and job placement assistance remained lacking, and officials reported access to quality mental health services was expensive and limited. The Department of Migration created a specific no-fee visa for trafficking victims and issued 35 in 2015. The visa is valid for six months, renewable for up to two years. Renewal requires the victim denounce the crime to the prosecutor's office. Also, the government streamlined access to temporary visa services in the Santiago Metropolitan Region. The government did not report granting restitution to any victims through civil or criminal cases in 2015. 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 increased prevention efforts during the reporting period. 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 developed and adopted a 2015-2018 national action plan. For the second year, the taskforce published a statistical report, with trafficking in persons data from 2014 and the first half of 2015. While there has been an improvement in interagency cross-referencing and sharing of data, better coordination was still needed. A new law strengthened 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 launched 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. Authorities provided anti-trafficking training to Chilean troops prior to their deployment abroad for international peacekeeping missions. The Ministry of Interior signed a memorandum of understanding with its counterpart in Ecuador, on prevention and criminal investigation of trafficking and assistance and protection of victims. The government took action to reduce child sex tourism by training 823 hotel employees and tour operators in all the regions, with an inaugural activity timed to coincide with Chile's hosting of the Copa America soccer tournament. The government took actions to reduce demand for commercial sex involving children by opening 26 prosecutions and handing down 23 convictions against individuals who purchased sex from children during the reporting period. The government did not report efforts to reduce the demand for forced labor. The government piloted an online anti-trafficking course for its diplomatic personnel.

## CHINA: Tier 2 Watch List

The People's Republic of China (China or PRC) 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 294 million people, is vulnerable to trafficking with Chinese men, women, and children subjected to forced labor in coal mines and factories, some of which operate illegally and take advantage of lax government enforcement. Forced begging by adults and children occurs throughout China. There are reports of traffickers targeting children whose parents have migrated to the cities and left them with relatives and persons with developmental disabilities for forced labor and forced begging. 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 continues to be an area of significant concern in China. "Re-education through labor" (RTL) was a systematic form of forced labor in China for decades. The PRC government reportedly profited from the forced labor of individuals subjected to administrative (extra-judicial) detention, often with no remuneration, for up to four years. In 2013, the PRC's National People's Congress ratified a decision to abolish RTL. The government closed most RTL facilities by October 2015; however, the government converted some RTL facilities into state-sponsored drug rehabilitation facilities or detention centers. Reports of the government's ongoing use of forced labor in government rehabilitation facilities and detention centers continued. Religious and political activists held in legal education facilities reported that at times forced labor occurred in pretrial detention and outside of penal sentences. In Aksu prefecture, the government forced ethnic Uighurs to perform farm labor as a way of keeping them from getting involved in "illegal activities." The government previously detained some women arrested for prostitution for up to two years without due process in "custody and education" centers where they were subjected to forced labor, but reported that it had changed its official policy in 2015 to limit the time women arrested for prostitution could be held in detention facilities to 15 days. However, government officials acknowledged that isolated instances of forced labor may still occur in detention facilities or prisons, even if not officially condoned by the PRC.

Chinese women and girls are subjected to sex trafficking within China; traffickers typically recruit them from rural areas and take them to urban centers. 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 prostitution.

Chinese men, women, and children are also subjected to forced labor and sex trafficking in other countries. Traffickers recruit girls and young women, often from rural areas of China, using a combination of fraudulent job offers and coercion by imposing large travel fees, confiscating passports, confining, or physically and financially threatening victims to compel their engagement in prostitution. Chinese men and women are forced to labor in restaurants, shops, agriculture, and factories in overseas Chinese communities. They 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 withholding of passports, restrictions on movement, non-payment of wages, and physical abuse. Chinese women and girls are subjected to forced prostitution

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. 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 create 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 prostitution or forced labor.

The Government of the People's Republic of China (PRC) does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, China is placed on Tier 2 Watch List for a third consecutive year. Per the Trafficking Victims Protection Act, China was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards. Reports continued of the government's complicity in forced labor, including through state-sponsored forced labor policies. Despite the 2013 policy announcement abolishing the RTL program, unverifiable reports continued of forced labor in government detention centers outside the penal process. Overseas human rights organizations and media report local officials in Xinjiang coerced Uighur men and women to participate in forced labor in and outside of the province. The government's criminal 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 things as human trafficking that are not consistent with 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. The government reported cooperating with other countries to repatriate foreign trafficking victims and improve anti-trafficking coordination efforts. Although authorities asserted all women arrested for prostitution are now screened for indicators of trafficking, it remained unclear if this occurred in practice during the reporting period, and some may have been punished for crimes committed as a direct result of being subjected to trafficking. Providing law enforcement data, the government reported substantial law enforcement efforts, convicting at least 714 traffickers, although it is unclear how many of these victims meet the international definition of human trafficking. The government amended its criminal code to address some of the gaps in the definition of trafficking-related crimes and approved a national victim identification system. The government took steps to implement its national action plan against trafficking in persons, which addressed efforts to amend the anti-trafficking law, improve interagency and international cooperation, boost anti-trafficking investigations, develop anti-trafficking awareness campaigns, and enhance victim protection services. The written plan directed all levels of government to allocate funding to implement the activities in the plan. In addition to local

government funding of local anti-trafficking operations, the Ministry of Public Security (MPS) supplemented 50 million RMB (\$7.7 million) for a special anti-trafficking fund for local law enforcement and 5 million RMB (\$774,593) to central government anti-trafficking campaigns, some of which focuses on activities inconsistent with international legal definitions of human trafficking.



## 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 trafficking crimes, 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 identify systematically trafficking victims—including labor trafficking victims, Chinese victims 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; cease detention, punishment, and forcible repatriation of trafficking victims; expand victim protection services, including comprehensive counseling, 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; 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 provide data on the number of criminal investigations and prosecutions of 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 reported substantial law enforcement efforts to address suspected trafficking crimes during the reporting period, as demonstrated through improved reporting on such efforts; however, lack of comparable data from 2014 and the inclusion of crimes outside international law's definitions of human trafficking inhibit an assessment of appreciable progress from the previous reporting period. The criminal code prohibits many forms of trafficking and prescribes harsh penalties, although it differs significantly from international law on human trafficking. Article 240 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 the women and children. That article does not apply to men; and the acts that comprise the crime are not tied to a purpose of exploitation, such as forced labor or forced prostitution, as international law defines trafficking in persons. 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 was amended during the reporting period to criminalize the purchase of women or children, although without the purpose of exploitation as international law defines human trafficking. Article 358 prohibits 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 of 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. It remains unclear whether Chinese law defines all children younger than age 18 who are induced to engage in prostitution as trafficking victims regardless of whether force, fraud, or coercion is involved. 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.

Unlike in the previous year, the government provided some law enforcement data for this reporting period. Due to government's tendency to conflate human smuggling, child abduction, prostitution, forced marriage, and fraudulent adoptions with trafficking offenses, the exact number of human trafficking cases—as defined by international law—the government investigated, prosecuted, and convicted was unclear. MPS reported its investigation of 21 suspected cases of forced labor in 2015, but did not report the number of sex trafficking investigations. The government arrested 1,932 alleged traffickers under Chinese law in 2015, compared with 194 publicly reported in 2014. Government prosecutors reported they commenced 284 prosecutions for sex trafficking and forced labor involving 486 suspected traffickers and two prosecutions for forced begging involving three suspected traffickers. The government reported convicting 642 sex traffickers and 72 labor traffickers, compared with 35 total trafficking convictions publicly reported in 2014. The statistics the government provided include data on other crimes, including the abduction and sale of women and children, for which the nexus to human trafficking was unclear, as it remained unknown if the purpose of such acts included exploitation through sex trafficking or forced labor as defined in international law. It reported investigating 637 cases involving women and 756 cases involving children abducted and sold, 670 prosecutions involving 1,195 suspects, and the conviction of 1,362 perpetrators for the abduction and sale of women and children. 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 made efforts to cooperate with foreign governments to investigate allegations of trafficking and continued to cooperate with neighboring governments in sharing intelligence and collecting evidence on people involved in arranging marriages between Chinese citizens and foreign brides; foreign brides were reportedly sold by their families or abducted, and some became trafficking victims. The government did not provide detailed information on its efforts to train law enforcement officials, prosecutors, or judges on trafficking. However, when PRC authorities participated in trainings with other countries and international organizations, the PRC provided lodging, transportation and meals for some participants. The government arrested and convicted a former member of the national legislature for organizing prostitution,

a crime that may have had links to trafficking. The prosecution of several policemen connected to the same case remained pending.

## PROTECTION

The government did not undertake adequate efforts to protect victims and did not directly provide data on the number of victims it identified or assisted, or the services provided to victims. Media reported law enforcement and judicial officials continued to expel potential foreign trafficking victims. The government arrested significant numbers of women in prostitution during police raids; some of these women were detained in detention centers. While the government reported it mandated that all women arrested for prostitution be screened for indicators of trafficking, it was unclear if these women were screened or, if screened, whether victims were referred to shelters or other care facilities. The office to combat trafficking in persons developed and approved trafficking victim identification procedures and disseminated them to law enforcement officials throughout the country. The government acknowledged that victim identification procedures varied according to local officials' training and understanding of trafficking; this variation increased the risk that unidentified trafficking victims were detained and deported following arrest for unlawful acts committed as a direct result of being subjected to human trafficking.

The government reported at least 10 shelters specifically dedicated to care for trafficking victims, as well as more than 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims. However, the government did not provide victim protection data to ascertain the extent to which trafficking victims in fact accessed these shelters. Rehabilitation services for trafficking victims, especially mental health services, were inadequate. Foreign embassies reportedly provided shelter or protective services to victims. 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. The government reported trafficking victims who faced hardships in their home country could receive vocational skills training, vocational guidance, and employment services; it remained unclear if any victim benefited from this provision. Some women in forced marriages who may also have been victims of trafficking received residence permits. Chinese law provides victims the right to request criminal prosecution and claim financial compensation by filing civil lawsuits against their traffickers; it remained unclear if any victim benefited from this provision. The government does not provide any temporary or permanent residence visas to foreign trafficking victims as an incentive to cooperate in trafficking investigations or prosecutions.

The government maintained it does not forcibly repatriate any trafficking victims. Prior to this reporting period, credible reports stated that Chinese authorities forcibly repatriated some North Korean refugees by treating them as illegal economic migrants, despite reports some North Korean refugees were trafficking victims. The government detained and deported such refugees to North Korea, where they may have faced severe punishment, even death, including in North Korean forced labor camps. However, there have been no reports of the forced repatriation of North Koreans during this reporting period.

## PREVENTION

The government sustained efforts to prevent trafficking. The government funded a movie, contributed to a television show, and utilized traditional and social media to increase general understanding of the issue. The MPS used its official microblog to raise awareness of trafficking and receive information from the public regarding suspected trafficking cases. During peak travel periods, the All-China Women's Federation, and MPS continued national anti-trafficking publicity campaigns at train and bus stations, and on national radio—mainly targeting migrant workers. MPS continued to coordinate the anti-trafficking interagency process and lead interagency efforts to implement the National Action Plan on Combatting Human Trafficking. In 2015, MPS invested more than 5 million RMB (\$770,179) on handling major cases, conferences, trainings, information system construction, international law enforcement cooperation, and publicity, as well as 50 million RMB (\$7.7 million) for a special anti-trafficking fund for local law enforcement. 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 affect future demands for prostitution and foreign women as brides for Chinese men. In response to the large number of cases of forced marriage, the government made efforts to further scrutinize visa applications of foreign women with indicators of vulnerability to trafficking. The government also highly publicized the amendment to the criminal code that criminalized the purchase of women and children and its penalties in an attempt to deter potential buyers.

Several government policies continued to facilitate human trafficking. While the law prohibits employers from withholding property from an employee as a security deposit, there were reports that such practices continued, thus making certain workers vulnerable to forced labor. The government *hukou* (household registration) system continued to contribute to the vulnerability of internal migrants to trafficking. During the reporting period, the government required local governments to provide and pay for limited social services to newly registered residents, which may decrease the vulnerability of some migrant workers previously unable to access these services. However, *hukou* requirements did not change, and the benefits of the new policy remained limited given the size of the unregistered population, estimated at 294 million. The government reported making efforts to reduce the demand for forced labor by highly publicizing convictions for labor trafficking. The government did attempt to reduce the demand for commercial sex through its crackdown on corruption and high profile arrests of men soliciting or procuring prostitution. Despite reports Chinese nationals engaged in child sex tourism, the government made no efforts to prevent its citizens from engaging in child sex tourism 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.

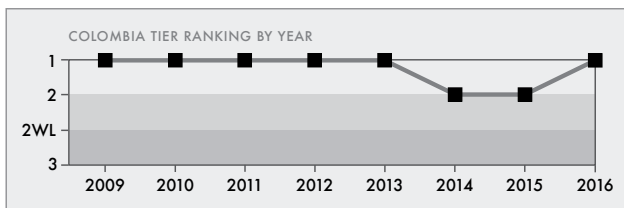
## COLOMBIA: Tier 1

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 Colombian women and children are found in sex trafficking around the world, particularly in Latin America, the Caribbean, and Asia. Authorities reported high rates of children exploited in prostitution 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, to cultivate illegal narcotics, or exploit them in sex 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.

The Government of Colombia fully meets the minimum standards for the elimination of trafficking. Authorities continued to investigate and prosecute trafficking cases and reported increased efforts to pursue sex trafficking cases. The government appointed 14 new prosecutors to handle the caseload associated with trafficking and related crimes, conducted awareness campaigns, and provided identified victims some services. The government strengthened internal coordination to combat trafficking. However, the government did not demonstrate progress in identifying victims from vulnerable populations, or prosecute and convict labor traffickers. Officials treated some trafficking cases as other crimes, which hindered efforts to identify and assist victims and hold traffickers criminally accountable.



### RECOMMENDATIONS FOR COLOMBIA:

Provide access to shelter and specialized services for more trafficking victims by increasing funding for NGOs and government entities; increase efforts to investigate, prosecute and convict traffickers, including complicit officials, for forced labor and sex trafficking; approve and fund the national anti-trafficking strategy; revise law 1069 to explicitly state victims do not need to file an official complaint against their traffickers to receive ongoing assistance; establish and implement formal mechanisms to identify trafficking victims among vulnerable populations within the country, including displaced Colombians; provide funding to the specialized trafficking in persons criminal investigation unit; increase training for labor officials and inspections of employers in sectors where trafficking indicators have been found; and improve data collection and disaggregation through implementing the national trafficking information system.

### PROSECUTION

The government increased efforts against transnational and internal sex trafficking, but took minimal steps to prosecute labor traffickers or complicit officials. Article 188 A 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 wage, penalties that 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.

Data on law enforcement efforts was incomplete, as authorities sometimes categorized internal trafficking cases as other crimes, such as induction into prostitution or pimping. Police reported arresting 41 suspects for trafficking or related crimes, compared with 37 arrests in 2014. Law enforcement also reported investigating 56 possible trafficking cases referred from the anti-trafficking hotline, compared with 176 in 2014. Federal prosecutors reported investigating 135 new trafficking cases in 2015, compared with 122 in 2014, but it was unclear in how many cases prosecutors filed charges against alleged traffickers. Regional prosecutors reported the prosecution of 12 criminal organizations involved in trafficking and related crimes. The government convicted 31 individuals of trafficking and related crimes—including 11 internal traffickers and 20 transnational traffickers, compared with five transnational sex traffickers and two internal sex traffickers in 2014—and nine traffickers pled guilty. Judges sentenced 11 individuals for trafficking and related crimes, but the government did not report the terms of imprisonment. The government did not report any convictions for forced labor, despite a 2013 constitutional court directive ordering authorities to increase law enforcement efforts against domestic servitude. 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. In 2015, the government reportedly presented 104 cases of potential forcible recruitment or forcible use of children in the commission of criminal activities, but only 14 investigations were initiated. 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. Authorities collaborated with U.S. and Latin American officials on anti-trafficking law enforcement operations and investigations.

In 2015, the government appointed 14 new prosecutors to handle the caseload associated with trafficking and related crimes, significantly increasing capacity compared to 2014, when one prosecutor handled all transnational trafficking cases for the entire country and one prosecutor in Bogota oversaw cases of internal trafficking and migrant smuggling in the city. In addition, the government established a specialized trafficking in persons criminal investigation unit with two prosecutors. Outside the capital, some designated local prosecutors handled internal trafficking cases in addition to their existing workloads. Many of these prosecutors were overburdened, underfunded, and lacked trafficking expertise. Social workers and other officials interacting with potential trafficking victims, such as children exploited in prostitution or in the worst forms of child labor, did not always refer these cases for criminal investigation. Officials and experts reported some authorities would not investigate trafficking cases without an official complaint. Authorities

trained a variety of officials—including prosecutors, judicial officials, police, and labor inspectors—on human trafficking, often through partnerships with international organizations. The government again provided no updates on a 2013 investigation of a city councilman and municipal employee in the department of Antioquia for possible involvement in commercial sexual exploitation of minors. Authorities arrested six immigration officials for alleged involvement with a criminal network engaged in human trafficking and drug smuggling, but did not report any prosecutions or convictions of government employees complicit in trafficking.

## PROTECTION

The government provided more services to victims than the previous year, but long-term protection was inadequate and victim identification, particularly of forced labor victims, was uneven. The Ministry of Interior (MOI) reported that authorities identified 67 trafficking victims compared with 59 in 2014. Of the identified victims, 45 were sex trafficking victims, 19 were forced labor victims, one was a forced begging victim, and two were unidentified. An international organization identified 51 trafficking victims—including 42 sex trafficking victims and nine forced labor victims. The government and an international organization identified 10 forced marriage victims, which Colombian authorities considered to be trafficking under their law. The Colombian Child Welfare Institute identified 39 girls and 6 boys exploited in prostitution and no children in forced labor—compared with 108 children exploited in prostitution in 2014—but did not identify these children as trafficking victims. Labor inspectors did not report identifying any forced labor victims and had limited access to some areas, such as illegal mining sites. Authorities and an international organization identified at least 229 children who separated from illegal armed groups in 2015, compared with 243 in 2014. Of these children, 72 were girls; 157 boys; 49 indigenous; and 27 Afro-Colombian. In June the government, through its ongoing negotiations to end a five-decade conflict with the Revolutionary Armed Forces of Colombia (FARC), secured a commitment from the FARC to release minors from its ranks, though that measure was not implemented at year's end.

The national anti-trafficking law—law 1069—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, which includes educational services, job training and job search assistance, and economic support. Of the 67 identified victims, the government provided 62 with emergency assistance and services and 56 with medium-term assistance; six received protective measures, 35 received repatriation assistance, 56 received employment assistance, and 67 accessed medical services, an improvement over the previous year when 50 victims received emergency assistance and 12 victims received medium-term assistance.

The government designated points of contact in various agencies and met roughly every two months to improve communication within and between the Interagency Committee for the Fight against Trafficking in Persons (ICFTP) and the MOI to design policies, analyze results, and recommend actions. NGOs acknowledged improved coordination, but criticized the delays in service delivery, the absence of formal procedures for engagement with NGOs resulting in uncoordinated and limited engagement by the government, the lack of emergency housing, the lack of long-term victim assistance, and a lack

of attention to vulnerable populations. 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 provide assistance to disabled victims. Shelter and services for male victims were very limited. NGOs reported victims found it difficult to access services, especially given the legal requirement to file an official complaint in order to receive long-term assistance, which served as a disincentive for them to self-identify. The government provided 596,097,411 pesos (\$180,070) to assist trafficking victims internally and 200,000,000 pesos (\$60,416) to assist Colombian trafficking victims abroad. The government also provided 730,921,325,661 pesos (\$220,796,714) to provide services to children and adolescents, including child trafficking victims. Law 1069 makes local governments responsible for providing services beyond emergency care, but most had no funding dedicated to providing specialized services. Working with an international organization receiving foreign donor funds, the government assisted 311 children recruited by illegal armed groups and provided them with health, psycho-social, and education services. Authorities lacked sufficient funding and personnel to provide specialized services, reintegration work with families, and vocational training for these children.

The government offered victims the option to participate in 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. The media reported victims being jailed or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking, including in a case involving Brazilians in forced labor in the mining sector who were charged with immigration violations and illegal mining. The government again provided no updates on reports indicating a trafficking victim remains incarcerated as of February 2014 due to the testimony of another victim's father, who alleged her to be 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. A media report indicated a civil court upheld a settlement for back wages and benefits for a forced labor victim, but there were no reports trafficking victims received restitution to which they are entitled under articles 102 and 103 of the criminal procedure code of Colombia.

## PREVENTION

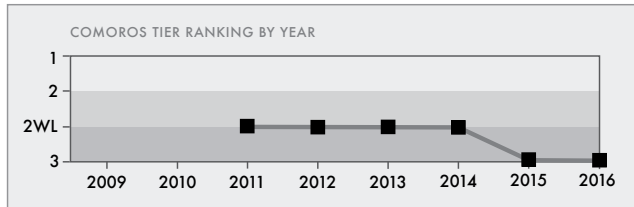
The government continued diverse prevention efforts. ICFTP conducted five formal meetings and increased engagement with NGOs, but for the second year did not approve or fund the pending 2014-2018 anti-trafficking strategy. NGOs and international organizations noted that the absence of a national trafficking information system hindered monitoring, research, and evaluation of the impact of trafficking in persons in Colombia; however authorities reported having designed and compiled data to begin testing a system. Members of civil society continued to file petitions to obtain information from 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. 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 3,625 calls, including 56 suspected trafficking cases, during 2015. 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 international organizations 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 but did not report prosecutions or convictions for this crime. The government provided anti-trafficking training for its diplomatic personnel.

## COMOROS: Tier 3

Comoros is a source country for children subjected to forced labor and sex trafficking within the country; Comoran women and children are subjected to forced labor in Mayotte. Comoran 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 Comoran 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. 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. Some of the estimated 3,000 unaccompanied Comoran children on Mayotte are subjected to domestic servitude and sex trafficking, at times after the deportation of their parents.

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. The government did not investigate or prosecute sex trafficking or forced labor crimes, or identify and protect victims. The government did not investigate, prosecute, or convict traffickers, including complicit officials, and it provided inadequate resources to law enforcement officials, including the Morals and Minors Brigade, the office charged with the investigation of child abuse and exploitation. The government did not identify or assist any victims during the year, although it continued to support NGO-run centers offering counseling, medical, and legal service to child and female victims of sexual and other violence on each of the three islands. Officials lacked formal procedures for the systematic identification and subsequent referral of victims to care. Official complicity in trafficking crimes, the extensive use of out-of-court 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:

Redraft the amendments to the penal code related to trafficking to conform with the child labor law and existing penal code provisions, and enact the amendments; 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 trafficking offenders, including allegedly complicit officials; end the practice of returning children to their exploiters through arbitration; work with international partners to implement recommendations from the forthcoming study on the forms and extent of the trafficking problem in Comoros; conduct anti-trafficking public awareness campaigns; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government made negligible anti-trafficking law enforcement efforts. Comoran 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. Although prostitution is illegal in Comoros, existing laws do not criminalize the forced prostitution of adults. Article 333 prohibits illegal restraint and prescribes penalties of 10 to 20 years' imprisonment; these penalties are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. 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, prohibits the worst forms of child labor in article 6 and child trafficking in article 13. However, articles 6 and 13 are inconsistent with each other: Article 6 does not require the means of threat or use of force or other forms of coercion, fraud, or deception and prescribes an insufficiently stringent penalty of five months' to 10 years' imprisonment, and article 13 does require the means of threat or use of force or other forms of coercion, fraud, or deception. Article 6 of the labor code also partially overlaps with articles 310, 311, and 323 of the penal code and prescribes penalties ranging from two to 10 years' imprisonment for such acts involving children. The overlap in these laws raises concern prosecutors may be unclear as to which laws to use to hold traffickers accountable. Despite parliamentary approval in 2014, the president has not yet assented to amendments to the penal code that would specifically add provisions to prohibit trafficking in persons.



The government did not report investigating, prosecuting, or convicting traffickers during the reporting period. It did not provide further information on the investigation, reported in a previous year, of a magistrate allegedly responsible for the domestic servitude of a 14-year-old girl. The government did not systematically collect data or information on law enforcement efforts, including human trafficking. During the year, the Morals and Minors Brigade continued to oversee the investigation of cases of child abuse and exploitation, potentially including child trafficking, nationwide, but its investigative efforts were hampered by a lack of government funds. The police generally 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 trafficking-specific training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. 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. Many complaints were resolved through out-of-court financial settlements with victims' families. Judges renegotiated agreements between a child's parents and his or her trafficker, effectively re-trafficking the victim by returning the child to domestic servitude. Some police reportedly returned sexually abused children to their exploiters.

#### PROTECTION

The government continued to provide limited support for victim protection services and did not identify or assist any victims or increase its capacity to do so during the year. The government did not provide direct assistance or services for victims and provided minimal support to NGOs doing so. There were no shelters for adults or child victims of abuse or human trafficking, and the quality of care provided remained poor. NGO staff sometimes provided temporary shelter in their private homes; however, children were often returned to their parents or guardians. In 2015, the government provided the salaries of two employees and donated office space for the NGO-run listening centers, which were supported by an international organization to provide assistance to 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, established in 2013 to ensure implementation of the anti-trafficking national action plan and comprised of representatives of relevant government agencies, NGOs, and international organizations, continued to meet. The group reportedly developed a new national action plan in 2015, but it was not officially approved by the end of the reporting period. The government worked with an international partner to conduct a study on the forms and extent of the trafficking problem in Comoros, which was not released during the reporting period. The government did not conduct

anti-trafficking public awareness activities. The labor ministry signed an agreement with some labor recruitment agencies to facilitate review of transnational recruitment processes and also monitored advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment. The government did not provide resources to the labor ministry for implementation of the new child labor law prohibiting child trafficking. The ministry's four labor inspectors did not receive training on the law, did not receive operational resources, such as vehicles and fuel, and did not 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. The government adopted a new sustainable development strategy (2015-2019), which includes a plan to update the national action plan to eliminate the worst forms of child labor and enhance the services provided by three reception centers for child victims of abuse and exploitation. 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.

## CONGO, DEMOCRATIC REPUBLIC OF THE: Tier 2 Watch List

The Democratic Republic of the Congo (DRC) is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Due to ongoing conflict, more than 1.8 million people have been displaced within DRC, and internally displaced persons in Katanga, North Kivu, and South Kivu provinces remain particularly vulnerable to abduction, forced conscription, and sexual violence by armed groups and government forces. In 2015, 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 2015, an international organization reported 491 confirmed cases of children who were forcibly recruited and used by armed groups, while 2,102 children were separated or escaped from armed groups. In late 2015, six Burundian child soldiers, who were forcibly recruited and trained in Rwanda, transited DRC to fight in armed groups in Burundi. Child soldiers that have been 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 continued to recruit children.

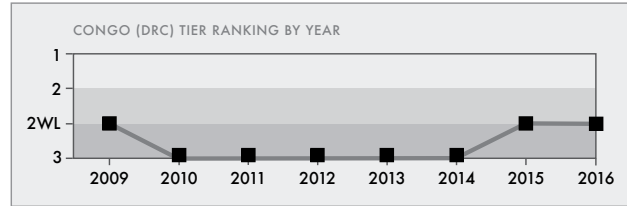
For a second consecutive year, international observers reported there were no cases of child recruitment by the Congolese national army (FARDC) in 2015. In furtherance of implementing the DRC government's plan to eliminate child soldiers within the FARDC, during the reporting period, an international organization reported that 12 children, some of whom were forcibly recruited in previous years, were screened and separated from the FARDC in coordination with child protection partners.

However, in 2015, some individual elements of the FARDC deviated from government policy and reportedly forced local populations to carry equipment. In addition, the FARDC worked and collaborated with an illegal armed group—which recruited and used 15 children during the reporting period—to coordinate battlefield maneuvers and capture of territory from a foreign illegal armed group.

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, 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 perpetrated by security guards employed by the state. 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. Local observers suspect homeless children known as *chegues*, who beg and steal on the streets of Kinshasa, are sometimes forced labor victims. Some Congolese women and girls are subjected to forced marriage and thereby highly vulnerable to domestic servitude or sex trafficking. Some Angolans who enter the DRC illegally to work in Bas Congo province are vulnerable to forced labor. Children from the Republic of the Congo may transit through DRC en route to Angola or South Africa, where they may be subjected to domestic servitude. 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.

The Government of the Democratic Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking, however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, the Democratic Republic of the Congo is placed on Tier 2 Watch List for the second consecutive year. The government continued measures to end the recruitment and use of child soldiers by holding accountable officials complicit in child soldiering and cooperating with international organizations and NGOs to identify and demobilize child soldiers. The government also continued efforts to combat sexual exploitation and continued to support efforts to certify mines to prevent the use of forced and child labor. However, the government made negligible efforts to combat other forms of trafficking. It did not investigate, prosecute, or convict offenders of sex trafficking, as distinct from other sexual crimes, or labor trafficking; however, the government made efforts to improve its data collection of sexual crimes, including potential sexual slavery offenses. The government did not provide any protection services to trafficking victims; victims, including child soldiers, continued to be vulnerable to arrest and detention. Nevertheless, some officials in eastern Congo collaborated, on an ad hoc basis, with NGOs and international organizations to refer potential trafficking victims to protection services. Lack of an anti-trafficking framework, capacity, funding, and political will to address the crime, as

well as 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; 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; develop procedures for collecting and reporting data on cases of sex trafficking as distinct from other sexual violence crimes; 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; 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 and other vulnerable persons, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; 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; 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; 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 continued to investigate and prosecute officials complicit in child soldiering and sexual exploitation, but made negligible efforts to combat all other forms of trafficking throughout the country. The DRC does not have an anti-trafficking law, nor do existing laws address 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 international adoption. Adult forced labor is not criminalized under Congolese law, although the Constitution prohibits indentured 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 has penalties of 10 to 20 years' imprisonment. Corruption remained a hindrance to adequately punishing trafficking offenders.

The government did not investigate, prosecute, or convict offenders for sex or labor trafficking other than officials complicit in child soldiering. In 2015, the government investigated six FARDC members for child recruitment; these cases were ongoing at the end of the reporting period. The government reportedly charged 55 FARDC and 13 Congolese National Police (PNC) officials in military courts for crimes of sexual violence, but it was unclear if these cases involved sex trafficking crimes. The government convicted and sentenced a FARDC colonel in July 2015 to seven years' imprisonment for rape of a minor. In comparison to the previous reporting period, these law enforcement efforts demonstrate an increase in investigations of complicit officials involved in possible trafficking crimes but a decrease in investigations of child soldiering among other armed groups; they also demonstrated a decrease from the one prosecution of a PNC officer and two convictions of FARDC officers for sexual slavery in 2014. The government continued the ongoing investigation of cases initiated in 2013 involving sex trafficking of Congolese women in Lebanon and Kuwait. The government provided limited training to some police and military personnel on preventing child soldiering, but it did not provide training to officials on all forms of human trafficking.

## PROTECTION

The government continued to identify and refer child soldiers to international organizations for assistance, but it otherwise made negligible efforts to identify and protect victims of other forms of trafficking. Other than identifying child soldiers during the reporting period, the government did not identify victims of sex and labor trafficking among vulnerable groups, such as street children, women and children in prostitution, and men, women, and children in artisanal mining, even though the scope of the problem was significant. The government did not have formal written procedures for officials to appropriately identify trafficking victims; however NGOs in eastern DRC reported police and security officials identified and referred an unknown number of potential victims to NGOs on an ad hoc basis in 2015. Authorities in Goma identified four potential child trafficking victims who were fraudulently recruited for domestic work in Tanzania and referred the children to a local NGO-run trafficking shelter. The government did not provide specialized services or care to trafficking victims as distinct from other vulnerable groups. Trafficking victims were allowed to file cases against their traffickers in civil courts, and an NGO reported it assisted some victims in the prosecution of their traffickers. The Ministry of Social Affairs worked with local NGOs to reintegrate street children—some of whom may have been unidentified trafficking victims—and child soldiers into their communities and to reunify them with their families.

As part of the national Disarmament, Demobilization, and Reintegration plan, the government continued to collaborate with an international organization and NGO child protection partners to identify and remove child soldiers from the FARDC and other armed groups operating in eastern DRC. The FARDC reportedly increased efforts to screen for and prevent children attempting to join the military. Additionally, in late 2015, authorities identified and referred to NGO-run protection services six Burundian child soldiers who were transiting eastern DRC to fight for armed groups in Burundi. The government has

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 subjected to detention for unlawful acts committed as a direct result of being subjected to human trafficking. An international organization identified 149 children in detention centers, who were detained for their alleged association with armed groups.

## PREVENTION

The government continued efforts to prevent the recruitment and use of children into armed groups, 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 through the Joint Technical Working Group, comprising government ministries, NGOs, and international organizations. The working group met regularly throughout the reporting period, and it created three additional working groups in Bunia, Beni, and Lubumbashi provinces to prevent child recruitment and remove children from armed groups. In 2015, FARDC commanders signed a declaration to combat rape, including sexual slavery; the pledge required military leaders to take action against sexual violence committed by soldiers, and to ensure the prosecution of perpetrators and the protection of victims, witnesses, and judicial actors involved in addressing sexual violence.

Due in part to lack of capacity and security and political priorities, 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. In 2015, it initiated a public awareness campaign against sexual violence, but it did not specifically address trafficking crimes. The government also began collecting data on reports of sexual and gender-based violence; however, it was unclear if any sex trafficking cases were identified through these efforts. The government did not make efforts to reduce the demand for commercial sex acts. The government took limited efforts to reduce the demand for forced labor in artisanal mining, but did not do so in other sectors. In 2015, the government worked in cooperation with an international organization to validate and certify approximately 81 artisanal mining sites in eastern DRC as conflict-free and child labor-free, bringing the total number of certified sites to 215. The Ministry of Labor, responsible for inspecting worksites for child labor, remained understaffed and had limited resources to conduct inspections of 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 2015, nor did the government adopt a draft national action plan to combat the worst forms of child labor. During the reporting period, the government closed or suspended the operation of 49 private employment agencies for not complying with labor regulations. 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 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.



## CONGO, REPUBLIC OF THE: Tier 2 Watch List

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 Democratic Republic of the Congo (DRC), and to a lesser extent from other neighboring countries. Experts reported fewer child trafficking victims than in previous years, especially from Benin; however, traffickers may have developed more sophisticated methods to avoid detection. Trafficking victims are subjected to domestic servitude and market vending by other nationals of the West African community living in the Congo, as well as by Congolese nationals in the city of Pointe-Noire. Source countries for adult victims include DRC, Central African Republic (CAR), Cameroon, Benin, and Mali. Both adults and children are victims of sex trafficking in the Congo, with most between the ages of 9 and 11 and originating from the Congo and DRC and exploited in Brazzaville. Women and girls are also subjected to sex trafficking by Chinese and Malaysian construction workers building a national highway near Nkayi and Pointe-Noire. 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 stone quarries, bakeries, and the fishing and agricultural sectors, including in cocoa fields in Sangha department. As reported by an international organization in 2013, nationals of the Congo comprise 43 percent of traffickers, 28 percent of adult victims, and 14 percent of child victims in the Congo. Internal trafficking involves recruitment from rural areas for exploitation in cities, and the indigenous population is especially vulnerable to forced labor in the agricultural sector. Traffickers reportedly targeted vulnerable children from Oueme, a small and impoverished village in Benin.

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government investigated four suspected traffickers during the reporting period, identified five trafficking victims, and provided some protective services. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, the Republic of the Congo is placed on Tier 2 Watch List for the second consecutive year. The government did not enact draft anti-trafficking legislation finalized in the previous reporting year, and knowledge of the country's existing anti-trafficking laws was uneven across the government. While the government investigated four suspected traffickers, it did not demonstrate vigorous efforts to prosecute and convict traffickers, failing to initiate any prosecutions of alleged traffickers in 2015 or convict any traffickers from cases that remained pending from up to five years ago. The government has never used existing laws that protect children and make trafficking illegal to secure a conviction. Serious allegations of official complicity persisted during the reporting period, and the government has yet to take action to further investigate such allegations. Harassment of anti-trafficking activists re-emerged as a concern. The lack of an inter-ministerial coordinating body continued to hinder countrywide progress to address internal trafficking and sex trafficking from DRC and other countries. The Republic of the Congo is not a party to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.



### RECOMMENDATIONS FOR THE REPUBLIC OF THE CONGO:

Enact comprehensive anti-trafficking legislation that prohibits adult trafficking; greatly increase efforts to investigate and prosecute trafficking offenses and to convict and punish traffickers, including complicit government officials, under the 2010 Child Protection Code; fund and hold a special session of the high court to hear the trafficking case backlog; increase outreach, victim identification, and law enforcement efforts on sex trafficking and internal trafficking beyond Pointe-Noire, with specific attention to the trafficking of adults and indigenous populations; 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 made minimal anti-trafficking law enforcement efforts, failing to prosecute or convict suspected traffickers, while serious allegations of official complicity emerged during the reporting period. 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 fines. Article 68 prohibits the worst forms of child labor, including forced labor and commercial sexual exploitation of children, for which article 122 prescribes penalties of three months' to one year's imprisonment or fines between the equivalent of approximately \$110 and \$1,080. Article 4 of the country's labor code prohibits forced or compulsory labor, imposing fines of the equivalent of approximately \$1,300 to \$1,900. None of these penalties is sufficiently stringent, and the penalties prescribed for sex trafficking are not commensurate with those prescribed for other serious crimes, such as rape. The penal code prohibits forced prostitution. 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 UNODC in the previous reporting period, advanced past Supreme Court review and awaits review by the new cabinet before going to Parliament.

The government investigated four suspected traffickers during the reporting period; however, it did not prosecute or convict any traffickers. All four alleged traffickers appeared before the Directorate of the Department of Social Affairs (DDAS) Trafficking in Persons Coordinating Committee in Pointe-Noire. Authorities charged one in December 2015 with "threat

toward an individual” under article 305 of the criminal code for allegedly forcing a Beninese child into domestic servitude and placed her in detention, where she was held for four weeks before being released without further comment from the judge overseeing her detention. The government charged another with “child abduction” and held her in detention for 27 days before releasing her pending further investigation. The government neither charged nor detained two of the alleged traffickers, but the Trafficking in Persons Coordinating Committee made them pay for the victims’ repatriation and reinsertion in Benin. The government failed to report progress in its prosecutions of at least 23 offenders, some charged nearly five years ago, and has never used existing law that addresses trafficking to make a conviction. As serious crimes, trafficking cases should be heard at the high court; however, cases continued to languish due to a significant backlog from recent years. The Ministry of Labor did not report investigating any cases of forced child labor in 2015. Law enforcement personnel did not undergo any anti-trafficking training 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 prosecution of trafficking.

Serious credible allegations of official complicity, reported consistently since 2011, continued in 2015. Allegations resurfaced that judges in Pointe-Noire accepted bribes to drop charges against detained traffickers. However, the government did not investigate, prosecute, or convict these or other officials allegedly complicit in human trafficking offenses. Human trafficking activists faced harassment and threats from traffickers and complicit government officials, including police. There was no evidence during the reporting period to support previous concerns alleging the Consulate of Benin and the leadership of the Trafficking in Persons Coordinating Committee in Pointe-Noire were complicit in re-trafficking of rescued victims. Members of the Trafficking in Persons Coordinating Committee strongly denied these allegations.

## PROTECTION

The government decreased protection services to trafficking victims. The government, in partnership with an NGO, identified 15 trafficking victims during the reporting period, ranging from ages 12 to 19, a decrease from 23 identified during the previous reporting year. The government reported it repatriated two children, returned another to her biological family, and had two others remain with a host family awaiting repatriation. The government relied on partnerships with NGOs and foster families to enable victims in Pointe-Noire to receive access to care; protective services through government-civil society partnerships remained non-existent elsewhere in the country, including the capital, Brazzaville. The quality of care provided to victims varied widely. The foster care system, created in July 2009 and intended to ensure trafficking victims remained safe while the government and NGOs conducted family tracing, weakened during the reporting period due to inconsistent government funding and a decrease in the number of foster families able to receive children, down from five to three. The government allocated approximately 1,000,000 Central African Francs (CFA) (\$1,670) to the Trafficking in Persons Coordinating Committee, a decrease from approximately 8,000,000 CFA (\$14,000) during the previous reporting period; however, the money was never disbursed during the year. As a result, the committee operated largely on private donations to provide assistance for victims. Law enforcement, immigration, and social services personnel did not employ systematic procedures to proactively identify victims among vulnerable groups, relying

instead on NGOs and international organizations to identify victims. During the year, 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. Although officials interviewed victims after their rescue—encouraging them to assist in the prosecution of their traffickers—child victims were not expected to testify in court. The government did not deport rescued 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 fourth consecutive year, the government did not carry out joint investigations or extraditions of charged trafficking offenders as part of its bilateral agreement with the Government of Benin, despite the identification of a Beninese trafficking victim during the reporting period.

## PREVENTION

The government continued limited efforts to prevent trafficking in 2015. The national police in Pointe-Noire began a mapping project in the greater Pointe-Noire area to identify potential trafficking networks. The Trafficking in Persons Coordinating Committee based in Pointe-Noire organized a day-long conference and undertook a door-to-door campaign to raise awareness among students and adults about the trafficking in persons phenomenon and to equip them with knowledge on how to identify victims within their community and refer them to authorities for help. However, the government’s implementation of the 2014-2017 action plan was slow, and funding was not directly allocated to the plan or the efforts of the Trafficking in Persons Coordinating Committee in general. The government did not establish a national coordinating body to guide its efforts. The government did not take measures to reduce the domestic and transnational demand for commercial sex acts or forced labor. The government has signed the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol; however, it has not yet acceded to either of these. The government did not provide anti-trafficking training for its diplomatic personnel.

## COSTA RICA: Tier 2 Watch List

Costa Rica is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Costa Rican women and children are subjected to sex trafficking within the country, 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. There are a significant number of transgender Costa Ricans in the commercial sex industry who are vulnerable to sex trafficking. Costa Rican victims of sex and labor trafficking were identified in The Bahamas and Guatemala during the reporting period. 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. Traffickers use psychological coercion—often exploiting stigma associated with prostitution—to compel victims to remain in prostitution. 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

and Asian 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. One government official is currently under investigation for suspected involvement in sex trafficking. During the year, a government official was 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 of Costa Rica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Costa Rica is placed on Tier 2 Watch List for the second consecutive year. The government provided data on its anti-trafficking efforts, but it was difficult to reconcile statistics because Costa Rican law includes a definition of human trafficking that is inconsistent with international law. Authorities prosecuted three suspects and convicted one trafficker under the trafficking law and convicted eight offenders for child sex trafficking or related crimes using other laws. The government identified three sex trafficking victims during the reporting period. Separately, the government acted on evidence to raid commercial establishments where sex trafficking was suspected; 934 individuals were interviewed as a result of those raids but no trafficking victims were identified. The government did not disburse any of the \$3.6 million in its National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT), though it institutionalized the FONATT and identified projects to receive funding in 2016. Despite an identified child sex tourism problem, the government did not prosecute or convict any child sex tourists or other individuals who purchased commercial sex acts from children, although the government did collaborate with international partners to restrict entry to registered sex offenders.



## RECOMMENDATIONS FOR COSTA RICA:

Amend legislation to define human trafficking consistent with international law; intensify efforts to proactively investigate and prosecute trafficking offenses, including labor trafficking and cases not involving movement, and convict and punish traffickers; provide specialized shelter services for trafficking victims, including child sex trafficking victims, in partnership with civil society organizations and allocate government resources, such as from the FONATT, to fund them; reform victim identification procedures, with an emphasis on identifying forms of psychological coercion during interviews with potential trafficking victims, and ensure proper referral to services—even for victims whose cases do not meet the legal threshold to pursue a prosecution under Costa Rica's trafficking law; increase efforts to investigate, prosecute, and convict child sex tourists and others who purchase commercial sex acts from child trafficking victims; improve the efficacy and implementation of Costa Rica's victim assistance protocol,

particularly in cases occurring outside of the capital, for victims of labor trafficking, and for Costa Rican victims; conduct thorough and transparent criminal investigations and prosecutions of alleged government complicity in trafficking offenses and convict and punish complicit officials; increase anti-trafficking training for police, prosecutors, and judges; and improve data collection for law enforcement and victim protection efforts.

## PROSECUTION

The government demonstrated limited efforts to prosecute and convict traffickers, although it did provide more data on its law enforcement efforts than in previous years. The 2012 anti-trafficking law, Law 9095, 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 displacement of the victim and also penalizes crimes such as illegal adoption, sale of organs, moving persons for the purpose of prostitution, and labor exploitation that does not amount to forced labor.

The government collected and shared data on its law enforcement efforts to combat trafficking and related criminal activity. Significant improvements to data collection were made compared to the previous reporting period. The attorney general's office reported investigating 31 new cases of movement-based trafficking, prosecuted three defendants under its anti-trafficking law, and convicted one trafficker. In addition, the government obtained eight convictions for child sex trafficking and related crimes using other laws. In 2014, the government prosecuted three defendants and convicted none under its anti-trafficking law. Prosecutors continued to appeal three acquittals from 2014 in a case of suspected labor trafficking involving Asian fishermen on boats in Costa Rican waters. Officials often prioritized investigating migrant smuggling over human trafficking cases with the belief that doing so reduces instances of smuggling and vulnerability to trafficking. The government provided anti-trafficking training to law enforcement officials, other public employees, and civil society members. The government reported completion of initial evidence collection in the investigation of a mayor suspected of sex trafficking that was opened in 2011; the case is now awaiting a possible court date. It did not prosecute or convict any government employees complicit in human trafficking or trafficking-related offenses.

## PROTECTION

The government made modest victim protection efforts. It identified three sex trafficking victims, though some NGO sources report the actual number of victims is higher. It did not make progress in ensuring identified victims received specialized services. The government did not collect comprehensive statistics on victims identified and assisted, and the data provided from different agencies could not be fully reconciled. Authorities had written procedures for identifying victims among vulnerable groups, such as migrants and individuals in prostitution, but these were not effective in identifying victims. The government's interagency anti-trafficking body, the National Coalition against Migrant Smuggling and Trafficking in Persons (CONATT), reported identifying one Costa Rican and two Nicaraguan victims of sex trafficking through unspecified means. In comparison, the government identified 23 victims—13 of sex trafficking and ten of labor trafficking—in 2014. The government conducted 25 targeted



raids of sites where sex trafficking was suspected and interviewed 934 potential victims (931 women and 3 men), but did not identify any trafficking victims among them, despite media reports that some were unpaid, deceived about the type of employment and working conditions, or compelled to remain in prostitution through threats of violence and other forms of psychological coercion. This suggests shortcomings in the methodology or implementation of the interviews. Some of these individuals may have been identified as victims of other crimes and referred to protective services.

The government updated its protocol for officials on the immediate response team responsible for certifying victims and coordinating among various agencies and NGOs to provide victim services, which could include food, lodging, and health, financial, and psychological support. The government did not report how many trafficking victims the team certified in 2015. 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 did not allocate any of the approximately \$3.6 million in its FONATT to victim services. The government reported various agencies allocated approximately 4.4 million colones (\$8,300) to victim protection in 2015, including approximately 2.9 million colones (\$5,500) in financial support for seven victims, two of whom were identified in previous years. Remaining services were funded and provided by NGOs. In 2015, the government wrote and adopted guidelines for the medical treatment of trafficking victims. The office of care and protection for victims of a crime reported providing unspecified assistance to six sex trafficking victims and four labor trafficking victims—all adults from Nicaragua, Costa Rica, Venezuela, Panama, the Dominican Republic, and Nepal—in 2015. The National Women's Institute reported providing unspecified assistance to two Costa Rican victims—one exploited in sex trafficking and one in forced labor. The government repatriated one Costa Rican sex trafficking victim from The Bahamas, but did not report whether it provided any additional assistance; Costa Rican consular officials in Guatemala assisted one victim of labor trafficking, but the victim did not return to Costa Rica and the government did not report providing any services. The government did not report whether it assisted or referred to NGOs any child victims. The government neither provided nor funded specialized shelters for trafficking victims. There were no shelters available to male victims. However, government authorities referred trafficking victims to relevant agencies and NGOs for non-specialized shelter services, based on gender and age. Additionally, the victims' assistance agency had resources to pay for safe houses on a case-by-case basis. The government did not collect identification or protection statistics on victims subjected to sex or labor trafficking that did not involve movement. Police and NGOs noted victim services were virtually nonexistent outside of the capital.

The government reported granting temporary residency status, with permission to work or study, to foreign victims, but did not report how many received this benefit in 2015. The government did not penalize identified victims for unlawful acts committed as a direct result of being subjected to human trafficking; however, ineffective screening of vulnerable populations for indicators of trafficking may have led to some victims being penalized.

## PREVENTION

The government sustained prevention efforts. CONATT

continued to meet quarterly and coordinate the government's anti-trafficking activities. In 2015, the government allocated \$1.7 million from the FONATT to 10 projects aimed at public awareness activities or supplementing the budget of existing enforcement authorities. Authorities distributed brochures and posters and held public events to warn about the dangers of trafficking. The government did not report punishment of 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 did not extradite, prosecute, or convict any child sex tourists or other individuals for purchasing commercial sex acts from child trafficking victims in 2015. The government reported no updates on 32 such investigations from the previous year. The government and NGOs provided anti-trafficking training to 25 diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts but did not report efforts to reduce the demand for forced labor. Working in collaboration with international partners, the government reported denying entry to 53 foreign registered sex offenders attempting to travel to Costa Rica as tourists.

## COTE D'IVOIRE: Tier 2 Watch List

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 monitoring and combating child trafficking within the country, the prevalence of adult trafficking may be underreported. Ivoirian women and girls are primarily subjected to forced labor in domestic service and restaurants in Cote d'Ivoire but are also exploited in sex trafficking. Ivoirian boys subjected to forced labor within the country in the agricultural and service industries, especially cocoa production. Boys from other West African countries, including Benin, Burkina Faso, Ghana, Mali, and Togo, are found in Cote d'Ivoire in forced labor in agriculture (on cocoa, coffee, pineapple, and rubber plantations), and in the mining sector, carpentry, and construction. Some girls recruited from Benin, Ghana, and Togo for work as domestic servants and street vendors are subjected to forced labor. Some women and girls recruited from Ghana and Nigeria as waitresses are subjected to sex trafficking. During the reporting period local individuals, possibly working in concert with others abroad, recruited Ivoirian women and girls for work in Saudi Arabia but subjected them to domestic servitude upon arrival; other Ivoirian females were discovered in Burkina Faso, allegedly en route to such exploitation in Saudi Arabia. Authorities also identified Ivoirian trafficking victims in Cyprus. In previous years, Ivoirian women and girls have been subjected to domestic servitude in France and sex trafficking in Morocco. Officials note illegal Ivoirian migrants in Algeria are vulnerable to trafficking due to their irregular and illegal status. International organizations report primarily Ivoirian traffickers fraudulently recruit Ivoirian nationals for work abroad. A lack of comprehensive data on trafficking in Cote d'Ivoire renders the full scope of the problem unknown.

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. With NGO support, the government conducted a raid of agricultural facilities and

market vendors resulting in the rescue of 48 children from child labor—some of whom were victims of forced child labor—and 22 arrests, including 11 individuals on human trafficking charges. It prosecuted, convicted, and sentenced one trafficker with a sufficiently stringent prison sentence and finalized but did not adopt an anti-trafficking national action plan. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Cote d'Ivoire is placed on Tier 2 Watch List. The government reported significantly fewer prosecutions and convictions for trafficking offenses than the previous reporting period and did not provide anti-trafficking training for law enforcement. It continued to rely almost entirely on NGOs to provide shelter and services for victims and did not have a formal mechanism to identify or refer victims to NGO care. Draft legislation to define and criminalize trafficking of adults and children remained pending ratification for the second year.



## RECOMMENDATIONS FOR COTE D'IVOIRE:

Reinvigorate efforts to investigate, prosecute, and convict traffickers, including of adult sex and labor trafficking, and apply sufficiently stringent penalties; enact legislation to prohibit all forms of adult trafficking, and use this and existing legislation to prosecute traffickers, including those who exploit adults in forced prostitution or forced labor; amend the established procedures to identify potential trafficking victims, to include adults and victims among vulnerable populations such as those working in cocoa, domestic servitude, and as street vendors; establish a formal victim referral mechanism for victim services, and train law enforcement and front-line responders on such protocols; increase the availability of trafficking-specific services, especially for adult victims and victims outside the capital, by allocating funding for NGOs or establishing government-run shelters; allocate more staff to the anti-trafficking police unit responsible for investigating trafficking offenses, and increase funding and resources so the unit may operate outside Abidjan; clearly delineate responsibilities among stakeholders for activities outlined in the 2016-2020 anti-trafficking action plan, and enhance interagency communication to effectively implement the plan; train child labor 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, including cases of adult trafficking prosecuted under separate statutes in the penal code and victim protection efforts; and increase efforts to collect information on the scope of trafficking in Cote d'Ivoire and among Ivoirian nationals abroad.

## PROSECUTION

The government reported inadequate law enforcement efforts. Law No. 2010-272 Pertaining to the Prohibition of Child Trafficking and the Worst Forms of Child Labor, enacted in September 2010, prohibits compelling children into or offering

them for prostitution and prescribes penalties of five to 20 years' imprisonment and a fine ranging from 500,000 to 50,000,000 West African CFA francs (FCFA) (\$829 to \$82,900); these penalties are sufficiently stringent but not commensurate with penalties prescribed for other serious crimes, such as rape. Articles 335 and 336 prohibit pimping and exploitation of adults and children in prostitution by means of force, violence, or abuse. 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, punishments that are sufficiently stringent. Penal code article 378 prohibits the forced labor of adults and children, prescribing sufficiently stringent penalties of one to five years' imprisonment and a fine of 360,000 to 1,000,000 FCFA (\$597 to \$1,660). Article 376 criminalizes entering into contracts that deny freedom to a third person, prescribing punishments of five to 10 years' imprisonment and a fine of 500,000 to 5,000,000 FCFA (\$829 to \$8,290). In November 2014, the Ministry of Solidarity began drafting legislation that defines and prescribes penalties for both child and adult trafficking, but the law was not adopted or enacted during the reporting period.

The national police's 11-person anti-trafficking unit, located in Abidjan and a few regional precincts, bore primary responsibility for enforcing anti-trafficking laws throughout the country. The government allocated 3,600,000 FCFA (\$7,000) to the unit in 2014, but the government did not report how much funding the unit received in 2015. The Office of the First Lady dedicated material support, including computers and vehicles, but funding and resources remained inadequate, which hampered the unit's ability to investigate trafficking offenses, especially in areas outside Abidjan. The unit liaised with regional police on child trafficking investigations. The government did not report comprehensive data on anti-trafficking law enforcement efforts. In data collected from 13 of the country's 31 regions, the government reported investigating 27 alleged traffickers and prosecuting, convicting, and sentencing one trafficker to 10 years' imprisonment, a significant decrease from 25 prosecutions and 17 convictions reported in 2014. The government investigated 22 individuals for labor trafficking, three for kidnapping for the purpose of exploitation, one for sex trafficking, and one in which the type of exploitation was unknown; one investigation led to a conviction, five were dismissed for insufficient cause, 18 were ongoing at the end of the reporting period, and the status of three investigations was unknown. With NGO assistance, law enforcement units conducted raids of agricultural establishments and market vendors that led to the arrest of 22 individuals from Burkina Faso, Cote d'Ivoire, Mali, and Benin; 11 were arrested for trafficking, while the others were charged with exploitation of minors. Of the 22 arrested, authorities formally charged and imprisoned 12, who were awaiting trial; charged and freed six on provisional release pending further investigation; and released four for insufficient cause. Police reported four cases of child sex trafficking during the reporting period but launched only one investigation and did not refer the alleged trafficker for prosecution. Police reported two alleged cases of forced begging, but law enforcement did not investigate any suspects in connection with the cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, NGOs and media reports indicate corruption among police and *gendarmes* may have facilitated trafficking in 2015.

## PROTECTION

The government demonstrated inadequate efforts to identify and protect victims. It did not compile or report victim

identification data; therefore, the precise number of victims identified is unknown. The government did not have a formal mechanism to identify or refer victims to the care of local NGOs. The government did not operate any formal care centers exclusively for trafficking victims and relied almost entirely on NGOs and international partners to provide victim care. During the reporting period, Burkinabe officials identified 17 Ivoirian females in Burkina Faso allegedly destined for domestic servitude in Saudi Arabia. The Ivoirian government provided logistical coordination to the Burkinabe government to assist with repatriation efforts, and NGOs provided psycho-social services to the victims upon return. Four Ivoirian girl trafficking victims were identified in Saudi Arabia and returned to their families in Cote d'Ivoire. It is unclear who identified the victims, what type of trafficking they endured, and to what degree the Ivoirian government or NGOs assisted with repatriation or provided victim services upon return. In conjunction with international partners and an NGO, Ivoirian law enforcement conducted a raid of agricultural and market establishments and removed 48 children from situations of exploitation, 11 of whom were victims of forced child labor. Law enforcement and the NGO referred the victims to an NGO for shelter, medical attention, and psycho-social services, as well as repatriation assistance for the foreign trafficking victims among the group.

While the police anti-trafficking unit provided training to *gendarmes* on general child victim protection, neither the unit nor the government provided anti-trafficking training during the reporting period. International organizations reported government ministries responsible for administering victim services lacked coordination, which hindered the provision of such services. The government had no formal policy to encourage victims to participate in investigations against their traffickers and lacked a mechanism to assist victims in obtaining restitution from the government or their traffickers through civil suits. Although foreign victims reportedly had the same access to care, in practice the government generally referred foreign victims to their respective embassies for repatriation rather than providing shelter or services. 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 may have resulted in some adult victims remaining unidentified in the law enforcement system, and some may have been deported.

## PREVENTION

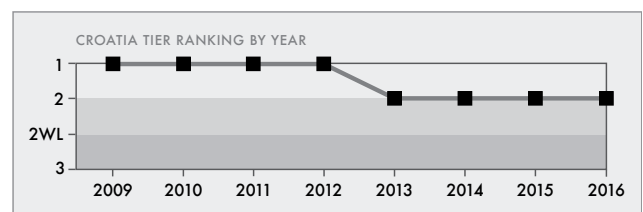
The government sustained modest efforts to prevent trafficking. The National Monitoring Committee (CNS) and the Inter-Ministerial Committee, established in 2011, continued to serve as the national coordinating bodies on child trafficking issues. The CNS continued a nationwide awareness campaign that included billboards to warn the public about potential situations of exploitation and trafficking, as well as the penalties for exploiting women and children in activities such as sex trafficking. The government, with guidance from an international organization and funding from international donors, drafted a 2016-2020 action plan to address adult and child trafficking; the plan was not yet adopted at the end of the reporting period. The government committed to devoting 1.94 billion FCFA (\$3,212,000) over the next five years to implement the plan. It had not yet determined which elements of the plan these funds will support. Technical partners will fund the remaining three-quarters of the plan's budget. The government continued to fund a child labor hotline that received reports of child trafficking; however, it was reported that hotline operators did

not consistently refer reports of trafficking to the proper regional law enforcement authorities. In July 2015, the government enacted a new labor code that raised the minimum working age from 14 to 16 years of age. Labor inspectors conducted 596 inspections of formal workplaces and did not report any child labor violations or remove any children from exploitative workplaces during the reporting period. The government did not demonstrate efforts to address the demand for commercial sex or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## CROATIA: Tier 2

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. 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. Traffickers target Croatian girls in state institutions and subject them to sex trafficking. Economically marginalized Romani children from Croatia are at particular risk of forced begging in Croatia and throughout Europe. In previous years, 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. Unaccompanied foreign children, who arrived in Croatia as part of the large migration flow through the Balkan Peninsula, may be vulnerable to trafficking.

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 increased its funding for two NGO-run shelters and identified a similar number of trafficking victims compared with 2014; however, in contrast to previous reporting periods, no victims of forced labor were identified. While the government maintained its overall law enforcement efforts, these remained inadequate, with light sentencing and a large proportion of acquittals upon appeal. The government organized multiple campaigns to raise awareness of trafficking among vulnerable populations, including youth.



## RECOMMENDATIONS FOR CROATIA:

Increase investigations and prosecutions of suspected traffickers, and punish offenders with dissuasive sentences; further strengthen efforts to proactively identify victims, particularly girls induced into prostitution and those subjected to forced labor; continue to train prosecutors on best practices for prosecuting trafficking cases, including methods for collecting evidence against suspected traffickers, to increase convictions; sensitize judges about secondary trauma in sex trafficking testimony; continue to inform all identified victims of their right to pursue restitution from their traffickers and encourage them to do so; devote more resources to the national anti-trafficking secretariat to enable it to effectively combat trafficking, including through



larger grants to NGOs; and continue to raise awareness of situations potentially resulting in trafficking among vulnerable populations, particularly youth.

## PROSECUTION

The government displayed mixed progress on law enforcement efforts. Croatia prohibits all forms of trafficking through articles 105 and 106, which prescribe penalties of one to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During 2015, the government investigated seven trafficking suspects, a continued decrease from 15 suspects investigated in 2014 and 39 in 2013, and initiated prosecutions of four defendants, compared with five in 2014. Eight traffickers were convicted in 2015, compared with five in 2014. Two labor traffickers received final convictions; one received a one-year suspended sentence of community service, and the other was sentenced to two years' imprisonment. Six sex traffickers received appealable verdicts. During the reporting period, convictions against an additional 12 defendants from a previous reporting period were appealed and the defendants were acquitted. Experts reported that some Croatian judges lacked an understanding of the impact of psychological trauma on a victim's ability to consistently and clearly relate the circumstances of his or her victimization and inappropriately dismissed as unreliable victim testimony that was delayed, partial, or inconsistent. Authorities continued to deliver trafficking-specific training to police, border, and traffic officers through both the Police Academy and local police headquarters. Croatian authorities collaborated with foreign governments, EUROPOL, and INTERPOL on international investigations that led to the arrest of suspected traffickers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained overall sufficient victim protection efforts, although experts remained concerned that victim identification efforts were inadequate. During 2015, police and NGOs identified 38 victims of trafficking, compared with 37 victims identified in 2014. Similar to 2014, approximately 90 percent of the identified victims were Croatian; however, all victims identified in 2015 were female victims of sex trafficking, in contrast to 20 percent of victims being male and six cases of labor trafficking in 2014. In 2015, four of the 38 identified victims were minors. 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 system when indicators of trafficking were present. Observers reported the procedures functioned well in practice, but first responders needed to do a better job of identifying victims, particularly in brothels and for potential forced labor in the agriculture, construction, and tourism sectors. When the referral system was activated, a mobile team consisting of a social worker, a victim specialist from the Croatian Red Cross, and usually two NGO representatives, was sent to coordinate victim care and placement. In response to the large number of migrants and refugees who transited Croatia en route to other European countries as part of the migration flow through the Balkan Peninsula, the government interviewed and registered all migrants and refugees and, in partnership with international organizations and NGOs, provided required care and assistance to those who needed it. Police, in partnership with an international organization, worked to identify and

address vulnerable populations' risk to exploitation, especially unaccompanied minors; however, migrants frequently departed Croatia within hours of arriving, which limited the government's ability to identify vulnerable people.

Croatian law entitles trafficking victims to safe accommodation and medical, psychological, and legal aid. A specially designated social worker in each county was responsible for providing initial care and coordinating further assistance for trafficking victims. Assistance was offered to all 38 victims identified in 2015, of which one accepted. Two victims, one of whom was identified in a previous reporting period, were accommodated in shelters during 2015. In comparison, 11 out of the 37 victims identified in 2014 accepted government assistance, of which five were accommodated in shelters. The government provided 446,541 kuna (\$65,500) to two NGO-run trafficking shelters in 2015, slightly more than it provided for shelter care in 2014. One shelter was for adults, and the other was for minors. Adult victims were allowed to leave shelters without chaperones after completing a risk assessment. Victims are entitled to seek financial compensation from the state, in addition to traffickers, but the government had not disbursed any payments by the end of the reporting period. Foreign trafficking victims were offered the same care as domestic victims, as well as renewable temporary residence permits, employment assistance, skills development training, and adult classroom education. Alternatively, authorities could assist foreign victims with voluntary repatriation to their country of origin. Written instructions issued by the state attorney mandated victims to not be prosecuted for crimes committed as a result of being subjected to trafficking.

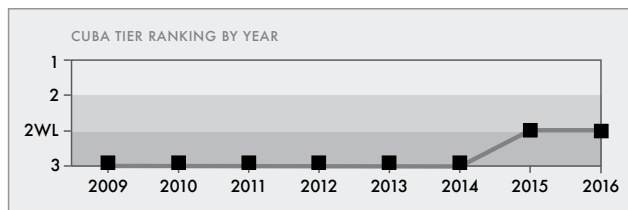
## PREVENTION

The government continued robust efforts to prevent trafficking. The senior-level national committee to coordinate anti-trafficking activities met twice during the reporting period and the committee's working-level operational team met monthly, including with NGOs, to implement the 2012-2015 national plan. The labor inspectorate is not included in the national committee or the operational team, despite its potential role in detecting victims of human trafficking. The Office for Human Rights and Rights of the National Minorities, which serves as the national committee's secretariat, established a working group for drafting a new national action plan. The human rights office spent 195,750 kuna (\$28,700), a slight decrease from 2014, on awareness-raising projects implemented by NGOs, professional training, and an emergency hotline. The government systematically monitored its anti-trafficking efforts and posted information on ministries' websites. The interior ministry implemented a program in cooperation with NGOs, local communities, and the private sector to prevent trafficking of women and children; the program targeted outreach to students and those in the service sector who may come into contact with a victim. The government continued a program to teach youth—particularly girls, asylum-seekers, and migrant youth—how to recognize potentially dangerous situations leading to trafficking, such as attractive job offers and romantic invitations to travel abroad. Police also held trafficking prevention seminars around the country with high school and primary school students. The human rights office 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.

## CUBA: Tier 2 Watch List

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 and the Caribbean. The government indirectly acknowledged the presence of foreign national 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 and constitute a significant source of Cuban government revenue. Some participants in foreign medical missions and other sources allege Cuban officials force or coerce participation in the program; however, the Cuban government and some participants say the program is voluntary and well paid compared to jobs within Cuba. 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore Cuba is placed on Tier 2 Watch List for the second consecutive year. The government reported continued efforts to address sex trafficking, including the prosecution and conviction of 18 sex traffickers in 2014 (the most recent available data) and the provision of services to 13 victims in those cases. The government publicly released a written report on its anti-trafficking efforts in October 2015. Multiple ministries engaged in anti-trafficking efforts, including the Ministries of Justice, Information Science and Communication, Interior, Foreign Affairs, Education, Tourism, Labor and Social Security, Culture and Health, and the attorney general's office. The penal code does not criminalize all forms of human trafficking, although the government reported its submission of some trafficking-related penal code amendments to the National Assembly for review during the reporting period. The Cuban government was more transparent in providing details of anti-trafficking efforts and the government's overseas medical missions program. However, the government did not prohibit forced labor, report efforts to prevent forced labor, or recognize forced labor as a possible issue affecting its nationals in medical missions abroad. 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 up to prosecution, and provide victim services.



### 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 in identifying and protecting victims of forced labor; 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; draft and adopt a comprehensive written national anti-trafficking action plan and dedicate resources to implement it in partnership with international organizations; provide specialized victim identification and referral training for first responders; establish formal policies and procedures to guide officials in the identification of all trafficking victims and their referral to appropriate services; 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; and schedule a visit and cooperate with the UN special rapporteur on trafficking in persons.

### PROSECUTION

The government sustained law enforcement efforts by prosecuting and convicting sex traffickers, but took no 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. The government did not report any labor trafficking investigations, prosecutions, or convictions. In January 2016, the government reported it was in the process of amending the code, including submitting amendments to the National Assembly to raise the age of consent; it is unclear whether the government will make additional amendments to improve the legal framework to address trafficking. Cuba prohibits some forms of trafficking through several 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. 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 years of age. Forced prostitution is illegal irrespective of the victim's age, and the government has reportedly prosecuted individuals benefiting from child 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. In December 2013, the government amended article 346.1 of the criminal code to mandate sentences of five to 12 years' imprisonment for various crimes, including for laundering funds obtained from trafficking in persons. Labor code article 116 prohibits entities from directly establishing labor relations with adolescents younger than age 17, even if adolescents may be authorized to join the work force.

In 2015, the government publicly presented official data on

prosecutions and convictions of sex traffickers during calendar year 2014, the most recent data available. Authorities reported 13 prosecutions and 18 convictions of sex traffickers, compared with 13 prosecutions and convictions in 2013. At least nine convictions in 2014 involved suspects accused of subjecting children to trafficking within Cuba, including the facilitation of child sex tourism in Cuba. The average sentence was seven years' imprisonment. The government also identified a group of Cubans abroad recruiting and transporting women with false promises of employment and fraudulent work contracts in order to subject the victims to debt bondage and forced prostitution. The government has not sought extradition in this case, and therefore no prosecutions or convictions of suspected traffickers in Cuba have resulted. Students at the Ministry of Interior Academy and police assigned to tourist centers reportedly received specific anti-trafficking training and victim assistance. The government demonstrated its willingness to cooperate with other governments on investigations of possible traffickers. The government arranges for high school students in rural areas to harvest crops and allegedly forces or coerces participation in medical missions, but it denies such claims. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking in 2014.

## PROTECTION

The government sustained efforts to protect sex trafficking victims, but did not make efforts to identify or protect victims of forced labor. Authorities identified 11 child sex trafficking victims and four adult sex trafficking victims in 2014; it did not identify any labor trafficking victims or male sex trafficking victims. Identified sex trafficking victims received government assistance; detailed information on assistance provided to the 15 identified victims was unavailable. 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 contributed by identifying victims of trafficking to state authorities and providing 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 reportedly developed procedures to proactively identify sex trafficking victims, whereby first responders work with social workers to identify potential cases and refer them to law enforcement.

The government did not report having procedures to proactively identify victims of forced labor. Some participants in foreign medical missions and other sources allege Cuban officials force or coerce participation in the program; however, the government and other participants have stated the postings are voluntary. In support of their applications to receive immigration benefits from the United States, some Cubans working in missions abroad have stated Cuban authorities withheld their passports and restricted their movements. At the same time, some participants who left medical missions abroad have been able to obtain new passports from their embassies in neighboring countries. There have also been reports that Cuban authorities coerced participants to remain in the program by allegedly threatening to revoke their medical licenses or retaliate against their family members if participants leave the program. Reports of substandard working and living conditions and the presence of "minders" to monitor medical professionals outside of work also continued. Last year, Cuba reinstated restrictions on travel for specialized doctors and some medical

personnel, requiring them to obtain an exit permit from their superiors before leaving the island. On September 9, 2015, the government agreed to reinstitute medical personnel that left their positions while abroad. As of April 1, 2016, the Cuban authorities claimed that 274 medical professionals returned to Cuba and were rehired at the same salary and level of responsibility.

The FMC received 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 reportedly developed a referral process to transfer trafficking victims to law enforcement custody, 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 younger than age 16 to assist in prosecutions of traffickers by gathering children's 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 indirectly acknowledged the existence of some foreign trafficking victims in Cuba.

## PREVENTION

The government sustained prevention efforts to combat sex trafficking; however, authorities did not make efforts to prevent or address the demand for forced labor. The attorney general's office continued to operate a 24-hour telephone line for individuals needing legal assistance, including sex trafficking victims, and received calls related to potential trafficking cases in 2015 that led to investigations. 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. The Cuban government cooperated with foreign law enforcement in investigating foreign citizens suspected of sexual crimes against children, including child sex trafficking. Under Cuban law, authorities may deny entry to suspected sex tourists and expel known sex offenders, but reported no related convictions in 2014. The government did not report whether it provided anti-trafficking training for its diplomatic personnel. The government publicly released a written report on its anti-trafficking efforts in October 2015. In March 2015, authorities invited the UN special rapporteur on trafficking in persons to visit, but the visit had not been scheduled by the end of the reporting period. The government did not report specialized training for labor inspectors to screen for indicators of potential forced labor.

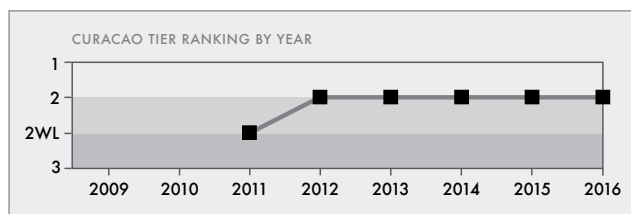
## CURAÇÃO: Tier 2

Curacao 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. Some media accounts indicate an increase in the number of Venezuelan women who work illegally at roadside bars (“snacks”) in Curacao. These women, who may also be engaged in prostitution, are vulnerable to human trafficking.

The Government of Curacao does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2015, the government conducted eight video conferences with anti-trafficking taskforce coordinators of autonomous countries within the Kingdom of the Netherlands. The interagency taskforce continued to coordinate national anti-trafficking efforts during the year, and the minister of justice issued a public statement about the dangers of human trafficking. The government did not prosecute or convict suspected traffickers or identify victims in 2015. Authorities did not designate a separate budget for the national taskforce, enact standard operating procedures on victim identification, or take steps to address sex trafficking within the unregulated commercial sex industry.



### RECOMMENDATIONS FOR CURAÇÃO:

Increase efforts to identify and assist potential victims of sex trafficking and forced labor; finalize formal victim identification, referral, and protection measures to guide officials, including health workers, on assisting victims of forced labor and sex trafficking; vigorously prosecute trafficking offenses and convict and punish traffickers; complete and implement the new national anti-trafficking action plan; provide targeted training and resources to local officials to conduct outreach in migrant communities and identify potential labor trafficking victims; raise awareness among migrant workers about their rights, trafficking indicators, and available resources; and continue to implement multilingual public awareness campaigns directed at vulnerable groups, the general public, and potential buyers of commercial sex acts.

### PROSECUTION

The government did not report any new investigations, prosecutions, or convictions for trafficking offenses, a decrease from its prosecution and conviction of three traffickers during the previous reporting period. The government prohibits all forms of trafficking in persons through article 2:239 of its criminal code, 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 did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The national coordinator conducted extensive trainings for first responders, including law enforcement officials, prosecutors, and immigration officers on recognizing the signs of human trafficking.

### PROTECTION

The government made limited efforts to identify and assist trafficking victims, but appointed new staff to assist in victim identification and support. It did not identify or assist any victims in 2015, a decrease compared with seven identified in 2014 and six in 2013. During the reporting period, the national taskforce drafted but did not finalize standard operating procedures on victim identification for all front-line responders. In addition, the role of each relevant agency in trafficking cases, currently defined by their specific missions, was under review by the taskforce, which was re-evaluating and redesigning specific guidelines related to how the taskforce operates. In the interim, it continued to have verbal agreements to coordinate ad hoc victim referral among community-based organizations and government departments. While the government did not operate any specialized shelters for trafficking victims, it could host victims in a domestic violence shelter, which restricted victims' movements if their safety was at risk. The government's victim assistance bureau partnered with an NGO 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. Government health officials who provided medical services to women in a brothel also provided anti-trafficking awareness materials to educate this vulnerable population about their rights, indicators of human trafficking, and resources for assistance.

In 2015, the public prosecutor's office appointed a social worker trained to identify trafficking victims and assist all victims of crime, including trafficking victims, through the penal process. The government has a policy to protect victims from being punished for crimes committed as a direct result of being subjected to human trafficking. Trafficking victims could seek restitution from the government and file civil suits against traffickers; however none did so in 2015. The government reported it had a policy to provide foreign victims with legal alternatives to their removal to countries where they may face retribution or hardship and could grant temporary residency status on a case-by-case basis; it did not report granting such relief in 2015.

### PREVENTION

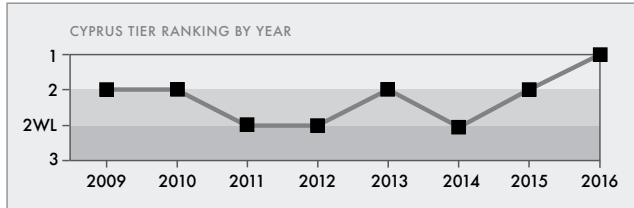
The government increased efforts to prevent trafficking. The interagency taskforce continued to coordinate national anti-trafficking efforts during the year and implement the Administrative Report on Trafficking in Persons, its existing anti-trafficking action plan; it also began to draft a revised version for 2016-2017. On International Human Trafficking Day, the minister of justice issued a public statement to raise awareness about the dangers of human trafficking. In addition, the government conducted eight video conferences with anti-trafficking taskforce coordinators of autonomous countries within the Kingdom of The Netherlands to share information and best practices. In June 2015, in coordination with INTERPOL, officials conducted a workshop on human trafficking for government personnel, with a focus on the vulnerabilities to trafficking faced by Colombians. The national coordinator participated in several radio and television programs to raise public awareness on human trafficking, and the government launched a public awareness video on national television during the carnival period, a period of increased tourism to Curacao. There were no known reports of child sex tourism occurring in Curacao. The government did not report efforts specifically targeting the demand for forced labor, nor did it have a campaign aimed at reducing the demand for commercial sex acts purchased from sex trafficking victims.

To prevent potential labor exploitation, officials ended an accelerated process for issuing work permits to ensure full review of each application. The Ministries of Justice and of Social Development, Labor, and Welfare began joint issuance of work and residence permits, and the Ministry of Labor began implementation of a policy allowing foreign migrant laborers to request residence permits independent of their employers to ensure employees had better knowledge of their work contracts. The Ministry of Social Development, Labor, and Welfare added 24 new labor inspectors in order to increase screening for human trafficking, tripling the number to 34. The government provided anti-trafficking training for its diplomatic personnel.

## CYPRUS: Tier 1

Cyprus is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims identified in Cyprus in 2015 were primarily from India, Bangladesh, Bulgaria, Romania, Philippines, Cameroon, Cote d'Ivoire, Slovakia, and Czech Republic. Sex trafficking victims from Paraguay were identified for the first time in 2015. 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 Southeast Asia, Africa, and Eastern Europe are subjected to forced labor in agriculture and domestic work. Unaccompanied children, children of migrants, Roma, and asylum-seekers are especially vulnerable to sex trafficking and forced labor. Romani children are vulnerable to forced begging.

The Government of Cyprus fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government convicted 31 traffickers, a significant increase from nine in 2014. The government approved a national referral mechanism outlining procedures for victim identification and referral to government services. It increased the number of police in the anti-trafficking unit from eight to 12 and expanded the unit's authority to make it the lead for all potential trafficking investigations throughout the country. Delays in delivering financial support to victims, a concern in the previous reporting period, were significantly reduced and trafficking victims were prioritized over less vulnerable beneficiaries. Authorities did not investigate potential trafficking cases among domestic workers or individuals in agriculture, as these cases were typically seen as labor disputes. Concerns were raised during the reporting period that some officers within the police anti-trafficking unit conducted insensitive interviews that may have re-traumatized victims. Observers also reported interpreters used in the interview process did not have sufficient knowledge of foreign languages, which may have affected victims' testimonies.



### RECOMMENDATIONS FOR CYPRUS:

Increase efforts to investigate potential labor trafficking cases among domestic workers and individuals in agriculture; fund specialized training for the police anti-trafficking unit, including best practices for interviewing trafficking victims; ensure professional translation services are available during victim interviews; increase efforts to raise awareness of trafficking and victim identification among police and migration authorities and provide training on victim identification, particularly for forced labor; launch a study of visa regimes for students, domestic and agricultural workers, and other categories to identify potential misuse by traffickers; further train judges and prosecutors to ensure robust application of the anti-trafficking law; seek timely restitution and adequate support services for victims; increase screening for trafficking among visa holders in vulnerable sectors such as agriculture and domestic work; and formalize the role of NGOs in the national referral mechanism.

### PROSECUTION

The government increased 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 14 new cases involving 31 suspected traffickers in 2015, seven for sex trafficking and 24 for forced labor, compared with 24 cases involving 35 suspects in 2014. The government initiated prosecutions against 30 defendants under the trafficking law as well as chapter 154 of the penal code, chapter 105 of the Aliens and Immigration Law, and the Law for the Prevention of and Suppression of Money Laundering, an increase compared with 15 in 2014. Courts convicted 31 traffickers for sex trafficking under the anti-trafficking law and other laws, compared with nine in 2014 and two in 2013. All convicted traffickers received time in prison ranging from six months to eight years. The government continued to convict traffickers under non-trafficking statutes, leading to more lenient sentences in some instances. All identified victims cooperated with law enforcement in investigating their alleged traffickers. 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 increased the members of the police anti-trafficking unit from eight to 12 and expanded the unit's authority, designating it the lead in the investigation of all potential trafficking cases in all districts with support from other police units. The government funded 18 trainings and seminars to build the capacity of front-line responders throughout the government, including prosecutors, judges, law enforcement, social workers, and immigration officials. The police department produced a short film on trafficking, which it used during police training sessions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government increased efforts to protect victims, but identified fewer victims. The government streamlined the process for providing financial support to victims, a concern during the previous reporting period, and took all necessary steps to ensure trafficking victims were prioritized amongst less vulnerable groups entitled to public benefits. NGOs reported previous delays in the disbursement of monthly allowances to victims were significantly reduced during the reporting period. The government identified 40 victims of trafficking in 2015, compared to 46 in 2014. Of the 40 victims identified, 22 were labor trafficking victims, of which 16 were men and six were women. The government identified 13 victims of sex trafficking, all women. Two children, a 13-year-old boy and an 11-year-old girl, were victims of forced begging. Three people were victims of trafficking for criminal acts, two children and one woman. The government referred all identified victims to the social welfare office for government assistance. Eighteen female victims of sex trafficking, including some identified in the previous reporting period, were accommodated at the government-operated shelter in Nicosia, compared to 20 in 2014.

Victims could stay for one month or longer, as appropriate, in the shelter for a reflection period, a time in which victims could recover before deciding whether to cooperate with law enforcement. Female sex trafficking victims who chose not to stay in the state-run shelter were entitled to a rent subsidy and a monthly allowance. Female labor trafficking victims and all male victims of trafficking were eligible for a rent subsidy and a monthly allowance. As there were no specialized facilities for male trafficking victims, the government informally partnered with NGOs to place them in apartments. Observers reported shelter personnel were not adequately trained to provide the necessary psychological support to victims. Trafficking victims were referred to employment counselors trained to handle sensitive cases who 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 social welfare officer examined each case. The government did not discontinue the provision of benefits to victims for any reason during this reporting period. The government provided financial support to the families of two child trafficking victims and referred the children to specialized therapy programs for substance abuse. Experts reported Social Welfare Service (SWS) staff in Nicosia exhibited greatly improved treatment of victims during the reporting period. The government provided 133,750 euros (\$147,125) in financial assistance to victims through a new public benefit scheme known as Guaranteed Minimum Income. The government provided an additional 116,988 euros (\$128,686) in the form of public assistance to victims who chose to stay in private apartments and were entitled to a rent subsidy and monthly allowance, compared with 118,066 euros (\$108,000) in 2014. The government spent 269,900 euros (\$302,700) to operate the trafficking shelter, an increase from 250,700 euros (\$281,000) in 2014. Victims had the right to work and were provided a variety of assistance and protection from deportation. They also had eligibility for state vocational and other training programs and the ability to change sectors of employment.

During the reporting period the government approved a national referral mechanism, which provides guidance on victim identification and outlines the referral procedure. Victims were interviewed by specialized personnel in the police anti-trafficking unit, which included a psychologist and a

forensic psychologist to conduct interviews with potential and identified victims before taking an official statement. During the reporting period, NGOs raised concerns that some of the police officers within the anti-trafficking unit conducted insensitive interviews that may have re-traumatized victims. Observers also 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' testimonies appear inconsistent. The law stipulates foreign victims be repatriated at the completion of legal proceedings, and police conducted a risk assessment for each victim prior to repatriation. The government granted temporary work permits to 28 victims during the reporting period; the remaining four victims chose not to participate in the police investigation against their traffickers and asked to be repatriated. The government granted asylum to two victims and extended the residence and work permit of three additional victims who asked to remain in the country after the completion of court proceedings. Twenty-two victims assisted law enforcement in the prosecution of suspected traffickers. Victims were permitted to leave Cyprus and return for trial and 10 victims did so during the reporting period; police remained in contact with victims while they were abroad to ensure their safety. Some victims assisted the police by providing written statements prior to being repatriated at their request. 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 multidisciplinary coordinating group to combat trafficking coordinated the implementation of the 2013-2015 National Anti-Trafficking Action Plan. During the reporting period, the Ministry of Labor carried out 111 inspections of employment agencies and investigated 13 complaints, referring four to the police for criminal investigation and revoking the licenses of 16 employment agencies for involvement in labor trafficking. The government continued to print and distribute booklets in seven languages aimed at potential victims on their rights and assistance available to them. The booklets were also distributed to Cypriot diplomatic and consular missions abroad to be given to visa applicants. The Ministry of the Interior provided training to labor inspectors, labor relations officers, social welfare officers, and officials in the Ministry of Health on labor trafficking and the provisions of the new 2014 trafficking law. It also included a segment on trafficking in the curriculum for students aged 15-18 years. A ministerial decision in April 2015 simplified the procedures for domestic workers to change employers and removed the minimum time requirements that a domestic worker stay with the same employer. The government did not report efforts to reduce the demand for forced labor or commercial sex acts. An NGO, in collaboration with the Ministry of Defense, continued to deliver lectures to soldiers about trafficking. The government provided anti-trafficking training for its diplomatic personnel.

## 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 (\$7-10 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. Roma children and Turkish seasonal workers and their families are also vulnerable to labor exploitation. Women who are issued permits for domestic work are vulnerable to forced labor. As in previous years, NGOs reported a number of women entered the "TRNC" from Turkey 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 nightclubs.

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. The "criminal code" also prohibits forced labor. The "Nightclubs and Similar Places of Entertainment Law of 2000" provides the most relevant legal framework vis-a-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 offers of employment 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. An NGO reported identifying a Ukrainian sex trafficking victim at the airport. The victim filed a complaint with the police implicating the nightclub owner and returned to her home country shortly thereafter; the police did not follow up on this case. In May

2015, a trafficking victim from Moldova broke her leg while trying to escape from the State Hospital, where she was locked in a room and threatened with deportation. 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. Victims of trafficking 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 "Prime Minister" announced a "cabinet" decision to allocate land for construction of a women's shelter; however, NGOs criticized the "government" for announcing the location of the planned shelter. There was one privately funded shelter in operation during the reporting period, which provided protective services for six trafficking victims.

In 2015, "TRNC" authorities issued 1,481 six-month "hostess" and "barmaid" work permits for individuals working in 36 nightclubs and two pubs operating in the north. As of March 2016, 434 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. The majority of 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 508 women who curtailed their contracts without screening for trafficking. While prostitution is illegal, female nightclub employees were required to submit to biweekly health checks for sexually transmitted infection screening, suggesting recognition and tacit approval of the prostitution industry. Victims reported bodyguards at the nightclubs accompanied them to health and police checks, ensuring they did not share details of their victimization 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 nightclub or in other accommodations arranged by the establishment owner. The "Nightclub Commission," comprised of "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. During the reporting period, police conducted several unannounced inspections of the nightclubs; however, corruption and a lack of political will undermined any anti-trafficking efforts. The "Social Services Department" in the "Ministry of Labor" continued to run a hotline for trafficking victims; however, it was inadequately staffed by one operator who had not received

any training on trafficking. The hotline led to the identification of 11 female nightclub employees, who were later repatriated. A total of 32 women were repatriated during the reporting period. Experts reported trafficking victims were afraid to call the hotline because they believed it was linked to the authorities. Between April and December 2015, the "TRNC" issued 724 work permits to domestic workers.

### RECOMMENDATIONS FOR TURKISH CYPRIOT AUTHORITIES:

Enact "legislation" prohibiting all forms of human trafficking; screen for human trafficking victims within nightclubs and pubs; increase transparency in the regulation of nightclubs and promote awareness among clients and the public about force, fraud, and coercion used to compel prostitution; provide funding to NGO shelters and care services for the protection of victims; investigate, prosecute, and convict "officials" complicit in trafficking; provide alternatives to deportation for victims of trafficking; and acknowledge and take steps to address conditions of forced labor, including among domestic workers.

## CZECH REPUBLIC: Tier 1

The Czech Republic 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 Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam are subjected to sex trafficking in Czech Republic and also transit through Czech Republic to other European countries where they are subjected to sex trafficking. Men and women from Czech Republic, Ukraine, Romania, Bulgaria, Moldova, Mongolia, the Philippines, Russia, and Vietnam are subjected to forced labor in Czech Republic, typically through debt bondage, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work, and may also transit through Czech Republic to other countries in Europe where they are exploited. The majority of identified victims in the country are Czech. Romani women from Czech Republic are subjected to forced prostitution and forced labor internally and in destination countries, including the UK.

The Government of the Czech Republic fully meets the minimum standards for the elimination of trafficking. The government slightly increased funding for NGOs providing victim services, but identified fewer potential victims and enrolled significantly fewer victims into its program to protect individuals assisting law enforcement. Law enforcement efforts increased as authorities achieved significantly more convictions in 2015 than in 2014, although the government initiated fewer prosecutions; not all sentences were commensurate with the severity of the crime. Victims continued to have minimal opportunities to access court-ordered or state-funded compensation.



**RECOMMENDATIONS FOR CZECH REPUBLIC:**  
Vigorously investigate and prosecute suspected offenders

of both sex and labor trafficking using the anti-trafficking statute; increase training for prosecutors and judges on applying the anti-trafficking statute; sensitize judges to the severity of this crime to ensure convictions result in proportionate and dissuasive sentences; improve victims' ability to access the government-funded witness-support program and 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; enhance collaboration between the labor inspectorate and police on investigating potential labor trafficking cases; conduct large-scale public awareness-raising campaigns, particularly on labor trafficking; and disaggregate data on the type of trafficking involved in law enforcement and victim protection efforts.

### PROSECUTION

The government demonstrated strengthened law enforcement efforts. The government prohibits all forms of trafficking under section 168 of its criminal code, which 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. The government did not disaggregate sex and labor trafficking data. In 2015, police initiated 18 investigations into suspected trafficking cases, nine of which proved to involve trafficking crimes. Authorities prosecuted 12 defendants for trafficking crimes in 2015, a decline from 16 in 2014 and 30 in 2013. During 2015, Czech courts convicted 19 traffickers, an increase from six in 2014. Five of the 19 convicted traffickers received one to five years' imprisonment and seven received five to 15 years' imprisonment; seven convicted traffickers received suspended prison sentences. The government froze assets equaling approximately 36,673,000 koruna (\$1,515,000) from suspected traffickers. Czech authorities collaborated with foreign governments on four transnational investigations.

The organized crime branch of the Czech police maintained a specialized anti-trafficking unit that trained 253 police officers, labor inspectors, and other officials 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 or 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 sustained progress in victim protection efforts. Police reported identifying 92 victims in 2015, all of whom were referred to services, compared with 67 in 2014. Government-funded NGOs provided services to 171 newly identified potential victims in 2015, 79 of whom were directly identified by NGOs. Authorities provided victims with a 60-day reflection period, in which victims received care and determined whether to cooperate with law enforcement. The Ministry of Interior (MOI) continued to fund its witness-support program, which provided funding to NGOs providing services for adult victims willing to cooperate with law enforcement. In 2015, four victims entered the program, a decrease from 43 in 2014. Consistent with the last two years, the MOI made available 2 million koruna (\$82,600) to support NGOs assisting victims enrolled in the witness support program, as well as NGOs' trafficking prevention projects. Authorities reported the MOI's program

did not provide adequate resources for victims with children. 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. Police also employed child psychologists to assist in cases involving children. The Ministry of Labor and Social Affairs provided 6,072,000 koruna (\$250,880) in 2015 to NGOs providing care for trafficking victims, a 14 percent increase from 2014.

Foreign victims who cooperated with investigators could receive temporary residence and work visas for the duration of the relevant legal proceedings; however, no foreign victims received temporary residency or other relief from deportation during the reporting period. Upon conclusion of court proceedings, victims could apply for permanent residency; no victims received permanent residency in 2015, compared with one in 2014. Victims were eligible to seek court-ordered compensation from their traffickers, 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. In one 2015 case, a court ordered a convicted trafficker to pay 360,000 koruna (\$14,870) to a victim. The government does not maintain a compensation fund for victims subjected to trafficking within the country. There were no reports the government penalized identified victims for unlawful acts committed as a direct result of being subjected to trafficking.

## PREVENTION

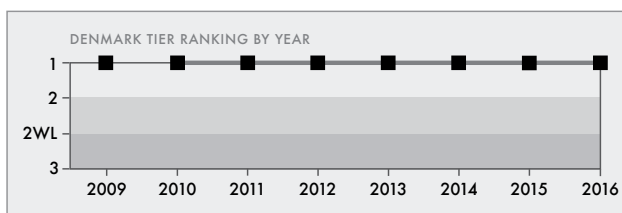
The government maintained modest prevention efforts. The interior minister chaired an inter-ministerial body that coordinated national efforts and worked to implement the 2012-2015 national action plan; the draft 2016-2019 strategy remained pending approval at the close of the reporting period. A unit 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 over 700 calls in 2015. The hotline offered translation for foreign victims, but was only operational during business hours. Czech law did not criminalize confiscation of workers' passports. 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.

## DENMARK: Tier 1

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, 25 children have been identified as victims of trafficking in Denmark, nine forced into pickpocketing, three into cleaning restaurants, five into forced criminal activity, and eight into selling sex. Copenhagen's relatively small red-light district represents only a portion of the country's larger commercial sex trade, which includes sex trafficking in brothels, bars, strip clubs, and private apartments. The rise in migrants, asylum seekers, and refugees entering

and transiting Denmark increases the size of the population vulnerable to human trafficking.

The Government of Denmark fully meets the minimum standards for the elimination of trafficking. In May 2015, the government approved its 2015-2018 national action plan against human trafficking, which expanded the funding and scope of the government's efforts to combat trafficking, focusing on prevention, outreach, victim support, and partnerships with NGOs. The government identified an increased number of victims of trafficking and trafficking-related crimes and continued to fund victim service providers. The government used its human trafficking law to convict three individuals of crimes related to labor trafficking. However, the government's default approach to trafficking cases involving victims without EU residency was to repatriate victims to their countries of origin. The effective lack of alternatives to removal impeded the ability of law enforcement to pursue traffickers and left victims vulnerable. In the last four years, only four victims have been granted asylum, despite the government officially identifying almost 300 victims. The temporary residence permit that exists for trafficking victims, authorized through a 2013 amendment to the Aliens Act, gave authorities the ability to stay deportation in order for victims to assist in an investigation; this legal tool has never been used for trafficking victims.



## RECOMMENDATIONS FOR DENMARK:

Pursue a more victim-centered approach to trafficking by increasing 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; avoid penalizing victims for crimes committed as a direct result of being subjected to trafficking, including through assessing whether new guidelines concerning withdrawal of charges against victims of trafficking prevent their penalization and detention; expand 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 and increase identification among this vulnerable group.

## PROSECUTION

The government made progress in law enforcement efforts, although inadequate efforts to incentivize victims to assist in investigations and prosecutions impeded these efforts. Denmark prohibits all forms of trafficking through section 262(a) of its criminal code, which 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.

The national police investigated three cases of trafficking in 2015, a decrease from 12 in 2014. However, in 2015, the government initiated prosecutions of 58 trafficking suspects, an



increase from 15 in 2014. First-level courts had 12 trafficking case convictions in 2015, compared to nine cases in 2014. Sentences ranged from 24 months' to 36 months' imprisonment for the convicted traffickers. In addition, in a forced labor case begun in 2014, where 12 migrants were forced to live in a garage and work up to 20 hours a day, charges were changed on appeal from labor trafficking to usury and fraud, and two men were sentenced to 24 and 36 months' imprisonment. Experts reported that few trafficking cases were brought to trial in Denmark because of the lack of incentives for victims to participate in the investigation of their traffickers. Although a 2013 amendment to the Aliens Act allowed authorities to request trafficking victims without legal status in Denmark be provided with temporary residency to assist law enforcement and testify in a trial, authorities did not use this provision in 2013, 2014, or 2015. There remain difficulties in securing the participation of victims in the prosecution of their traffickers; a government report issued during the year acknowledged authorities did not systematically offer advice and support to foreign citizens in prostitution or others potentially vulnerable to trafficking. Police received instruction on trafficking at the police academy and again after their first year on the job. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

## PROTECTION

Government efforts to protect victims were mixed. The government identified victims and funded care providers, but its emphasis on repatriating victims without legal status impeded victim protection efforts. 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 in Denmark. The government required victims to prove they were persecuted in their home countries on the basis of Refugee Convention grounds. The government did not grant asylum to any of the 10 trafficking victims who applied.

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 or not victims will cooperate in the investigation of their cases; rather it is a period of time the victims have to cooperate in their repatriation. In 2015, 43 of the 93 identified trafficking victims accepted a prepared return, compared with eight of 71 in 2014. Victims in Denmark without legal residency who did not accept a prepared return were deported 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' lack of protection in their home countries and debt bondage to their traffickers 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.

In 2015, the government identified 93 victims, compared with 71 in 2014. These victims included one victim of forced

labor, 49 victims of sex trafficking, and 43 victims forced to commit crimes (such as theft and the production and sale of illicit substances) or exploited in trafficking-related crimes (such as holding migrants against their will for the purpose of stealing social benefits); six victims were children (one victim of sex trafficking and five victims of forced criminal activity). Authorities did not identify any Danish victims of trafficking in 2015, though authorities reported having done so in the past and acknowledged other cases may have gone undetected. When police suspected they had a victim in custody, they called government anti-trafficking experts to join the police questioning and explain the victim's rights. A trafficking subject matter expert has been appointed in each police district. NGOs noted the onus of victim identification remained on trafficking victims rather than officials' proactive identification. The government funded NGOs to provide victim care services, including medical, psychological, and legal assistance. Funding increased from approximately \$1.9 million during the previous 2011-2014 National Action Plan to approximately 18 million Danish Kroner (\$2.8 million) set aside in the 2015-2018 National Action Plan that NGOs and other civil society organizations can apply for to perform tasks covered under the scope of the national action plan. Victims could apply for compensation through a state fund and through a civil suit against their traffickers; however, no victims pursued these in 2015. To help prevent trafficking victims from being penalized for crimes committed as a result of being subjected to trafficking, in May 2015 the director of public prosecutions published guidelines on the identification of victims and the withdrawal of charges against them; these guidelines were distributed to the police and prosecution service. Some observers reported increased willingness by prosecutors to drop charges against victims of trafficking and the Ministry of Justice did not report any cases where victims of trafficking were prosecuted in 2015. The government did not implement efforts to provide alternatives to victims' removal, resulting in few protections for victims of trafficking.

## PREVENTION

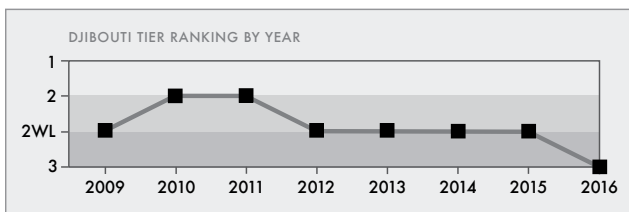
The government maintained efforts to prevent trafficking. As part of the 2015-2018 National Action Plan, the government continued to provide training to police, diplomats, and other government personnel. Denmark's Center Against Human Trafficking worked closely with police, and provides training for tax and labor inspectors. Authorities created a guidebook and checklist for helping businesses reduce the risk of using trafficked labor, by spotting irregularities in hiring and recruitment and reporting suspected labor trafficking. The government approved funding for an NGO-operated counseling and health service in Zealand that will work with potential victims of trafficking among foreign nationals working in brothels. Authorities conducted public information campaigns aimed at increasing awareness of sex and labor 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.

## DJIBOUTI: Tier 3

Djibouti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Over 90,000 men, women, and children from

Ethiopia, Somalia, and Eritrea transit Djibouti as voluntary and often undocumented economic migrants en route to Yemen and other locations in the Middle East, particularly Saudi Arabia. Some of these migrants are subjected to forced labor and sex trafficking in their intended destinations. In early 2015, the crisis in Yemen created a reverse influx of persons fleeing Yemen to Djibouti; the Government allowed over 30,000 people of diverse nationalities to enter freely and take refuge, some of whom endured various types of exploitation, possibly including trafficking, before their transit to Djibouti. Some Djiboutian and migrant women and girls are subjected 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; some migrant women reportedly were subjected to domestic servitude and forced prostitution in Djibouti to pay these ransoms. In addition, 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. Some of Djibouti's older street children reportedly act as pimps of younger children. Parents sometimes force 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.

The Government of Djibouti does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In March 2016, the government passed and officially promulgated a new anti-trafficking law to supersede the existing 2007 anti-trafficking law; however, it did not use the prior law to prosecute traffickers during the reporting period. Djiboutian officials did not investigate any potential sex or labor trafficking cases or initiate prosecutions of any suspected trafficking offenders; two cases from previous reporting periods remained pending, including one case allegedly involving five officials complicit in trafficking crimes. The government did not fully operationalize its national action plan to combat trafficking, which it finalized during the previous reporting year. The government did not identify or provide protection for any trafficking victims in 2015 due largely to capacity and resource constraints; in 2014, it identified three victims and provided them with basic health care. Djiboutian officials continued to work cooperatively with an international organization to publish and disseminate anti-trafficking training materials.



**RECOMMENDATIONS FOR DJIBOUTI:**

Amend the new anti-trafficking law to more closely conform with international standards, specifically add language that no means such as force, fraud or coercion are required when

the victim is a child, and repeal contrary provisions of existing laws; enforce anti-trafficking legislation through investigations and prosecutions of trafficking offenders, in particular those involved in child sex trafficking, domestic servitude, and other forced labor offenses; compile and publicize data on convictions and sentences of trafficking offenders; establish policies and procedures for government personnel to proactively identify potential victims and transfer them to care; expand protective provisions for victims, through partnerships with NGOs or international organizations, as appropriate; train judges, prosecutors, and police on the distinctions between trafficking and alien smuggling; 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 amended its national anti-trafficking law, but otherwise made minimal law enforcement efforts to combat trafficking. In 2015, the government worked with international trafficking experts to draft a new national anti-trafficking law more closely aligned with the international definition of trafficking. In March 2016, the government passed and promulgated Law No. 133 On the Fight Against Trafficking in Persons and Illicit Smuggling of Migrants, which prohibits all forms of trafficking and adequately distinguishes between trafficking and smuggling; it prescribes penalties of five to 10 years' imprisonment—these penalties are sufficiently stringent, but penalties less than 10 years' imprisonment are not commensurate with other serious crimes, such as rape. Where aggravated factors exist, including when the victim is less than 18 years old, a person is confined or subjected to forced labor or prostitution, or when fraudulent activity is involved, penalties prescribed are increased to 10 to 20 years' imprisonment; life imprisonment is prescribed if a victim dies, or the subjection to trafficking resulted in permanent disability or organ removal. However, contrary to the international definition of trafficking, Law No. 133 requires force, fraud, or coercion for child sex trafficking. Law No. 133 repeals Djibouti's Law No. 210 of 2007, Regarding the Fight Against Human 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 in persons and prescribes penalties of 10 years' imprisonment and a fine for the trafficking offense, or 15 years' imprisonment and a fine if aggravating circumstances are present. However, contrary to the international definition of trafficking, Law No. 111 requires force, fraud, or coercion for child sex trafficking. While Law No. 133 and Law No. 111 are similar, they are not identical either in the definition of exploitation or in the penalties prescribed, which may create confusion, raise legal issues, and make it difficult for law enforcement and prosecutors to implement the law effectively.

The government did not investigate or initiate prosecutions of any forced labor cases or sex trafficking offenses during the reporting year; it reported one conviction of a trafficker in 2014. Two prosecutions remained ongoing from previous reporting periods, one of which commenced in 2012. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015. During the previous year, the government arrested five military officials for alleged trafficking crimes. However, the government reported they subsequently returned to their jobs and that, upon being summoned to court in 2015, they never

appeared; this case remains pending trial. The government did not conduct or sponsor any anti-trafficking training for law enforcement personnel during the reporting period, although various government officials participated in anti-trafficking trainings facilitated and funded by international organizations.

## PROTECTION

The government sustained inadequate efforts to protect trafficking victims. During the reporting year, it did not identify or provide protective services to any victims, though it did award restitution for non-payment of wages to one woman; it identified three adult female trafficking victims the previous year. If implemented, the new anti-trafficking law would provide for asset seizure and establish some victim assistance for trafficking victims. The government continued to lack a formal system to proactively identify victims of trafficking among vulnerable populations, such as undocumented migrants, street children, and persons in prostitution. It did take measures to ensure refugees entered Djibouti with proper documentation and donated materials and personnel to staff a transit facility; however, official round-ups, detentions, and deportations of non-Djiboutian residents, including children, remained routine and lacked standardized screening mechanisms to assess for trafficking indicators, which left individuals vulnerable to exploitation and potential re-trafficking. The *gendarmerie* continued its coordination with an international organization to transfer voluntary economic migrants, including potential trafficking victims, on an ad hoc basis to either medical facilities or the Migrant Response Center—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. The government maintained its allocation of funding to local Djiboutian NGOs, which operated counseling centers and other programs that may have assisted trafficking victims during the year. In November 2015, an international organization facilitated a training for an unknown number of government personnel on how to protect and adequately assist migrant children at high risk for abuse, including trafficking. The new anti-trafficking law establishes provisions granting victims the right of residence during judicial proceedings and permanent residence 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. The government collaborated closely with the Government of Ethiopia to repatriate Ethiopian migrants who agreed to voluntary return from Djibouti or Yemen, some of whom may have been trafficking victims.

## PREVENTION

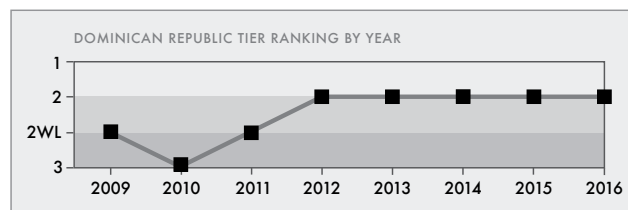
The government did not demonstrate tangible efforts to prevent trafficking. The government did not fully operationalize its national action plan to combat trafficking, which was finalized during the previous reporting period. In coordination with the government, an international organization distributed awareness-raising materials to sensitize migrants on the differences between trafficking and smuggling and on the dangers of irregular migration, and provided phone numbers for emergency services in Djibouti. The anti-trafficking working group met frequently during the year; however, the general lack of capacity and coordination among relevant government agencies continued to stymie progress in national anti-trafficking efforts. The government did not undertake efforts to reduce the demand for commercial sex acts or forced labor. International experts provided Djiboutian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping

missions. The government did not provide anti-trafficking training for its diplomatic personnel.

## DOMINICAN REPUBLIC: Tier 2

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 throughout 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 local children by foreign tourists and locals 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. Vulnerable populations include working children and street children, migrant workers, and undocumented or stateless persons of Haitian descent. NGOs and people in prostitution report police complicity in the abuse of people in prostitution, including in areas known for child sex trafficking.

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. In 2015, the government initiated investigations of 15 trafficking cases and prosecuted 49 alleged traffickers. The government identified 101 trafficking victims in 2015, but continued to lack specialized victim assistance. The government implemented a naturalization law by providing thousands of undocumented migrants with legal status, decreasing their vulnerability to trafficking. The government reported no new investigations, prosecutions, or convictions of officials complicit in trafficking, which remained a serious concern.



## RECOMMENDATIONS FOR THE DOMINICAN REPUBLIC:

Vigorously prosecute and convict traffickers involved in forced labor and sex trafficking, especially complicit government employees; implement protocols for the identification and assistance of adult and child trafficking victims, including to identify adult and child victims in the sex trade and in the



agriculture and construction sectors, and refer them to available services; adequately fund specialized services for adult and child trafficking victims; work with NGOs to provide adequate shelter and services to adult and child victims; screen those affected by new migration policies for trafficking indicators; and conduct forced labor and sex trafficking awareness campaigns in Spanish and Creole.

## PROSECUTION

The government sustained law enforcement efforts by investigating, prosecuting, and convicting traffickers; however, official complicity remained a serious concern and was unaddressed. 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. In contrast to the international definition of trafficking in persons, however, the law requires the means of force, fraud, or coercion for sex trafficking individuals younger than 18 years of age; and defines trafficking more broadly to include forced marriage and illegal adoption without the purpose of exploitation. 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 by any means anyone younger than 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. Officials may use these provisions to charge and prosecute sex traffickers in addition to or instead of Law 137-03. The revised penal code of 2014 would have improved definitions and increased the penalties for trafficking-related criminal offenses, which would have provided additional charges that law enforcement could use to investigate and prosecute sex traffickers, but was found unconstitutional in 2015. In 2015, the government initiated investigations of 15 trafficking cases and prosecuted 49 alleged traffickers, compared with 28 investigations and 32 prosecutions in 2014. The government convicted 20 defendants in seven cases; trafficking in persons sentences ranged from five to 30 years' imprisonment; and commercial sexual exploitation sentences ranged from one to 20 years' imprisonment.

The government's law enforcement efforts were impeded by limited resources, corruption, and failures to identify trafficking victims and provide assistance. An attorney general's office review of 2010-2014 trafficking cases, conducted during the reporting period, revealed a number of flaws in the legal system: insufficient investigation resulting in a lack of evidence; lack of efforts to secure the cooperation of victims and families; and cases prosecuted under inappropriate areas of the law. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. As of March 31, 2014, the government reported a police officer was in pre-trial detention at the end of the reporting period while awaiting trial for participating in a sex trafficking ring that involved child victims, but no new information has been provided. The government cooperated with governments in the Caribbean, Europe, and South America on investigations of transnational trafficking cases. The government offered anti-trafficking courses at the National Defense Institute, School of Justice, and Judiciary School, and provided two half-days of training for police recruits.

## PROTECTION

The government sustained victim protection efforts. Authorities identified 101 trafficking victims—96 female and five male; 82 children and 19 adults—compared with 99 victims in 2014. The Attorney General's Anti-Trafficking Unit (ATU) coordinated with other government agencies, international organizations and NGOs that provided temporary accommodation in shelters, psychological assistance, legal assistance, reintegration, medical services, and support for higher education specifically to trafficking victims. The Ministry of Women through the Center for Orientation and Comprehensive Investigation provided limited legal services and psychological assistance to victims. NGOs reported that although the government provided some direct assistance to victims, it did so in an ad hoc manner. The government prepared to open a shelter for adult trafficking victims, although it had not opened by the end of the reporting period. The national anti-trafficking commission worked with an international organization to develop protocols to identify and assist adult and child trafficking victims. The government encouraged victims to participate in investigation and prosecution efforts. The ATU created a team to legally support and provide protection to trafficking victims to encourage their assistance in the investigation and prosecution of trafficking crimes, offering lodging, immigration relief for foreign victims, and police accompaniment to the court room for all victims. The ATU renovated a building for use as a trafficking victim shelter and rehabilitation center and drafted shelter operating protocols, although the shelter had not opened by the end of the reporting period. The government did not report whether any of the 101 identified trafficking victims received any of these services.

The anti-trafficking law contains victim protection provisions, including restitution; at least one trafficking victim obtained restitution of wages and 45,000 pesos (\$1,000) in punitive damages during the reporting period. Authorities assisted one victim to renew her expired temporary Dominican residence permit. The government offered foreign victims identified in cases investigated during the reporting period the same services available to Dominican victims; however, these victims chose to return to their own countries and did not avail themselves of these provisions. While there were no official 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.

## PREVENTION

The government sustained prevention efforts. Officials continued to implement the 2009-2014 national anti-trafficking action plan and began drafting an updated plan in 2015, but reported no specific progress on either. NGOs reported uncoordinated and underfunded implementation of the existing plan. In partnership with and with funding from an international organization, the government completed a baseline study of the judicial system's handling of child sex trafficking cases, although results have not been published yet. The government did not have a nationwide anti-trafficking awareness campaign, but did conduct trainings with NGOs. The government operated a national hotline, but did not report how many trafficking calls it received in 2015.

During the reporting period, the government implemented and concluded the National Regularization Plan and issued residency status documents for 240,000 undocumented migrants, 80 percent of whom picked up those documents. In addition, the

government approved 55,000 birth certificates for documented individuals born in the country to immigrant parents, and reissued 15,000 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 improved monitoring of brothels and tourist areas. Authorities reported arresting two European tourists for trafficking in persons and commercial sexual exploitation for sex acts with minors. Some NGOs, however, expressed concern about the government response to child sex tourism, including the lack of convictions, resources, and aftercare for victims. The government did not report efforts to reduce the demand for forced labor. The government provided anti-trafficking training for its diplomatic personnel.

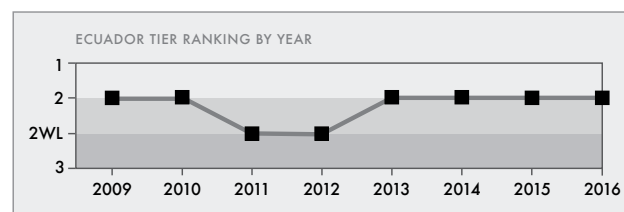
## ECUADOR: Tier 2

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, but NGOs reported an increase in LGBTI individuals vulnerable to or victims of sex trafficking. Nationals of Cuba, Ghana, Cameroon, Nigeria, Chad, China, Pakistan, the Dominican Republic, and Haiti, initially lured by smugglers promising a better life, have documents confiscated, debts imposed, and are threatened or forced into prostitution. 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. Local officials reported Haitians migrated through Brazil into Ecuador to seek jobs on banana plantations, where they are vulnerable to forced labor. Traffickers used Ecuador as a transit route for trafficking victims from Colombia, Cuba, Haiti, and the Dominican Republic. Sex traffickers use emotional relationships and job offers to recruit victims and prey on vulnerabilities such as prior domestic and sexual violence.

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. Authorities report an increase in 2015 of Ecuadorian children being subjected to forced labor in criminal activity, such as drug trafficking and robbery. Traffickers threaten these children's families; a clergyman working to protect such children was murdered during the reporting period. Ecuadorian women and children are exploited in forced labor and sex trafficking abroad, including in other South American countries, the United States, and Europe. Some Ecuadorian trafficking victims were initially smuggled and later exploited in prostitution or forced labor in third countries, including forced criminality in the drug trade. An illegal armed group reportedly attempted to recruit Ecuadorian children along the northern border with Colombia. 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.

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. Authorities maintained law enforcement efforts with a steady number of investigations initiated, decreased prosecutions, and increased convictions during the reporting period. The government continued to provide funding for food and emergency services for trafficking victims and shelters for girl victims. Specialized services for victims were unavailable in most of the country. The government identified more potential victims than in 2014, but significantly fewer than in 2013. Official complicity in trafficking remained a challenge. Authorities did not finalize a new anti-trafficking plan, and government agencies lacked adequate resources to implement anti-trafficking efforts.



### RECOMMENDATIONS FOR ECUADOR:

Finalize, resource, and implement a national anti-trafficking action plan that appropriately defines roles and responsibilities across government agencies and facilitates effective interagency coordination; strengthen the provision of specialized services for trafficking victims, including for adults, in partnership with civil society organizations, and increase funding for services; increase efforts to investigate, prosecute, and convict traffickers, particularly for cases involving adult trafficking victims; hold criminally accountable public officials complicit in trafficking; amend anti-trafficking statutes for consistency with the international definition of trafficking; fully implement the national protocol for protection and assistance to trafficking victims, including identifying trafficking victims among vulnerable populations, such as individuals in prostitution or child and migrant workers; increase anti-trafficking training for police officers, judges, labor inspectors, immigration officials, social workers, and other government officials, particularly to enhance victim identification; issue and implement guidelines to ensure officials consistently offer foreign victims legal alternatives to removal; and enhance data collection and interagency coordination.

### PROSECUTION

The government sustained law enforcement efforts. Article 91 of Ecuador's 2014 criminal code prohibits all forms of trafficking in persons and prescribes penalties ranging from 13 to 16 years' imprisonment or 16 years' to 26 years' imprisonment with certain aggravating circumstances. These penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. However, article 91 is overly broad in that it does not require the means of force, fraud, or coercion for sex trafficking of adults or for forced labor; and 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 law enforcement investigation techniques for human trafficking, such as undercover investigations and wire-tapping; 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.

Data collection on anti-trafficking law enforcement efforts was uneven. The anti-trafficking and human smuggling police unit investigated 52 trafficking cases in 2015 and reported conducting 10 anti-trafficking operations in 2015 compared with 19 in 2014, while police dealing with crimes against children investigated 49 cases of child sexual exploitation in 2015 compared with 84 in 2014. Prosecutors reportedly initiated prosecutions of 64 alleged traffickers in 2015 compared with 95 in 2014, and convicted 31 traffickers compared with 20 in 2014. The anti-trafficking and human smuggling police unit in Quito focused on cases involving adult victims, while police units for crimes against children investigated cases of child trafficking, sometimes in coordination with specialized anti-trafficking police. The national organized crime prosecutorial unit in Quito handled trafficking cases in partnership with local prosecutors across the country. Efforts by police and prosecutors were hampered by limited resources, limited presence in parts of the country, inadequate victim services, bureaucratic delays, and the frequent rotation of specialized police. Authorities previously initiated the prosecution of a police officer for sex trafficking, but reported no convictions of complicit officials in 2015. The government reported no progress on the 2013 prosecution of two active and two former police officers for their involvement in sex trafficking or on the 2012 investigation of a judge for trafficking-related complicity. Authorities arrested three civil registry officials for falsifying and altering documents used by international traffickers; their cases are pending. Authorities provided some anti-trafficking training to police, prosecutors, and other officials, but most specialized training was conducted by an international organization with foreign donor funding. Authorities provided mandatory training on trafficking as part of basic training for judicial police. The government undertook joint trafficking investigations with U.S., Colombian, and Peruvian officials.

## PROTECTION

The government sustained efforts to protect trafficking victims. The government used the “National Unified Protocol for Integral Protection and Assistance to Victims of Trafficking” to refer victims. In 2015, victims were regularly referred to one of five

government ministries responsible for victim assistance and referral, as well as NGOs who worked with the government to provide shelter, protection, and assistance. The government identified and assisted 117 potential child trafficking victims—sexual exploitation (19), labor exploitation (87), and trafficking (11). NGOs identified and assisted an additional 63 potential trafficking victims, with approximately half of these victims being Ecuadorian and half foreign nationals; it is unclear how many were trafficking cases as defined in international law given the overlapping trafficking-related criminal offenses. Police reported challenges in finding shelter for trafficking victims, particularly in the provinces; as a result, police sometimes detained adult victims in local police stations and child victims in juvenile detention centers, or placed them in non-specialized shelters in contrast to Ecuadorian law, which provides that victims may not be punished for offenses directly resulting from being subjected to human trafficking.

The government partnered with NGOs to provide emergency services to trafficking victims, shelter, and legal, psychological, and educational support. NGOs reported a lack of specialized doctors and denial of medical services to undocumented individuals. The Specialized Victim Witness Protection Program (SPAVT) assisted 72 trafficking victims in 2015, compared with 66 victims and six dependents in 2014. NGOs reported victims often sought NGO or private legal assistance due to the public defender providing limited and poor quality legal assistance to victims. The government provided an unspecified amount of funding for shelters and services for trafficking victims; NGOs reported government funding decreased in 2015 compared to the year before. Male victims had limited options for services through care centers providing ambulatory services. 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. The Ministry of Interior (MOI) reported it had mechanisms to repatriate trafficking and human smuggling victims and that Ecuadorian diplomatic and consular missions 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. During the reporting period, the government granted 42 victims up to 30 days of reflection to allow them to receive SPAVT protection while deciding whether to participate in the penal process against their traffickers. Trafficking victims did not have a means to seek restitution. Many victims chose not to participate in investigations due to fear of threats, inadequate protections in the witness protection program, or lack of faith in the judicial system. There were no specific legal alternatives for foreign victims facing removal to countries in which victims would face hardship or retribution. Authorities reported they could grant temporary or permanent residency to foreign victims, but did not report how many foreign victims received residency in 2015. NGOs reported some eligible victims were not granted residency, and some foreign victims with irregular migratory statuses had difficulties accessing government-provided services.

## PREVENTION

The government sustained 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. The government did not finalize a new anti-trafficking action plan or provide adequate funding to conduct anti-trafficking efforts. National authorities conducted awareness campaigns reaching over



4,000 individuals and 1,450 officials. Two provincial and two municipal governments conducted awareness campaigns. The criminal code prohibits sex tourism, but there were no reports of investigations, prosecutions, or convictions of child sex tourists in 2015. In February 2015, a U.S. citizen received a U.S. prison sentence of almost five years, followed by 20 years of supervised release for attempting to facilitate child sex tourism in Ecuador. The government promulgated regulations for tourist accommodations granting authority to inspect such accommodations for potential trafficking cases, but did not report efforts targeting the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

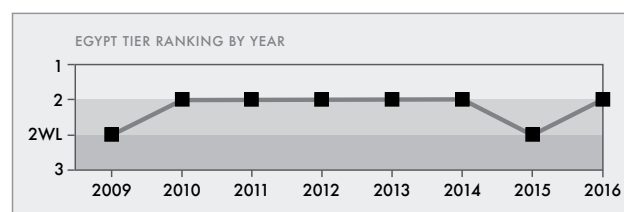
## EGYPT: Tier 2

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 the Persian Gulf, including Saudi Arabia, United Arab Emirates, and Kuwait, purchase Saudi 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-paying service jobs in neighboring countries. In 2015, media reported migrant Egyptian children, including unaccompanied minors in Italy observed selling goods in marketplaces and streets, are vulnerable to sexual exploitation and forced labor.

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 suffer 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, instances of forced labor and sexual servitude, smuggling, abduction, and extortion of African migrants in the Sinai Peninsula occurred at the hands of criminal groups; however, international organizations observed the flow of these migrants into the Sinai nearly ceased in 2015, due in part to continued Egyptian military operations. Anecdotal reports, however, 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.

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. Although the government identified a substantially higher number of trafficking victims

compared to the previous reporting period, protection services declined. The government’s only trafficking-specific shelter permanently closed in May 2015, and it was unclear if identified trafficking victims received adequate protection services at other government-run facilities. Nonetheless, more than 300 identified victims were referred by government officials to and received services at government operated reception centers or NGO-run shelters. Many officials failed to identify victims systematically among vulnerable groups, and the government had no written procedures to do so. As a result, authorities continued to treat unidentified trafficking victims as criminals and punished them for unlawful acts committed as a direct result of being subjected to human trafficking. The government continued to prosecute trafficking offenders and convicted three offenders in 2015; however, many trafficking cases continued to be settled out of court, failing to adequately punish offenders. Although the government made some efforts to prevent trafficking, budget shortfalls impeded the government’s efforts to effectively protect victims and combat trafficking, for which it relied on international donor assistance.



### RECOMMENDATIONS FOR EGYPT:

Increase investigations, prosecutions, and convictions of all forms of trafficking and adequately punish offenders; allocate adequate resources for the provision of victim services to fund government-run facilities and to support the efforts of NGOs on which the government relies for this purpose; provide a clear legal basis for NGOs to provide victim services; provide adequate legal protections for domestic workers; implement standard operating procedures for officials to use the national victim referral mechanism to identify and refer trafficking victims among vulnerable groups, including individuals arrested for prostitution, street children, and foreign migrants; continue to increase training for all government officials on the anti-trafficking law and victim identification and referral procedures; ensure trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; encourage trafficking victims to assist in investigations and prosecutions of their traffickers; and increase ongoing nationwide awareness campaigns.

### PROSECUTION

The government made some progress in 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. Articles 80 and 89 of the constitution prohibit sex trafficking, compulsory exploitation, and forced labor. The government continued to conduct a nationwide data call to gather information on trafficking cases in 2015. The government reported conducting 13 potential trafficking investigations in

2015, half the number reported in the previous reporting period. The government reported initiating 21 prosecutions under the anti-trafficking law involving sexual exploitation and forced begging crimes. Three of these cases resulted in a conviction with life imprisonment under the anti-trafficking law and one resulted in an acquittal; the rest of the cases remained pending at the end of the reporting period. These efforts represented an increase from the 15 prosecutions and zero convictions in the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Law enforcement and judicial officials lacked understanding of trafficking and how to enforce the anti-trafficking law. Some trafficking cases were settled out of court, resulting in a lack of adequate punishment for trafficking offenders. To assist prosecutors in prosecuting traffickers and obtaining convictions, the Ministry of Justice's Center for Judiciary Studies provided compulsory training on human trafficking for newly appointed prosecutors as a part of its curricula. In 2015, the government provided 141 anti-trafficking trainings for 4,645 law enforcement and judicial officials, social workers, civil society, and the media.

## PROTECTION

The government demonstrated increased efforts to identify trafficking victims, but its efforts to provide adequate protection services to victims declined. Through the government's anti-trafficking hotline, it identified more than 300 potential trafficking cases in 2015, some of which included organized begging and sexual exploitation; all of these cases were referred to one of the nine government-run reception and aid centers from which victims were often referred to informal, community-based or NGO-run shelters. The government also identified and referred at least five potential trafficking victims through its child abuse hotline in 2015. Although Ministry of Manpower inspectors are trained to investigate employers suspected of child labor or trafficking crimes, it did not report identifying any potential trafficking cases during routine inspections in 2015. The more than 300 identified victims is a significant increase from the 68 victims the government identified in the previous reporting period. Nevertheless, the government did not adopt written procedures to guide officials in the proactive identification of trafficking victims among vulnerable populations, including domestic workers, street children, foreign migrants, and women and girls in prostitution. The national victim referral mechanism, which included counseling and legal assistance to those who called the national anti-trafficking hotline, continued to lack clear standard operating procedures. The lack of trafficking awareness among police, security, and judicial officials outside urban areas, as well as ineffective victim identification procedures, contributed to punishment of 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 like criminal offenders, while foreign trafficking victims remained vulnerable to detention and deportation for illegal immigration or employment violations.

The National Council for Childhood and Motherhood (NCCM), the government body leading anti-trafficking efforts, continued to have inadequate funding, which hindered its ability to provide adequate protection services to victims. The government continued to rely on international organizations and civil society to fund victim assistance, but it did not—in turn—provide financial assistance or support to these organizations, which affected their ability to offer continued provision of protective

services to trafficking victims. Moreover, the NGO law hindered legal approvals and registrations for NGOs operating in Egypt, thereby impeding their efforts to provide essential services to victims. The government's shelter for female and child trafficking victims—jointly operated with an international organization since 2011—closed in May 2015 due to lack of funding. Prior to its closing, the shelter hosted 38 trafficking victims in 2015; these victims were provided assistance through local communities once the shelter closed. During the reporting period, NCCM worked with local communities and families to host and rehabilitate trafficking victims, but it was unclear how many trafficking victims they assisted in 2015. The government continued to operate numerous facilities that could assist trafficking victims. For example, NCCM operated nine reception centers for abused women, including potential trafficking victims, which provided psycho-social support and referral to NGO-run shelters; however, it was unclear how many trafficking victims received assistance at these centers in 2015. The Ministry of Health—with international assistance—continued to operate a medical recovery unit for foreign and domestic, 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 2015. The government-run rehabilitation center for victims of abuse provided at-risk children, including potential child trafficking victims, psycho-social counseling and rehabilitation; however, it was unclear how many trafficking victims the center assisted in 2015. In February 2016, the Ministry of Justice established a 24-hour clinic for female and child victims of sexual and physical abuse, including potential trafficking victims, staffed by female doctors trained in victim protection and evidence collection for potential criminal proceedings; the government did not report how many—if any—trafficking victims received assistance at this clinic since it was established. Despite the availability of services provided by the government and NGOs, some victims sought refuge at their respective embassies. Although the government rarely granted temporary residency to foreign trafficking victims, it reportedly provided this benefit to a Somali trafficking victim during the reporting period. Foreign trafficking victims were not offered legal alternatives to removal to countries in which they faced hardship or retribution. 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.

## PREVENTION

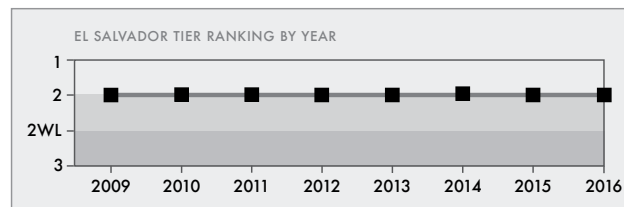
The government made some efforts to prevent human trafficking. The government continued to work on a draft national strategy to combat and prevent trafficking, which was developed to provide a comprehensive national framework to address trafficking issues for 2015-2020, but it was awaiting endorsement by the Cabinet at end of the reporting period. The government continued to operate and publicize a telephone hotline to report trafficking abuses and also created a child abuse hotline in 2015; both of these hotlines included live counseling and legal aid, as well as referrals to law enforcement and NGOs for victim assistance. NCCM conducted online anti-trafficking public awareness campaigns during the reporting period. In 2015, the government assumed an active role as a leader in multiple regional committees and initiatives that addressed migration, smuggling, and human trafficking issues affecting the Horn of Africa and Europe. In December 2015, President Al-Sisi ordered that 500 million Egyptian pounds (\$70 million) be directed to addressing street children and their vulnerabilities to abuse, including trafficking; however, it was unclear if the funding was allocated to the relevant ministries by the end of

the reporting period. The government did not make efforts to reduce the demand for commercial sex acts or forced labor, but it raised awareness of the problem of child sex tourism. In 2015, the government held more than 70 symposiums reaching approximately 3,000 people in Cairo, Giza, and Fayoum governorates on the dangers of child marriage and temporary “summer marriage.” The government offered anti-trafficking training for Egyptian troops before their deployment on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.

## EL SALVADOR: Tier 2

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 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.

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 continued to investigate and prosecute child sex trafficking crimes and provide services to some girl victims; however, it identified fewer victims, and services for adults, boys, and LGBTI victims were severely lacking. The government drafted a new national action plan to guide its anti-trafficking efforts from 2016-2019 and allocated \$24,700 to its interagency anti-trafficking council. It developed an immediate response team to coordinate victim assistance and referral and formulated a protocol on the care of trafficking victims. The government did not investigate, and has never prosecuted, any labor trafficking cases. The government did not investigate public officials suspected of trafficking-related complicity or initiate prosecutions following investigations in previous years, undermining 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 and transparent 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; and strengthen anti-trafficking coordination between government entities and with civil society organizations, particularly outside the capital.

### PROSECUTION

The government continued 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 trafficker. In October 2014, the legislature passed the Special Law Against Trafficking in Persons, which took effect in January 2015. This law replaced article 367B of the penal code and increased penalties for human trafficking crimes from four to eight years' imprisonment to 10 to 14 years' imprisonment, 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 includes a definition of trafficking that is inconsistent with international law, as 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; several cases included women or male victims. In 2015, authorities investigated 43 sex trafficking cases and no cases of labor trafficking. Authorities prosecuted and convicted 19 sex traffickers in eight cases, an increase from seven sex traffickers prosecuted and convicted in 2014. Offenders convicted in 2015 received sentences ranging from four to eight years' imprisonment. The government prosecuted all cases using its previous anti-trafficking law because the crimes occurred before the new law came into effect. 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 human trafficking. Some officials, particularly judges, demonstrated a limited understanding of human trafficking, which impeded efforts to hold traffickers accountable. During the year, the government provided anti-trafficking training to 2,473 government



employees, including police, prosecutors, judges, and labor inspectors. Authorities cooperated on trafficking investigations with officials from Guatemala, Honduras, Nicaragua, Costa Rica, Mexico, and the United States. In 2015, the government developed a specialized 30-person anti-trafficking police unit, in compliance with the new anti-trafficking law.

Despite several reports and investigations initiated as early as 2009, in 2015 the government did not investigate, prosecute or convict any government employees complicit in human trafficking offenses. 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 efforts to assist girls subjected to sex trafficking but identified fewer victims, and 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 2015, the government reported identifying 49 sex trafficking victims, a decrease from 87 victims identified in 2014. Those identified included 21 women, 24 girls, two men, and two boys; 45 were Salvadoran and four were from other Latin American countries. Authorities did not identify any forced labor victims, compared with three in 2014. The government did not provide statistics on the number of LGBTI victims identified, if any. An international organization reported assisting 159 victims, including 40 women, 98 girls, seven men, and 14 boys.

During the year, the government developed an immediate response team to coordinate victim assistance and referral and formulated a protocol on the care of trafficking victims. However, referral of victims to services remained uneven, and it was unclear how many victims received specialized services. 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 girls subjected to sex trafficking offered psychological and medical care to an unknown number of victims in 2015; as of early 2015, it housed six victims. Throughout the investigation and intake process, residents of the shelter were required to recount their trafficking experience multiple times to various government entities, highlighting a lack of interagency coordination and leading to re-victimization. There were few long-term support or reintegration services available for victims, leaving them vulnerable to re-trafficking. Repatriated Salvadoran victims could be referred to services and the police to investigate their cases, but the government did not report doing so in 2015. Authorities made efforts to screen for trafficking indicators among Salvadorans returned from abroad; however, because returnees were often reluctant to communicate with officials about their experiences, many victims may have remained unidentified.

Although it reported using procedures to protect victims' identities in court and passed legislation allowing for victims to provide testimony via teleconference, the government did

not provide sufficient victim and witness protections to guard against reprisal from traffickers—a particular threat to those victimized by criminal groups. 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 2015, no convictions included such compensation, compared with three convictions that included compensation in 2014. 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

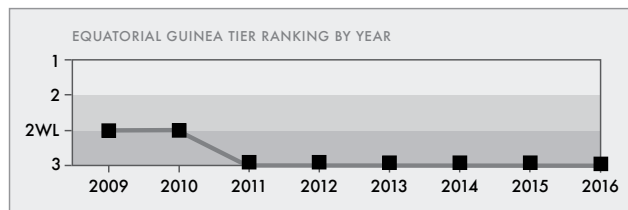
The government maintained modest prevention efforts. It expanded its anti-trafficking council to include more agencies, per provisions in the 2014 law. The council, which received a budget of \$24,700, coordinated anti-trafficking activities and developed a national action plan for 2016-2019. However, government entities continued to lack adequate funding to fulfill their responsibilities and interagency cooperation remained weak. Government agencies partnered with NGOs to conduct campaigns using television, radio, and print media to warn the public against the dangers of trafficking, but these public messages typically focused only on the trafficking of women and girls. An international organization reported that 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 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. Authorities did not report efforts to reduce the demand for commercial sex acts or forced labor.

## EQUATORIAL GUINEA: Tier 3

Equatorial Guinea is a source country for children subjected to sex trafficking and a destination country for men, women, and children subjected to forced labor. The majority of trafficking victims are exploited in the cities of Malabo, Bata, and Mongomo, where burgeoning construction and economic activity funded by oil wealth have contributed to increases in the demand for cheap labor and prostitution. Equatoguinean girls 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 laundries. 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 are regularly subjected to passport confiscation and, in some instances, forced labor. General corruption and complicity by government officials in trafficking-related offenses were common during the reporting period.

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. However, during the reporting period, the government demonstrated a renewed interest in combating trafficking in persons and took a number of important steps to begin addressing the crime. The government adopted a national action plan focused on awareness-raising, conducted three multi-day trainings to increase victim identification and case investigation techniques for over 200 law enforcement officials, and dedicated funding to support the trainings. Despite these initial steps, the government did not make efforts to identify or protect trafficking victims or prosecute traffickers, despite having a 2004 anti-trafficking law that prohibits all forms of trafficking and mandates provision of services to victims. 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 trafficking offenders and 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 funding to shelter and protect trafficking victims and develop a formal system to refer victims to such care; develop and implement standard operating procedures 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; and launch a nationwide anti-trafficking public awareness campaign.

## PROSECUTION

The government increased its training of officials, but did not make any other anti-trafficking law enforcement efforts during the reporting period. 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, punishments that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Between September 2015 and February 2016, the government conducted three multi-day trainings to

raise awareness about trafficking generally, as well as increase government officials' ability to identify victims and investigate cases; 215 attendees, most of whom were law enforcement officers and other government officials, participated in the trainings. The government did not maintain law enforcement statistics and did not report any investigations, prosecutions, or convictions of any suspected trafficking offenders, including government employees complicit in human trafficking offenses. General corruption and official complicity in trafficking-related offenses were common.

## PROTECTION

The government did not make efforts to protect trafficking victims and did not identify or refer any victims to protective services. Although the 2004 anti-trafficking law mandates the government 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. 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 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. The government broadcasted its anti-trafficking trainings on television and radio programs, as well as on the government's official website, in an effort to raise awareness among the general public. The government also adopted and began implementing a national action plan for 2016, with a primary focus on awareness raising. The government dedicated the entire amount of funding allocated towards national action plan implementation to the three training events. The Inter-Ministerial Commission to Combat Trafficking in Persons remained inactive. The government did not implement any programs to address forced child labor or identify any child labor victims, despite having 13 labor inspectors dedicated to documenting labor infractions. The government implemented a new regulation 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 within the sex industry. It did not undertake any discernible measures to reduce the demand for forced labor during the year. The government did not provide anti-trafficking training for its diplomatic personnel.

## ERITREA: Tier 3

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

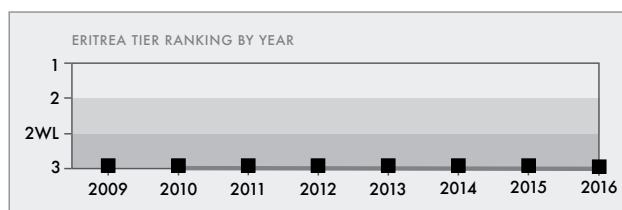
government continues to be complicit in trafficking through the implementation of national policies and mandatory programs amounting to forced labor within the country, which cause many citizens to flee the country and subsequently increases their vulnerability to trafficking abroad. Proclamation 82 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 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 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 educational camp; 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, following some round-ups, the government detains children younger than age 18 and sends them to Sawa. Reports indicate 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 overland 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 Italy, Sweden, Norway, Switzerland, 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 subjected to sex trafficking upon arrival. 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.

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. It continued to subject its nationals to forced labor in its citizen militia and compulsory national service, often for periods of indefinite duration. The government failed to investigate or prosecute any trafficking offenses or identify or protect any victims. Although the government continued to warn its citizens of the dangers of trafficking, authorities lacked understanding of the crime, 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, 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 prosecute and punish, as appropriate, those responsible; ensure children younger than 18 at Sawa school do not participate in activities that amount to military service and are not exploited in forced labor; 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 in partnership with NGOs, ensure the provision of short-term protective services to trafficking victims.

## PROSECUTION

The government did not investigate, prosecute, or convict trafficking offenders during the reporting year. Article 605 of the Eritrean Transitional 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, though article 3, sub-paragraph 17 of the 2001 labor proclamation, specifically excludes national and military service or other civic obligations from the definition of forced labor. Existing labor protections were not applicable to persons engaged in compulsory national service. Government-sponsored organizations incorporated anti-trafficking information into



regular programming, but they failed to strategically target law enforcement and military personnel. Officials continued to conflate transnational migration and human trafficking crimes. The government did not investigate, prosecute, or convict anyone, including complicit officials, for trafficking offenses.

## PROTECTION

The government demonstrated negligible efforts to identify and protect trafficking victims. During the year, officials reportedly provided limited assistance to female victims subjected to sex trafficking in Gulf States, but the specifics of these provisions were unknown; the government did not assist any other potential trafficking victims. It did not develop procedures to identify or refer trafficking victims among vulnerable groups, including Eritreans deported from countries abroad or persons forcibly removed by Eritrean security forces from neighboring countries. Eritreans fleeing the country and those deported from abroad—including some who may be trafficking victims—were vulnerable to being arrested, detained, harassed, or recalled into national service upon return. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

## PREVENTION

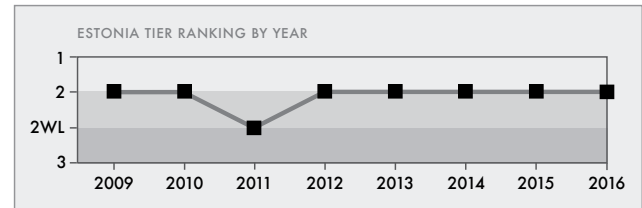
The government maintained minimal efforts to prevent trafficking. The government continued its engagement of citizens on the dangers of trafficking through awareness-raising events and poster campaigns through the Women's Association, Youth Association, and Workers' Federation; however, such efforts 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, children younger than age 18 continued to be sent to Sawa for completion of their final year of education. Officials remained without procedures 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 information on its efforts to reduce the demand for commercial sex acts or forced labor. Officials did not provide anti-trafficking training for its diplomatic personnel.

## ESTONIA: Tier 2

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, elsewhere in Europe, and in Australia, 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 Poland are subjected to labor exploitation within Estonia, particularly in the construction sector. Vietnamese nationals subjected to forced labor transit Estonia *en route* to other EU countries.

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. Estonian authorities increased the

available funding for victim services and identified a broader range of victims, including foreign citizen and child sex trafficking victims. The government, however, continued to require a police report be filed for presumed victims to receive government-funded assistance, and it ceased any such funding when criminal charges were not pursued in a given case. This requirement discouraged victims to come forward and limited the publicly funded services available to trafficking victims.



## RECOMMENDATIONS FOR ESTONIA:

Amend the Victim Support Act to remove barriers to victim identification and government-funded assistance; increase efforts to investigate, prosecute, and convict trafficking offenders 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; increase 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 maintained law enforcement efforts. Estonia prohibits all forms of both sex and labor trafficking through sections 133 and 175 of the penal code, which prescribe a maximum penalty of up to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In addition to criminalizing child sex trafficking, section 175 criminalizes influencing a child to appear as a model in the manufacture of pornographic work. Estonian police investigated four new section 133 cases in 2015, compared with five in 2014; two of these cases involved labor trafficking. Authorities also registered 63 crimes under section 175, the majority of which involved influencing children to send naked images of themselves. The government initiated one new prosecution in 2015, the same as in 2014 and 2013. Authorities also began prosecutions in 20 cases under section 175. Estonian courts convicted four traffickers under section 133 in 2015, compared to four in 2014. All four traffickers received prison sentences, which ranged from four to 10 years' imprisonment, and three were ordered to pay restitution to the victim. Estonian courts also convicted 11 individuals under section 175. The government provided a training session for 20 law enforcement officials to facilitate cooperation on forced labor cases. Authorities did not provide training to the judiciary. Estonian authorities cooperated in two 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 services. This requires victims to divulge personal, traumatizing information early in their recovery, which serves as a disincentive for victims to come forward. Once a police report is filed, the police have 10 days to meet with the prosecutor's office; if authorities decide not to pursue a criminal case, the government ceases funding the victims' care. Fewer victims have received government-sponsored assistance in the two years since this requirement was imposed in 2013. From 2012 to 2013, 43 victims received government-sponsored assistance, compared with 20 in 2014-2015. In 2015, 16 victims, 13 of whom were newly identified during the year, received government assistance; this marked an increase from the four victims receiving government assistance in 2014. Authorities identified two foreign child victims in 2015 and provided them with temporary residence permits, accommodation, and education; authorities did not identify any foreign victims in 2014. Also in 2015, authorities identified nine victims of child sex trafficking, both boys and girls.

In 2015, the social security board made approximately 86,000 euros (\$93,600) available to fund assistance to officially identified trafficking victims, an increase from 50,000 euros (\$54,400) in 2014. In addition, the Ministry of Social Affairs provided approximately 100,100 euros (\$108,900) to an NGO providing counseling services to women in prostitution, some of whom may have been sex trafficking victims. The ministry also co-financed an NGO-run project to provide rehabilitation services to women exploited in or vulnerable to sex trafficking. There were no specialized shelters for children, although child victims could reportedly stay at women's domestic violence shelters or be placed in foster care. Adult male victims had access to legal counseling and other services. Estonia's witness protection law allows trafficking victims to provide their 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. An Estonian court ordered a restitution payment of 150,000 euros (\$163,200) to a trafficking victim.

## PREVENTION

The government maintained prevention efforts. Authorities ran multiple awareness campaigns targeting schoolchildren, prospective migrant workers, and social workers, and co-sponsored a trafficking-themed regional hackathon to develop innovative technology solutions to combat trafficking. In April 2015, the government approved a 2015-2020 plan for reducing violence, which included trafficking. One objective of the plan is to amend 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 63,888 euros (\$69,500) to operate an anti-trafficking hotline; the hotline received 399 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.

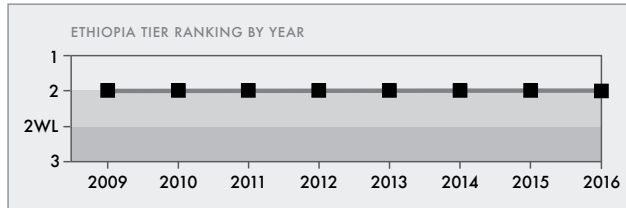
## ETHIOPIA: Tier 2

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. Girls from Ethiopia's impoverished rural areas are exploited in domestic servitude and prostitution 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 girls as young as 8 years old are exploited in prostitution. Ethiopian girls are exploited in domestic servitude and prostitution in neighboring African countries—particularly Sudan—and the Middle East. Ethiopian boys are subjected to forced labor in Djibouti as shop assistants, errand boys, domestic workers, thieves, and street beggars. Young people from Ethiopia's vast rural areas are aggressively recruited with promises of a better life and are likely targeted because of the demand for cheap labor in the Middle East; many are subsequently subjected to forced labor. Child sex tourism is a growing problem in major tourist hubs, including Addis Ababa, Bahir Dar, Hawassa, and Bishoftu; reports identify both foreign and domestic perpetrators, with links to local hotels, brokers, and taxi drivers.

Officials reported up to 1,500 Ethiopians departed daily as part of the legal migration process in search of better economic opportunities. Many young Ethiopians transit through Djibouti, Egypt, Somalia, Sudan, Kenya, and increasingly Yemen, seeking work in the Middle East; some are exploited in these transit countries. Reports continue to document the transportation of Ethiopians to South Africa, via Kenya and Tanzania, as well as large numbers of Ethiopians who have died in boat accidents crossing the Red Sea from Djibouti to Yemen, many of whom are attempting irregular migration and are vulnerable to trafficking in onward destinations. Many Ethiopian women working in domestic service in the Middle East endure severe abuse, including physical and sexual assault, denial of salary, sleep deprivation, passport confiscation, and confinement. Ethiopian women who migrate for work or after fleeing 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. Previous reports suggest 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. The Ethiopian government's 2013 ban on domestic worker employment in Gulf countries remained in effect at the end of the reporting period; irregular labor migration to the Gulf has increased. Saudi Arabia remains the primary destination for irregular migrants; reportedly, over 400,000 Ethiopians reside there, including some trafficking victims.

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. In 2015, the government enacted a comprehensive anti-trafficking law, which overhauls existing legislation to define and punish trafficking offenses and to enact measures to support victims of trafficking. It also passed a revised overseas employment proclamation, which, if fully implemented, would penalize illegal recruitment, improve oversight of overseas recruitment agencies, and extend greater protections to potential victims. During the reporting period, the government assisted in the identification of more than 3,000 trafficking victims and convicted 69 traffickers, an increase from 46 convicted during the previous year. The government sustained

its efforts to prevent and raise awareness on trafficking and trafficking-related crimes through its community conversations project. The government did not specifically address internal trafficking, including child sex trafficking, and focused largely on transnational cases. During the year, the development of income generation plans to support victim reintegration was stymied. The government continued to rely on NGOs and international organizations to provide assistance to both internal and transnational trafficking victims; however, it did provide in-kind support for such efforts.



### RECOMMENDATIONS FOR ETHIOPIA:

Continue to increase efforts to convict traffickers, including for internal cases, and compile and share trafficking statistics; improve the investigative capacity of police throughout the country to increase prosecutions of internal child trafficking offenses; implement, distribute to, and train law enforcement and judicial officials on the anti-trafficking proclamation; partner with local NGOs to improve services available to trafficking victims, including allocating funding to enable the continuous operation of either a government or NGO-run shelter; enact legislation to ensure penalization of illegal recruitment and improved oversight of overseas recruitment agencies; implement the overseas employment proclamation, assign and train labor attaches, and investigate and prosecute illicit recruiters; institute 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 ensure the protection of 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 migrant workers.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts and improved its legal structure to facilitate effective law enforcement. It continued to focus on transnational labor trafficking, with negligible evidence of investigation or prosecution of sex trafficking or internal forced labor cases. In August 2015, the Proclamation to Provide for the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants, No. 909/2015, went into effect to overhaul its existing anti-trafficking prohibitions. The 2015 proclamation broadly defines trafficking crimes consistent with international law, to include exploitation for the purpose of forced labor and sex trafficking by means of force, fraud, or coercion; with regard to children, the use of coercive or fraudulent means is not relevant. Under the proclamation, traffickers are subject to 15-25 years' imprisonment and a fine of 150,000 to 300,000 birr (\$7,000 to \$14,000), penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Aggravated trafficking offenses carry a

prison term of 25 years' to life imprisonment, in addition to a fine of 200,000 to 500,000 birr (\$9,000 to \$24,000). The government passed amendments to the Employment Exchange Services Proclamation No. 632/2009, which governs the work of licensed labor recruitment agencies, but did not fully implement it during the year.

During the reporting period, federal and regional justice officials investigated 294 trafficking cases and convicted 69 traffickers under the new anti-trafficking law, an increase from 46 convictions in 2014; 58 cases from the previous reporting period remained ongoing. A March 2015 investigation of two Ethiopian smugglers suspected of moving 38,000 Ethiopians to South Africa and the Middle East for unknown purposes, potentially including trafficking victims, remained open. Financial and capacity constraints continued to impede regional police's ability to compile data. The government partnered with civil society stakeholders and international organizations to conduct four trainings for regional justice officials and relevant government personnel on the newly passed anti-trafficking proclamation. The government paid for 27 judges and prosecutors to attend training, facilitated by an international organization, covering how to conduct victim interviews and court proceedings for trafficking cases, and provided facility space for the training of more than 140 judicial personnel on victim-centered investigative techniques and the anti-trafficking proclamation. The government did not report any investigations, prosecutions, or convictions of public officials allegedly complicit in human trafficking offenses.

### PROTECTION

The government made modest efforts to protect trafficking victims. The proclamation established a national committee, chaired by the deputy prime minister, to coordinate anti-trafficking efforts and authorized the Council of Ministers to issue implementing regulations; none have been issued to date. It continued to partner with international organizations and NGOs to provide services to victims; although it did not allocate funding for these entities, it provided some in-kind support, including shelter and security when feasible. During the reporting period, the government identified 3,163 victims of trafficking in routine partnership with international organizations and NGOs; the vast majority of these victims were intercepted before departing for South Africa and Gulf States. It remained without standard procedures for front-line responders to identify trafficking victims and refer them to care. The government provided some assistance to migrants at border crossings, including food and water, medical assistance, temporary accommodation, and transportation; the government continued to jointly operate an emergency response center in the Afar Region with international organizations. One organization in Addis Ababa identified and provided familial reunification services to more than 300 child trafficking victims, while another organization reunified more than 1,500 potential victims; the government did not provide any financial or in-kind support for these services. Many NGO-run facilities depended on project-based funding to operate, which resulted in unpredictable availability of care. 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 operated child protection units in the 10 sub-cities of Addis Ababa and six major cities; staff were trained in



assisting vulnerable children, including potential trafficking victims. While officials sometimes encouraged victims to assist in the investigation and prosecution of their traffickers, there were no protective mechanisms in place to support their active role in these processes; if fully implemented, the 2015 proclamation would extend to trafficking victims protections outlined under the Witness and Whistleblowers Protection Proclamation (No. 699/2010). Ethiopian law does not prevent the deportation of foreign victims to countries where they may face hardship or retribution. There were no reports of trafficking victims being detained, jailed, or prosecuted in 2015, although some victims may have been criminalized based on lack of standardized victim identification procedures. The 2015 proclamation provides extensive protections and rights for trafficking victims, including protection from prosecution for acts committed as a result of being subjected to trafficking. The government reported the scope of its repatriation assistance to Ethiopian nationals subjected to trafficking abroad was insufficient.

The government continued to assist Ethiopians deported from Saudi Arabia since 2013; progress on income generation programming for returnees, produced via partnerships between international organizations and the anti-trafficking taskforce, was stymied during the reporting year. Most returnees cited local government as their main source of support, including job creation and psychological care; however, many also reported disappointment in their ability to obtain expected microcredit or arable land, due to the government's low capacity and budget in this area.

## PREVENTION

The government continued efforts to prevent trafficking. In August 2015, officials approved and endorsed a five-year national action plan to combat trafficking that incorporated feedback from civil society stakeholders; however, the government did not release information on funding for its implementation. The national committee, advised by international organizations, convened seminars to guide local officials and citizens in the establishment of anti-trafficking units and disseminated the 2015 anti-trafficking proclamation. Local governments, employing community conversations as an awareness-raising mechanism, hosted and facilitated hundreds of sessions throughout the country, including in four regions where outward labor migration was common. Government-owned media companies continued to support local NGOs in broadcasting awareness campaigns on child labor in the agricultural sector in film and on radio. In contrast to the previous year, the government did not distribute informational materials outlining the causes or consequences of child labor in 2015.

The government maintained its 2013 ban on the recruitment of low-skilled domestic workers to the Middle East, which it planned to keep until the establishment of bilateral work agreements with recipient countries and the enactment of a revised employment exchange proclamation, which would allow for greater oversight of private employment agencies, mandate the placement of labor attaches in Ethiopian embassies, and establish an independent agency to identify and train migrant workers. In 2015, the government conducted over 37,500 scheduled and random labor inspections; however, it failed to suspend any licenses of agencies for labor law violations, whereas it suspended 10 in 2014. Officials made some progress on negotiating new agreements with Saudi Arabia, Lebanon, South Sudan, or the United Arab Emirates; such agreements require governments 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 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.

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 modest efforts to reduce the demand for commercial sex acts and forced labor during the reporting period. In conjunction with civil society organizations, officials identified and referred to care an unknown number of children vulnerable to sex tourism in major tourist hubs. The government provided anti-trafficking training to its diplomatic personnel as part of their basic diplomatic training. A foreign donor and facilitator provided Ethiopian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

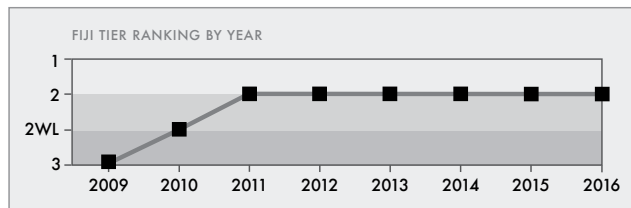
## FIJI: Tier 2

Fiji is a source country for women and children subjected to sex trafficking and forced labor and a transit and destination country for Asian men and women subjected to forced labor and forced prostitution. Fijian women and children are subjected to sex trafficking and domestic servitude abroad or in Fijian cities. Women from China, Thailand, Malaysia, and other East Asian countries are deceptively recruited for legitimate jobs in their home countries or while visiting Fiji, sometimes by Chinese criminal organizations. These women reportedly are 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. Fiji's liberal visa requirements—which allow nationals of 132 nations to enter the country without acquiring a visa—and role as a regional transportation hub may contribute to its status as a transit country for human trafficking. Workers from other Asian countries are subjected to forced labor on fishing vessels and 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 Chinese- 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.

Family members, taxi drivers, foreign tourists, businessmen, and crew on foreign fishing vessels have allegedly exploited Fijian children in prostitution. 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.

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. During the reporting period, the Fijian government assisted in the repatriation of two Fijian trafficking victims and acquired a new safe house. Authorities began investigation of five trafficking cases involving four

suspects, but did not bring any of those cases to prosecution. The government did not implement formal procedures to proactively identify victims of trafficking among vulnerable populations; some potential victims may have been deported as law violators.



### RECOMMENDATIONS FOR FIJI:

Continue efforts to investigate and prosecute trafficking offenses and convict and punish traffickers; institute additional trainings for law enforcement and immigration officers on victim identification and protection; develop and strengthen formal procedures to proactively identify trafficking victims, especially among vulnerable groups, such as foreign migrant workers on fishing vessels, those allegedly involved in prostitution, and exploited children; 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 clients of child and adult prostitution; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government made limited anti-trafficking law enforcement efforts. 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 (\$47,059), are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not prosecute or convict any suspected traffickers in 2015. The police anti-trafficking unit began investigation of five cases, an increase from two cases investigated in 2014, which remain under investigation. Two of these cases from 2015 involved forced labor of male foreign nationals and three involved sex trafficking of Fijian women and children. The government continued to fund anti-trafficking in persons training for new police recruits. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government increased efforts to identify and protect trafficking victims. The police anti-trafficking unit identified 13 potential trafficking victims, an increase from zero victims identified in 2014 and three in 2013; and officials provided modest assistance to at least nine victims during the year. Immigration officials and police reported using guidelines to identify potential trafficking victims, including at the border; however, authorities did not proactively identify victims of trafficking among vulnerable populations, such as women and girls in prostitution, foreign workers in spas, and crew members who transit through Fiji onboard vessels in Fiji ports. Instead, some potential trafficking victims may have been deported as law violators. The government continued to

deport foreign women in prostitution without screening them for vulnerability to trafficking.

The government apportioned funds to cover the operational costs of a new safe house for human trafficking victims, asylum seekers, and migrants awaiting deportation. Trafficking victims were eligible to apply for government legal aid and receive basic medical care. The government made available accommodation, medical care, interpreters, allowances for basic necessities, 24-hour police security, and temporary visas to foreign victims of trafficking; seven foreign trafficking victims used government facilities for these services during the reporting period. The government did not offer permanent residency status for foreign victims, including those who participated in criminal trials. Victims had the right to file for civil remedies, but no victims applied for these measures. The government provided financial and repatriation assistance to two Fijian trafficking victims in a third country. The government did not protect unidentified victims from punishment as a direct result of being subjected to human trafficking, such as women and children in prostitution or undocumented workers.

### PREVENTION

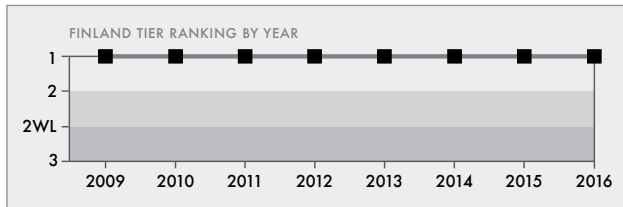
The government sustained efforts to prevent trafficking. The police anti-trafficking unit continued public awareness campaigns aimed at children and parents. The 2007 Employment Relations Promulgation gives the permanent secretary of labor the authority to fine or imprison employment agencies operating without authorization; however, the government did not make efforts to punish labor brokers involved in fraudulent recruitment offers despite known cases of such activity. The government did not make efforts to reduce the demand for commercial sex acts, forced labor, or child sex tourism. The government provided anti-trafficking training as a component of human rights training given to Fijian military personnel prior to their deployment abroad on international peacekeeping missions. The government provided anti-trafficking training to its diplomatic personnel. Fiji is not a party to the 2000 UN TIP Protocol.

## FINLAND: Tier 1

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 come from several countries, primarily in Eastern Europe and Asia. Many victims arrive in Finland legally and are exploited in the construction, restaurant, agriculture, metal, and transport industries, and as cleaners, gardeners, and domestic servants. Seasonal berry pickers, many of whom arrive from Thailand, are especially vulnerable to labor exploitation. Female sex trafficking victims originate primarily in Eastern Europe, Southeast Asia, and West Africa. Finnish women and children, mostly girls, are vulnerable to sex trafficking. In its 2015 report, GRETA highlighted forced begging and forced criminality as emerging problems.

The Government of Finland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government implemented changes to the victim assistance system clarifying how victims enter, exit, and receive services within it. Victim identification, especially of children, was inadequate; no children were admitted to the victim assistance system in 2015. The government increased the number of

investigations, prosecutions, and convictions of trafficking cases compared to the previous reporting period, although courts continued to issue weak sentences for convicted traffickers. It continued to provide training for prosecutors and law enforcement personnel and designated police officers in each region to serve as a national network of anti-trafficking experts. The national coordinator began drafting a new national anti-trafficking action plan. The government appointed a new non-discrimination ombudsman, who also served as the national rapporteur on trafficking. The national rapporteur's annual report on trafficking was discontinued; the government planned to incorporate trafficking into a broader non-discrimination report.



### RECOMMENDATIONS FOR FINLAND:

Vigorously investigate and prosecute sex and labor trafficking cases using the trafficking statute; increase the number of prosecutors, judges, and police that specialize in trafficking cases; train and encourage officials to identify potential sex and labor trafficking victims proactively, especially children, and refer them to services to which they are entitled under the law; offer all victims appropriate housing and specialized care; train investigators, police, border officials, prosecutors, labor inspectors, and judges on applying the trafficking law and respecting victims' rights; issue proportionate and dissuasive sentences to convicted traffickers; increase efforts to reduce the demand for forced labor; encourage greater victim participation in the criminal process; develop an updated national strategy against trafficking, including mechanisms to monitor its implementation; and conduct assessments on the effectiveness of awareness campaigns.

### PROSECUTION

The government increased law enforcement efforts. Law 1889-39 of the penal code prohibits all forms of trafficking and prescribes sentences of up to 10 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Amendments to the penal code clarifying the differences between trafficking and procuring offenses entered into force during the reporting period, although the government also continued to use laws against pandering, discrimination, and usury to investigate and prosecute suspected traffickers. The government reported initiating 32 investigations of trafficking cases (including at least 12 sex trafficking cases and 19 labor trafficking cases) in 2015, compared with 20 cases (15 sex trafficking and five labor) in 2014. Authorities initiated prosecution of four cases in 2015. Finnish courts convicted four traffickers (two each for labor and sex trafficking) in 2015, compared with two convictions in 2014. Courts issued sentences of 32 and 46 months' imprisonment for the sex trafficking convictions; the convicted labor traffickers were sentenced to 12 and 20 months' imprisonment. The government designated police officers in each of the 11 regions to serve as a national network of anti-trafficking experts and trainers; the designated officers met twice annually to share best practices. The government

provided annual training for prosecutors; law enforcement personnel received anti-trafficking instruction as part of their basic training, as well as continued trafficking awareness training throughout their careers. The government designated five prosecutors from different regions to handle trafficking cases. GRETA noted, however, that further specialization among law enforcement, prosecutors, and judges was needed to increase the government's capacity to investigate and prosecute trafficking offenses. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

### PROTECTION

The government demonstrated mixed progress in protection efforts. In July, amendments to the law governing the victim assistance system, which increased transparency and clarified how victims enter, exit, and receive services, entered into force. The government provided both direct care and funding for third-party care through an asylum reception center that coordinated the national victim assistance system. In 2015, the government earmarked 1 million euros (\$1.1 million) for the national assistance system. The national assistance system spent 540,000 euros (\$588,000) of that budget on trafficking victim assistance, a decline from 830,000 euros (\$903,000) in 2014 due to changes in housing and the number of victims referred to the national assistance system for services in 2015. 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 care for victims, even when law enforcement authorities did not identify a person as a trafficking victim. There were no shelters specifically for trafficking victims. The reception center maintained a hotline and a website in multiple languages exclusively for trafficking victims. One NGO reported it received increased funding from the government and the state-owned gambling monopoly for its trafficking victim services, which included social, health, and hotline services, as well as support during police interviews and training for Finnish authorities. The national victim assistance system admitted 52 potential trafficking victims (36 women, 16 men, and no children) in 2015, the majority of whom were subjected to labor exploitation, compared with 50 admissions in 2014. Authorities used a series of written guidelines to assist in victim identification and referral to care and to ensure protection of victims' rights, although law enforcement and immigration officials noted victim identification remained a core challenge for the government. There were no reports the government penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking. GRETA reported authorities may have penalized unidentified sex trafficking victims through application of legal provisions allowing suspected non-resident persons in prostitution to be deported or refused entry into Finland. During the reporting period, authorities acknowledged the surge in migrants seeking asylum throughout Europe placed additional stress on the government's capacity for victim identification despite increased staffing levels. According to GRETA, identification of child trafficking victims was especially challenging, which NGOs attributed to a lack of awareness.

The government encouraged victims to assist in the prosecution of their alleged traffickers. In 2015, 40 victims assisted law enforcement in pre-trial investigations concerning human trafficking or aggravated human trafficking, eight of whom participated in the prosecutions of alleged traffickers; 53 victims assisted in 2014. Approximately 10-15 additional victims assisted in pre-trial investigations of other trafficking-



related crimes. In January 2015, legal amendments allowing courts to conceal witnesses' identities for their protection in cases of severe criminal offenses, including trafficking, entered into force. Access to emergency shelter services was not contingent on victims' cooperation in criminal proceedings against their alleged traffickers. Finnish law allows foreign victims a six-month reflection period during which they can receive immediate care and assistance while considering whether to assist law enforcement. Authorities estimated they provided five victims with a reflection period in 2015. The government offered continuous residence permits to nine victims in particularly vulnerable positions in 2015, compared with 11 in 2014. Victims may be eligible to receive renewable temporary residence permits, allowing them to seek employment. Authorities provided temporary residence permits to two victims of trafficking. 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 laws other than those against trafficking, such as pimping, were often treated solely as witnesses rather than victims, which affected their access to residence permits.

## PREVENTION

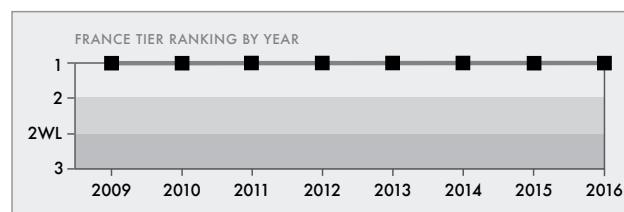
The government sustained robust prevention activities. The national anti-trafficking coordinator developed a new government-wide coordination structure that created trafficking prevention offices within each ministry. The national coordinator engaged regularly with NGOs and began work on a new national action plan for 2016-2017. Parliament adopted a resolution on the independent rapporteur's quadrennial report to Parliament calling for long-term funding and measures to improve prosecution, protection, and prevention efforts. Changes to the national rapporteur took effect in January 2015, when the office was folded into that of the newly created Non-Discrimination Ombudsman. A new ombudsman, who also was to serve as the national rapporteur on trafficking, was appointed in May. The office plans to publish an annual report on non-discrimination issues that will include trafficking; however, the office discontinued the national rapporteur's annual trafficking report. The government conducted an awareness campaign against sex trafficking that targeted vulnerable groups, including women in prostitution. GRETA reported the government did not conduct assessments to measure the effectiveness of its awareness campaigns. 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. The government assigned law enforcement personnel to its embassies to assist in trafficking prevention and potential victim identification during the visa application process. The government funded an anti-trafficking awareness campaign at a film festival in March 2016 and distributed brochures at an annual travel show to prevent sex tourism. The government did not make efforts to reduce demand for commercial sex acts or forced labor. The government provided anti-trafficking training to its forces prior to their deployment abroad on international peacekeeping missions and to its diplomatic personnel.

## FRANCE: Tier 1

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, including students and foreigners, exploited in prostitution has increased in recent years. Migrants from Africa and the Middle East, particularly women and children, are 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 20,000 people in France's commercial sex trade, about 90 percent of whom are foreign, are likely trafficking victims. Young women in French suburbs are vulnerable to sex trafficking. 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. Women and children from Suriname are victims of sex trafficking in French Guyana. 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, and Nice. In 2014, the French government launched an investigation into allegations that approximately 14 French soldiers stationed in the Central African Republic forced boy refugees to perform sex acts for money and food.

The Government of France fully meets the minimum standards for the elimination of trafficking. The government did not report anti-trafficking law enforcement efforts for the reporting period. Although it identified victims and continued to provide protective services for sex and labor trafficking victims, specialized services for children remained unavailable, and some services were only available for victims who cooperated with law enforcement. The government released its first annual public report detailing its anti-trafficking efforts and continued to partner with destination countries to address child sex tourism by French nationals.



## RECOMMENDATIONS FOR FRANCE:

As stated in France's national action plan, expand available information on law enforcement efforts against human trafficking, including data on the investigation, prosecution, conviction, and sentencing of traffickers; provide specialized care for child victims of trafficking and strengthen victim protection for child victims of forced begging and theft; provide care for all victims regardless of cooperation with law enforcement; improve victims' access to restitution; standardize residence permit issuance policies and consider waiving permit fees for

all trafficking victims; screen women and children arrested for soliciting or theft for trafficking indicators; implement a national awareness campaign; and provide anti-trafficking training or guidance to diplomats.

## PROSECUTION

The government did not report comprehensive anti-trafficking law enforcement efforts for the reporting period. France prohibits all forms of trafficking in persons through article 225-4 of its penal code, which 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 did not report the number of investigations conducted in 2015; in 2014, authorities conducted 204 criminal investigations for sex trafficking. The government did not report the number of prosecutions or convictions in 2014 or 2015; in 2013, authorities convicted 127 traffickers under article 225-4. The government also convicted 23 offenders for the prostitution of children and eight traffickers for forced begging in 2013.

The government confirmed several cases in which traffickers were sentenced to multiple years of imprisonment, including a case of a complicit official. In November 2015, the Paris criminal court sentenced 10 individuals, including a police captain, to between 18 months' to five years' imprisonment for operating a trafficking network in three massage parlors throughout Paris. The head of the network, a Thai woman, was sentenced to five years' imprisonment, fined 100,000 euros (\$114,000), and banned from French territory. In June 2015, the Inter-Regional Specialized Court of Marseille sentenced six members of a Nigerian prostitution network to two to four years' imprisonment with fines of 15,000 euros (\$17,000) each. The traffickers forced 20 Nigerian women into sex trafficking. During the reporting period, in cooperation with NGOs, the Central Office for Combating Human Trafficking (OCRTEH) trained police in identification of trafficking victims. The Ministry of Justice (MOJ) provided training to prosecutors and judges on the application of the anti-trafficking statute in March 2016.

## PROTECTION

The government maintained protection efforts. The government identified 92 trafficking victims in 2015. In 2014, the government identified 467 victims of sex trafficking and aggravated pimping. 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 51 NGO-run shelters assisting adult victims of sex and labor trafficking. Ac-Se assisted 92 trafficking victims in 2015, compared with 52 in 2014, by providing them with shelter, legal, medical, and psychological services. Eighty-seven were sex trafficking victims and five were labor trafficking victims. Seventy percent of these victims were Nigerian. The government repatriated 13 victims to multiple countries. Ac-Se received 223,000 euros (\$243,000) in 2015, compared with 205,000 euros (\$223,000) in 2014. 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 euros (\$400) as an initial stipend, and 100 euros (\$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. Child protective services placed child

trafficking victims into generalized children's shelters where there was no specialized care for victims of trafficking. The government continued to operate a hotline for children in abusive situations, including trafficking. Ac-Se operated a hotline that received an estimated 900 calls in 2015; approximately 50 callers were referred to the Ac-Se network of care providers.

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. The government also provided witness protection services for victims who worked with police to prosecute traffickers. NGOs assessed the referral process worked well when victims were willing to cooperate with law enforcement authorities; however, victims unwilling to cooperate did not receive assistance. French law provided for a 30-day reflection period for identified victims, regardless of whether they chose 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, provided they cooperated with police investigations. The permits were typically valid for one year and were renewable every six months. Victims who obtained residency were able to work or leave the country during trial proceedings. These permits were available during the duration of the criminal process and automatically became permanent upon an offender's conviction. In cases in which offenders were not convicted, local prefects had the discretion to grant permanent residence cards to victims. NGOs previously reported highly inconsistent practices among prefects in the issuance of residence permits, particularly if the victims had past convictions for prostitution. Some victims found it easier to apply for and obtain asylum, as the process involved no cost and no requirement to participate in a prosecution. Victims were eligible to receive restitution through the Crime Victims Compensation Program; the compensation request process often took several years to complete, and many victims had requests in progress; between 2007 and 2013, the fund provided compensation to 24 victims. 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 Ministry of Economy and Finance distributed pocket-sized cards to border police and NGOs with instructions on how to identify trafficking victims. The Ministry of Social Affairs and Health and the City of Paris produced a DVD for the country's law enforcement, immigration, and social services personnel to provide guidance on victim identification.

## PREVENTION

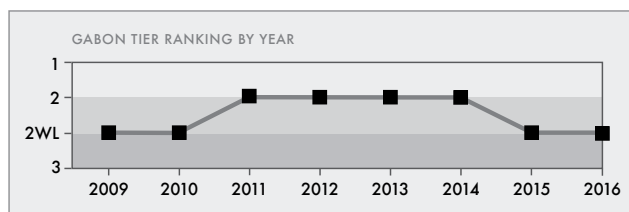
The government maintained anti-trafficking prevention efforts. The National Consultative Commission for Human Rights (CNCDDH), an independent advisory body of the government, released the first annual public report covering the government's anti-trafficking efforts in 2014 through May 2015. The government designated the CNCDDH as national rapporteur in compliance with the 2014-2016 national anti-trafficking action plan. The government did not implement a national anti-trafficking awareness campaign. However, 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. Tourism and hospitality students in France were obligated to take coursework on preventing child sex tourism. OCRTEH, in partnership with a hotel group, organized seminars to teach hotel personnel how to identify cases of trafficking and provided contact information for the local police for increased coordination. French police

conducted an unknown number of international investigations of child sex tourism. 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.

## GABON: Tier 2 Watch List

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. Some victims transit Gabon *en route* to Equatorial Guinea. 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. 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. During the reporting period, a Sao Tomean woman was subjected to domestic servitude in Gabon. 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, child victims report their families willingly gave them to intermediaries promising employment or education who instead subjected the children to trafficking. There is evidence some traffickers operate outside the capital to avoid detection by law enforcement.

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 identified an increased number of trafficking victims, initiated more prosecutions than in the previous reporting period, and established two vigilance committees to monitor child trafficking in provincial capitals. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Gabon is placed on Tier 2 Watch List for the second consecutive year. For the third consecutive year, the government did not convict any traffickers or enact a proposed amendment specifically to criminalize adult trafficking, 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 effectively, and there remained no such mechanism to coordinate national efforts to address adult trafficking.



### RECOMMENDATIONS FOR GABON:

Increase efforts to investigate, prosecute, and convict traffickers, including those involved in adult trafficking and sex trafficking,

by convening the high court; enact provisions criminalizing 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 both government-run and NGO shelters; develop an inter-ministerial committee to address adult trafficking or expand the existing inter-ministerial committee's mandate to include adult trafficking; train social workers and service providers on best practices in the provision of care for trafficking victims; increase funding and resources to government ministries to ensure full implementation of the victim identification and referral processes; increase communication among ministries to facilitate improved case management and data collection; develop a system to track trafficking cases and provide relevant law enforcement and victim protection statistics; expand national awareness-raising campaigns to include information on adult trafficking; and develop a national action plan to combat all forms of trafficking.

### PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. Existing laws do not criminalize all forms of human trafficking; for example, they do not criminalize bonded labor. Enacted in September 2004, law 09/04 on child trafficking prohibits child trafficking for both labor and sexual exploitation, and prescribes penalties of up to a maximum of 40 years' imprisonment, in addition to fines; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Penal code article 261 prohibits the procuring of a child for the purpose of prostitution and prescribes penalties of two to five years' imprisonment and a fine. Law 21/63-94 prohibits forced prostitution of adults and prescribes penalties of two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. Penal code article 48 prohibits the use of children in illegal activities, prescribing penalties of five to 10 years' imprisonment. Title 1, article 4 of the Gabonese labor code (law 3/94) criminalizes all forms of forced labor, prescribing penalties of one to six months' imprisonment, which are not sufficiently stringent and do not reflect the serious nature of the offense. For the third consecutive year, the government did not pass the 2013 draft amendment to law 09/04 to prohibit and punish the trafficking of adults and explicitly criminalize sex trafficking.

The high court is required to hear trafficking cases because they are a crime equivalent to murder; however, the high court was backlogged with cases and, due to funding issues, did not routinely meet, presenting a significant obstacle to prosecutions of trafficking crimes. The government reported 16 investigations—including one for adult forced labor—and 11 child labor trafficking prosecutions, comparable to 16 investigations and one prosecution the previous reporting period but a continued decrease from 50 investigations in 2013. The government did not convict any traffickers for the third consecutive year and did not provide or support anti-trafficking training for law enforcement officials during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Data on anti-trafficking law enforcement efforts was limited, in part due to poor communication between ministries. Despite the prevalence of transnational trafficking, the government was not known to have worked with foreign law enforcement on trafficking cases.



## PROTECTION

The government maintained modest protection efforts. Officials identified at least 20 child labor trafficking victims during the reporting period and referred 14 to social services—an increase from three victims identified and none referred to services in 2014. NGOs identified five additional child labor trafficking victims. The government provided in-kind support for a training session on trafficking case management for social workers; approximately 40 workers received training. It continued to lack shelter space to accommodate trafficking victims, however, and decreased funding, for the second consecutive year, to NGOs that provided shelter and services to victims. The government continued to fund and run two shelters, and provided an unknown amount of funding and in-kind support to two NGO-run shelters offering services to orphans and street children vulnerable to trafficking, including funding for social workers, medical support, psycho-social services, legal assistance, education, and food and furniture vouchers. Nonetheless, NGOs that assisted trafficking victims relied primarily on donations from churches and private companies to finance their services. Shelters in Libreville were unable to accommodate all identified trafficking victims and other vulnerable children. Male and female victims received the same services. There were no government or NGO-run shelters specifically designated for adult victims, but some could have, in practice, provided shelter and services to adults; it is unclear if any adults were referred to such facilities during the reporting period. Adult male victims were permitted to leave shelters unchaperoned, but adult female victims were not. Shelter and victim services were in theory available to Gabonese nationals who had been repatriated due to trafficking, but it is unknown if any such victims were referred to these services during the reporting period.

The Ministry of Health and Social Welfare assisted in the repatriation of 15 foreign victims, including one adult forced labor victim associated with the ongoing forced labor investigation. 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 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 rescue 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. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of their being subjected to trafficking; however, due to uneven implementation of formal victim identification measures during the reporting period, some victims may have remained unidentified in the law enforcement system.

## PREVENTION

The government maintained modest prevention efforts. The inter-ministerial child trafficking committee established two new vigilance committees in provincial capitals to investigate child trafficking offenses, but insufficient funding hindered the committees' ability to fulfill their mandates. An international organization funded and conducted the majority of trainings for the vigilance committees. The inter-ministerial and regional vigilance committees did not conduct any trafficking

awareness campaigns, and the government did not conduct any information campaigns to inform potential victims about available assistance or to warn potential traffickers of the legal penalties for child trafficking. The government made modest efforts to implement its 2015 action plan against child trafficking and child exploitative labor by establishing the vigilance committees and identifying and prosecuting employers engaged in exploitative child labor practices. The government did not make any discernible efforts to reduce the demand for forced labor or commercial sex acts. The government, with foreign donor support, provided anti-trafficking training to Gabonese troops prior to their deployment abroad on international peacekeeping missions. During the reporting period, there were reports a Gabonese peacekeeper deployed to the Central African Republic purchased commercial sex from underage girls exploited in sex trafficking; the government's investigation of this allegation was ongoing at the end of the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel.

## THE GAMBIA: Tier 3

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 and domestic servitude. Women, girls, and boys 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 European child sex tourists. Observers believe organized sex trafficking networks use both European and Gambian travel agencies to promote child sex tourism. Many Gambian boys attend Koranic schools led by religious teachers, known as *marabouts*; some corrupt or unscrupulous *marabouts* force such boys into begging and street vending. Gambian children have been identified as victims of forced labor in neighboring West African countries, including Ghana and Senegal. Women and girls are subjected to forced labor and sex trafficking in Middle Eastern countries, including United Arab Emirates, Kuwait, and Lebanon.

The Government of The Gambia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period, the government repatriated and provided services to nine victims subjected to trafficking abroad and continued to conduct sensitization campaigns in key border regions; however, the government did not complete any prosecutions, secure any convictions, or identify any victims within the country for the fourth consecutive year. Additionally, despite reports that government officials were complicit in trafficking offenses during the reporting period, the government did not investigate, prosecute, or convict any government officials complicit in trafficking offenses.



**RECOMMENDATIONS FOR THE GAMBIA:**

Vigorously investigate and prosecute trafficking offenses and ensure adequate sentencing for convicted trafficking offenders, including complicit government officials; train law enforcement personnel to identify trafficking victims proactively among vulnerable populations, such as boys in street vending, unattended children in tourist resorts known to be sex tourism destinations, and women in prostitution, and refer them to protective services; improve data collection and public reporting on victim identification and law enforcement efforts; develop standard procedures for referring trafficking victims to NGO care services and inform government officials and the NGO community of such procedures; undertake cooperative efforts with anti-trafficking officials from governments in the region to enable joint law enforcement efforts, and the safe repatriation of victims to and from The Gambia; and provide adequate funding and resources to the national coordinating body to ensure its effective implementation of the anti-trafficking national action plan.

**PROSECUTION**

The government demonstrated minimal anti-trafficking law enforcement efforts. The Gambia's 2007 Trafficking in Persons Act prohibits all forms of trafficking and an October 2010 amendment increased the prescribed penalties to 50 years' to life imprisonment for all forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Gambia's 2005 Children's Act also prohibits child trafficking—though it does not include forced labor in its definition of trafficking—prescribing a penalty of life imprisonment. The 2003 Tourism Offenses Act prohibits child sex trafficking, prescribing a penalty of 10 years' imprisonment. The government initiated one investigation and one prosecution for labor trafficking during the reporting period; however, the government did not secure any convictions during the reporting period. Four prosecutions initiated in the previous reporting period remained pending; three of the suspects remained at large. Sixteen law enforcement officials attended a training provided by an international organization; however, law enforcement officials generally continued to lack adequate training to investigate and prosecute trafficking offenses. 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 officers acting with impunity and corruption was a serious problem throughout the reporting period.

**PROTECTION**

The government demonstrated minimal efforts to protect trafficking victims. The government did not identify or provide services to any trafficking victims within the country during the reporting period. The government acknowledged the identification of 20 Gambian women who had been subjected to domestic servitude in Kuwait; however, the government did not repatriate or provide services for these women. The government, in collaboration with an international organization, repatriated nine women who were identified as trafficking victims in Lebanon during the previous reporting period; the government provided initial screening and psychological counseling for all nine victims and was in the process of securing victims' assistance funds to support vocational training at the close of the reporting period. 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; however, no trafficking victims were cared for in these facilities during the reporting period. The shelter offered 24-hour services to children and adults, but no victims in the shelter were allowed to leave the premises without a chaperone. The government maintained an electronic child protection database, which included information on trafficking cases, although no cases were identified in 2015. The 2007 anti-trafficking act allows foreign victims to obtain temporary residence visas for the duration of legal proceedings; the government offers no other legal alternatives to the removal of foreign trafficking victims to countries where they may face retribution or hardship. There were no reports of victims being penalized for unlawful acts committed as a result of being subjected to trafficking; however, the lack of formal identification procedures likely resulted in victims remaining unidentified in the law enforcement system.

**PREVENTION**

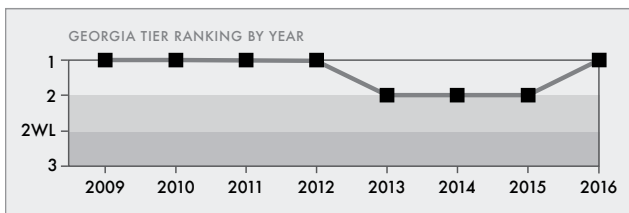
The government sustained modest prevention efforts. The National Agency Against Trafficking in Persons (NAATIP)—the coordinating body for government anti-trafficking efforts—continued to receive modest funding from the government. In consultation with NGOs, NAATIP updated the government's national action plan to apply through 2016 and began its implementation. Its officials traveled to key border posts to sensitize immigration, police, and customs officers, as well as the general public, on human trafficking and the need to report suspected cases directly to NAATIP. The government did not have effective policies to regulate foreign labor recruiters and hold them liable for fraudulent recruiting; however, the Governments of The Gambia and Lebanon began drafting a memorandum of understanding that focused on improving the regulation of labor recruiters and law enforcement cooperation; the draft was not finalized at the close of the reporting period. In collaboration with international NGOs, the Gambian tourism board continued to raise awareness about child sex trafficking within the tourism industry. Authorities continued to enforce the 2005 ban on unattended children in resort areas and the 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; however, none of these efforts led to the referral of any child trafficking victims to protective services or the apprehension of any suspected traffickers or child sex tourists. Additionally, the government did not make any efforts to decrease the demand for commercial sex acts or forced labor during the reporting period. The government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

**GEORGIA: Tier 1**

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 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, 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 internally displaced persons from these occupied territories particularly vulnerable to trafficking.

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government increased the anti-trafficking capacity of its law enforcement through funding an unprecedented number of trainings for police, prosecutors, judges, and shelter operators. The government adopted a more victim-centered approach through the inclusion of victim witness coordinators from the initial stages of investigations through the end of court proceedings. The government continued to provide comprehensive care for all identified victims and increased services available to victims, including child care for dependents of victims staying in two government-operated shelters. The government established a labor inspectorate, hired 50 full-time labor inspectors, and provided them with comprehensive training on how to identify potential cases of trafficking. However, authorities convicted fewer traffickers, identified fewer victims, and restricted labor inspectors' ability to investigate workplaces. Victim identification of children in exploitative situations on the street, including forced begging and criminality, and Georgian and foreign workers in vulnerable labor sectors remained inadequate, and the government did not conduct a study on street children or devise a strategy to address the issue.



**RECOMMENDATIONS FOR GEORGIA:**

Increase efforts to identify trafficking victims; increase efforts to investigate and prosecute suspected traffickers and convict labor and sex traffickers; conduct a comprehensive study on children living and working on the street; create integrated, interagency strategies for reducing vulnerability and countering forced begging; train law enforcement officials on interview skills and long-term case development; encourage police and prosecutors to use money laundering investigations to develop evidence, and employ expert witnesses to explain victims' behavior and experiences at trial; increase the use of plea-bargaining to motivate less serious offenders to testify and uncover larger criminal organizations, if detected; increase transparency of the inter-ministerial trafficking coordination council; and continue awareness-raising campaigns about the existence of human trafficking, legal recourse, and available protection services, targeted at vulnerable groups.

**PROSECUTION**

The government demonstrated mixed progress on law enforcement efforts. The Law on Combating Trafficking in Persons and article 143 of its 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 government maintained an anti-trafficking investigatory unit within the Tbilisi police, comprised of specifically trained investigators, and an anti-trafficking taskforce in Batumi. The government investigated 17 new cases under article 143, compared with 16 in 2014. Of these, 11 were for sex trafficking and six for labor trafficking, which included one minor, compared with 12 investigations for sex trafficking and four for labor trafficking in 2014. In addition, authorities conducted three trafficking investigations under article 171 for forced begging, compared with two investigations in 2014, and 11 cases under article 253 related to forced prostitution or pimping, compared with five in 2014. Authorities prosecuted two defendants for sex trafficking and one defendant for forced begging, compared with five for sex trafficking and none for forced begging in 2014. The government convicted three traffickers, compared with six in the previous reporting period. Two convicted traffickers received sentences of eight and 12 years' imprisonment, and one perpetrator of forced labor received a suspended jail sentence.

In September 2015, the Prosecutor General's Office (PGO) and the Ministry of Internal Affairs (MOIA) mandated the PGO's Victim-Witness Coordinators (VWCs) to meet and counsel victims during the initial stage of trafficking investigations through the end of the court proceedings. Under this mandate, MOIA investigators must now contact VWCs and allow them to speak with victims, offering counseling and apprising them of government assistance programs prior to and after being interviewed by investigators. The PGO and MOIA co-sponsored a comprehensive training program where VWCs, prosecutors, and law enforcement learned best practices from foreign counterparts. The government funded seven additional trainings for law enforcement, prosecutors, and judges, several of which focused on investigating forced labor and forced begging. Authorities collaborated with at least three foreign governments on transnational investigations. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

**PROTECTION**

The government increased efforts to protect trafficking victims but identified fewer victims. The government identified nine adult trafficking victims in 2015, compared with 17 in 2014; six victims were female sex trafficking victims, three from Uzbekistan and three from Georgia, and three were Georgian labor trafficking victims, including two males and one female. The State Fund, the central government's social welfare agency, provided all nine identified victims with protective services as well as services for one additional victim identified in the previous year. Victim identification of children in exploitative situations on the street and Georgian and foreign workers in vulnerable labor sectors remained inadequate. Civil society reported the victim referral process was well-established, demonstrating strong cooperation between law enforcement bodies and victim assistance agencies. During the reporting period, the government launched the Labor Monitoring Department and hired 25 full-time labor inspectors and another 25 labor inspector reservists to conduct unannounced inspections and look for signs of trafficking at business locations throughout Georgia. All 50 full-time inspectors and reservists received comprehensive five-day training on indicators of labor trafficking.

The government funded and operated two shelters that provided medical aid, psychological counseling, legal assistance, and



financial compensation to nine trafficking victims in the reporting period. In August, shelters began offering free daycare and child care services for trafficking victims' children. The government spent at least 271,000 lari (\$114,300) on the operation of the anti-trafficking shelters in Tbilisi and Batumi and other victim assistance programs. The government reported foreign trafficking victims were eligible for temporary, one-year residence permits; the government proactively sought and issued three residence permits for victims during the reporting period. 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 of the nine identified victims assisted law enforcement. Deportation of trafficking victims is not permitted by law.

## PREVENTION

The government increased trafficking prevention efforts. Government officials funded and participated in an increased number of television, radio, and print media programs to raise awareness of trafficking. The government organized anti-trafficking information meetings in villages and towns in nearly every region of Georgia, presenting to more than 2,500 audience members from different target groups, including primary school and university students, minorities, internally displaced persons, and journalists. In August 2015, the government funded two local NGOs 5,000 lari (\$2,100) to help raise public awareness on trafficking and the government assistance available. The government also disseminated approximately 62,000 leaflets and 5,000 brochures on various trafficking issues at border crossings, tourism information centers, metro stations, and public service halls throughout the country. The government produced a documentary on human trafficking, which was aired on the public broadcasting system. The government continued to fund an anti-trafficking hotline operated by police from the anti-trafficking division, as well as another hotline operated by the State Fund that received calls from trafficking victims. During the year the anti-trafficking hotline received calls from 138 persons and the State Fund hotline received 192 calls, which led to the identification of one victim.

The government continued to fund and partner with the EU to develop a system to support the rehabilitation and re-socialization of children living and working on the street. The government coordinated with three NGOs to operate mobile street teams comprised of social workers, psychologists, and mentors who were formerly street children. The government also partially covered operational costs for daycare facilities, 24-hour crisis intervention facilities, and long-term transition centers to assist this vulnerable population. In January 2016, the government approved legislation authorizing social workers to act as guardians when applying for identity cards on behalf of street children. This will expedite the issuance of identity cards for such children, allowing them to receive government services and assistance, including health and education services for minors, who are undocumented foreign citizens.

In April 2015, the government adopted the Law on Labor Migration, regulating the operation of labor recruitment agencies. In August 2015, the government adopted Resolution 417, which defines labor conditions for employment, including payment, and requires domestic employers hiring a foreign worker in Georgia to submit information to the Social Services Authority within 30 calendar days of hiring. In December 2015, the State Commission for Migration Issues adopted a 2010-2016 Migration Strategy and Action Plan to address human

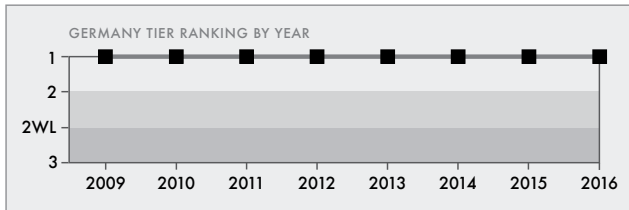
trafficking, as well as illegal migration by effectively identifying trafficking and human smuggling cases, improving criminal prosecution mechanisms, detecting and preventing potential trafficking cases in connection with illegal border crossings or visa overstays, and regularly monitoring and evaluating victim protection and rehabilitation programs. During the reporting period, law enforcement, in cooperation with third-country law enforcement, investigated 27 organizations that offered employment abroad to Georgian citizens and interviewed 105 Georgians employed outside of the country to screen for potential trafficking indicators.

The government demonstrated efforts to reduce the demand for commercial sex and forced labor. An inter-ministerial trafficking coordination council led development of new legislation and policy, including consulting NGOs, and monitored national efforts, although the council rarely made its assessments public and one international organization noted the council's lack of transparency. A number of teenage girls alleged they were sexually abused by Georgian peacekeepers in the Central African Republic; it is unclear whether trafficking crimes may have occurred. The government was investigating the allegations at the close of the reporting period. The government provided anti-trafficking training for its diplomatic personnel and its armed forces prior to deployment as peacekeepers.

## GERMANY: Tier 1

Germany is a source, transit, and destination country for women, children, and men subjected to sex and labor trafficking. Most sex trafficking victims in Germany are European, primarily Bulgarians, Romanians, and Germans. Citizens of Nigeria, other parts of Africa, Asia, and the Western Hemisphere are also subjected to sex trafficking in Germany. 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. Roma and foreign unaccompanied minors are particularly vulnerable to trafficking, including forced begging and coerced criminal behavior. In 2015, approximately 1.1 million refugees and asylum-seekers arrived in Germany, including approximately 67,000 unaccompanied minors; these individuals remain vulnerable to sex and labor trafficking. Several foreign governments reported German citizens engaged in sex tourism abroad.

The Government of Germany fully meets the minimum standards for the elimination of trafficking. The influx of migrants to the country during the reporting period placed a significant strain on government resources, including among agencies responsible for combating trafficking. Despite this challenge, the government maintained strong efforts to prosecute and convict sex traffickers, continued to identify and provide protections to sex trafficking victims, and funded various public awareness campaigns; however, weak sentences for trafficking convictions continued to undercut efforts to hold traffickers accountable, and government 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:

Increase efforts to address labor trafficking, including by revising section 233 of the criminal code, proactively identifying labor trafficking victims, and vigorously investigating, prosecuting, and convicting trafficking offenders; ensure that all trafficking offenders are punished with sentences commensurate with the severity of the crime; standardize victim assistance measures and cooperation with civil society across the 16 federal states; increase the number of victims provided services through counseling centers; expand longer-term residence permit eligibility for victims not reliant on their willingness to testify at trial; establish policies to encourage victims to self-identify, including by addressing the requirement that officials report migrants' undocumented status; 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, the former under section 232 and the latter under section 233. 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. Section 233, however, posed significant challenges for practitioners due to its complex wording and scope of application. As a result, law enforcement officials and prosecutors often pursued prosecutions for offenses that were easier to prove than coercion in labor and sex trafficking. Tracking of trafficking convictions was limited by a record-keeping system that did not record convictions as involving trafficking when an accompanying criminal charge had a higher statutory sentence than the trafficking statute. Government-reported statistics continued to reveal convicted traffickers frequently avoided imprisonment, creating potential safety problems for trafficking victims, weakening deterrence, and undercutting law enforcement efforts of police and prosecutors.

In 2014, the most recent year for which comprehensive statistics were available, state and federal authorities completed 392 sex trafficking investigations, compared with 425 in 2013. Authorities prosecuted 105 defendants for sex trafficking in 2014, compared with 118 in 2013. Courts convicted 79 sex traffickers in 2014, compared with 77 in 2013. Most convicted traffickers received lenient prison sentences that were suspended due to a provision in the criminal code allowing the suspension of assigned prison terms of less than two years, particularly for first-time offenders. Of the 79 sex traffickers convicted, only 19 were sentenced to prison, with sentences between two and 10 years. The government investigated 11 labor trafficking cases in 2014, compared with 53 in 2013; although there was a significant decrease in the number of investigations compared to 2013, the number of investigations in 2014 was comparable to recent years. Authorities prosecuted 17 alleged labor traffickers in 2014, compared with 15 in 2013. Courts convicted eight of these offenders, compared with 14 in 2013. None of the eight

convicted labor traffickers were imprisoned.

Although sex trafficking cases were frequently led by prosecutors with experience leading 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. 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. Judges were not required to take training of any kind, including on trafficking crimes and victim-centered procedures. The German Judicial Academy offered anti-trafficking training to prosecutors and judges and the Federal Criminal Police organized several specialized seminars to educate investigating officers and prosecutors on trafficking topics. Both the Federal Criminal Police 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 557 sex trafficking victims in 2014, compared with 542 in 2013; counseling centers cared for approximately 30 percent of those identified. The government registered 26 labor trafficking victims, a significant decrease from 61 in 2013. Requirements that officials inform immigration authorities of any undocumented migrants who come to their attention impaired labor trafficking victim identification and led to under-reporting of trafficking crimes. 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. Although most counseling centers offered services for labor trafficking victims, the centers were generally less experienced with labor trafficking; there was also a lack of shelter services available for male labor trafficking victims. Trade union-affiliated and migrant counseling centers coordinated with trafficking NGOs and the partially federally funded labor alliance to offer support to labor trafficking victims. The federal government provided funding to an umbrella organization responsible for NGO-run counseling centers, and many state governments provided significant supplemental funding for the support of victims.

The government offered undocumented victims a reflection period of three months to decide if they wanted to testify in court. Victims who agreed to testify were entitled to live and work in Germany for the duration of the trial. Those who testified were not entitled to stay in Germany following trials; however, victims who faced personal injury or threats to life or freedom in their countries of origin or cases of humanitarian hardship could apply for residence permits. In 2015, the government amended the residency act, which lowered eligibility requirements for residence permits, now giving those who testified or cooperated with the authorities enhanced protections from deportation and offered residency eligibility for members of the core family in certain circumstances. State interior ministries circulated instructions on the application of humanitarian residence permits for victims. Authorities encouraged victims to participate

in investigations and prosecutions of traffickers. The law under certain requirements enables victims to join criminal trials as joint plaintiffs with free legal counsel and pursue civil remedies; however, victims often had difficulty obtaining compensation in practice. The law also entitles victims to interpreters and for a third-party representative from a counseling center to accompany them to all interviews. The law permits exemption of trafficking victims from criminal prosecution for minor crimes they committed during the course of their trafficking experience; however, prosecutors anecdotally described issuing small or “suspended” fines to some victims for crimes such as narcotics possession.

## PREVENTION

The government maintained efforts to prevent trafficking. The government did not prioritize labor trafficking as highly as sex trafficking, but it 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 to new laws and directives, and collaborated with a variety of coordination bodies at the state and local levels. The new federal-state working group against labor trafficking held its first workshop in March 2016. The government, in collaboration with NGOs, co-funded and implemented various public awareness campaigns during the reporting period. The Federal Agency for Migration and Refugees conducted training on identifying victims among asylum-seekers and implemented standard operating procedures on handling and reporting suspected trafficking cases in response to the increasing number of potential trafficking victims within the asylum system. 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.

The German 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. The government continued to fund a hotline for women affected by violence, including female trafficking victims. The government did not make efforts to reduce the demand for commercial sex or forced labor. Although law enforcement collaborated with foreign officials to investigate German citizens’ participation in child sex tourism, there were no reported prosecutions of German offenders in Germany. Although the government did not provide anti-trafficking training for its diplomatic personnel, it did so for its troops prior to their deployment abroad on international peacekeeping missions.

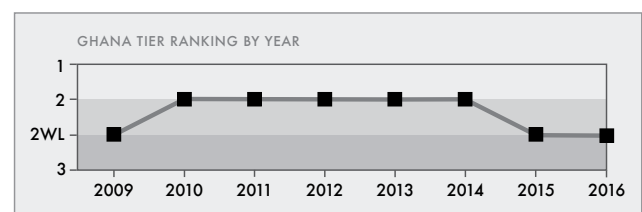
## GHANA: Tier 2 Watch List

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. Ghanaian girls, and to a lesser extent boys, are subjected to sex trafficking in Ghana. Sex trafficking is prevalent in the Volta region and is growing in the oil-producing Western Region. 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 as far south as Accra 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. Licensed and unlicensed agencies recruit young Ghanaian women for domestic service or hospitality industry jobs in Gulf countries. After their return, many of them reported being deceived, overworked, starved, abused, molested, and/or forced into prostitution. Ghanaian men were also recruited under false pretenses to go to the Middle East where they were 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. Reports increased of corruption and bribery in the judicial system, which hindered anti-trafficking measures.

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 investigated and prosecuted trafficking and trafficking-related crimes, including allegedly fraudulent labor recruiters and suspected child traffickers, conducted public awareness activities aimed at informing the public about the risks of human trafficking, and provided funding support facilitating two meetings of the Human Trafficking Management Board (HTMB). Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Ghana is placed on Tier 2 Watch List for the second consecutive year. The failure to provide adequate and timely operating funds for law enforcement and protection agencies continued to hamper the government’s anti-trafficking efforts. As a result, the government did not increase prosecution efforts or assistance to victims. While the Anti-Human Trafficking Unit (AHTU) of the Ghana Police Service (GPS) reported 238 investigations and referred 21 individuals for prosecution for trafficking-related crimes, the government reported no convictions in 2015. The government also reported identifying fewer victims overall than in the previous year. The government did not provide any funding for the human trafficking fund intended to support victim services or for maintenance or repair of its one shelter for child trafficking victims, which remained in poor condition and lacked basic security. Additionally, the government did not provide anti-trafficking training to police or attorney general’s prosecutors. While the government issued a legislative instrument to implement the human trafficking act, it included changes to punishments for trafficking offenses and allowed for application of insufficiently stringent penalties.





## RECOMMENDATIONS FOR GHANA:

Increase funding and support for police and immigration service efforts to investigate, and police and attorney general prosecutors to prosecute, trafficking offenses—especially internal labor and sex trafficking of children—and convict and punish trafficking offenders; develop and implement systematic methods of collecting and reporting data on investigations, prosecutions, victims identified, and assistance provided; develop and implement systematic procedures for law enforcement, social welfare personnel, and labor inspectors to proactively identify trafficking victims among vulnerable populations—such as women in prostitution, migrant workers, and children working in agriculture, mining, fishing, and portering—and refer them to protective services; provide government funding for the human trafficking fund; finalize and implement the national plan of action against trafficking; provide training to prosecutors and judges on the appropriate implementation of the anti-trafficking act; increase efforts to ensure attorney general prosecutors review human trafficking case dockets and lead the prosecution of human trafficking cases; provide support for government-operated shelters for children and adults and training of staff in victim care; increase efforts to regulate the activity of licensed and unlicensed recruitment agencies and investigate and prosecute agencies suspected of participating in human trafficking of Ghanaian migrant workers; and amend the anti-trafficking act legislative instrument so that it provides sufficiently stringent penalties for all trafficking offenders.

## PROSECUTION

The government reported increased investigative efforts, but decreased anti-trafficking prosecution efforts. The 2005 Human Trafficking Act—amended in 2009 to align its definition of human trafficking with the 2000 UN TIP Protocol—prohibits all forms of trafficking and prescribes penalties of five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape; however, the regulations for this act, issued in November 2015, specify that where a parent or guardian or another person with parental responsibilities and rights over a child exploits such child in trafficking in persons, the penalty is a fine or five to 10 years' imprisonment or both. Punishments that allow for fines in place of imprisonment are not sufficiently stringent to deter the crime.

The government did not keep comprehensive statistics on its anti-trafficking law enforcement efforts; thus the data provided may not reflect an accurate or complete picture of its efforts. AHTU reported conducting 238 investigations of potential trafficking crimes compared with 94 investigations in 2014; of these, 123 were reported as human trafficking investigations and 14 as investigations of recruitment agencies operating without a license. The Ghana Immigration Service (GIS) reported identifying 10 cases of suspected trafficking, which it referred to AHTU for investigation. GPS reported referring nine cases for prosecution involving 21 defendants, compared with 15 prosecutions in 2015. The government reported no convictions in 2015, compared with seven convictions in the previous year. The attorney general's department reported no trafficking prosecutions during the reporting period. While the government did not generally provide detailed information on its reported investigations and prosecutions, it provided information on two cases. One ongoing prosecution reportedly involves two defendants accused of recruiting a young Ghanaian woman who endured forced labor and sexual abuse in Kuwait. A second prosecution is related to the forced labor of a child. For the third year, AHTU did not receive operating funds and

relied on donor support for logistics, equipment, and facilities for identified victims. The GIS also reported a lack of financial support for anti-trafficking activities.

The government did not support any specialized anti-trafficking training for government officials during the reporting period; attorney general and police prosecutors remained without such training for the fifth consecutive year. New recruits in the GIS and the GPS received training on trafficking-related topics as part of their basic introductory training. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, reports of general corruption and bribery in the judicial system increased during the reporting period, further inhibiting anti-trafficking law enforcement action.

## PROTECTION

The government decreased efforts to identify and assist victims, and reported a continued lack of funds to support services for both children and adults. The government did not keep comprehensive statistics on the number of trafficking victims identified or assistance provided. The AHTU reported identifying 112 potential victims through its investigations, compared with 146 victims reported identified in 2014. With support from donors, the Department of Social Welfare (DSW) provided care for 17 child victims of trafficking in a shelter for abused children in Osu; 13 of these children were reintegrated with their families and four were reportedly released to the police. The human trafficking fund, established by the 2005 Human Trafficking Act to finance protection efforts, continued to be unfunded for the fourth consecutive year. Despite a lack of financial support for repatriating and assisting Ghanaian trafficking victims, the GIS reported facilitating the repatriation of six victims of trafficking from Kuwait and Saudi Arabia and intercepting 46 potential victims of trafficking at airports or other ports of entry. The shelter in Osu is the only government-run shelter where child victims of trafficking or other abuses may be placed; it 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 shelter staff, who rely on support from international organizations to feed, clothe, and provide care for trafficking victims. There continued to be no government-run shelter for adult victims. Numerous NGOs continue to provide shelter and care to child victims of forced labor; however, the government did not provide any support to NGOs that provided such assistance.

The government did not employ formal procedures to identify victims among vulnerable groups, such as women in prostitution or children at informal work sites, such as fishing, mining, or street vending; however, law enforcement agencies operating at the border initiated questioning to recognize indicators of trafficking. Immigration service and police officials reported they did not have the means to provide shelter or to effectively protect witnesses. 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. There were no reports victims were penalized for unlawful acts committed as a direct result of being subjected to trafficking; however, due to a lack of formal victim identification procedures, some victims may have remained unidentified in the law enforcement system.

## PREVENTION

The government increased anti-trafficking prevention efforts. The government supported two meetings during the year of HTMB, the inter-ministerial committee responsible for advising the Ministry of Gender, Children, and Social Protection (MGCSP) on anti-trafficking policy, promoting prevention efforts, and facilitating the rehabilitation and reintegration of trafficking victims. MGCSP did not receive any government funding to fulfill its mandate to conduct monitoring and evaluation, data collection, and research relating to trafficking. With support from an international organization, the government continued to review the draft national action plan on human trafficking during the reporting period. The government partnered with an international organization to conduct community-level training on child protection and the rights of children. The government also entered into a partnership with a foreign donor focused on improving its response to child trafficking and committed to increasing its resources devoted to combating this crime. In response to increasing 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, GIS, GPS, and HTMB members participated in radio and television sensitization programs to raise awareness of fraudulent recruitment agencies and the dangers of such travel. The government also made increased efforts to investigate and prosecute those allegedly responsible for fraudulent recruitment. 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.

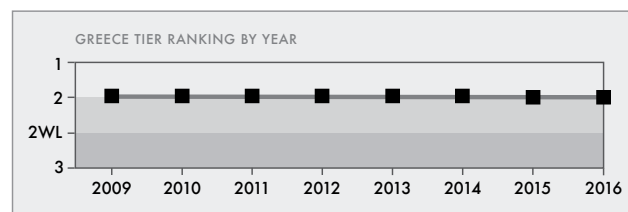
## GREECE: Tier 2

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 Greece. 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. Traffickers lure most victims through false job opportunities. 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, many countries in the EU and Southeast Europe—including Greece—experienced an unprecedented 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 862,000 migrants and asylum-seekers in 2015; some of these individuals, such as unaccompanied minors and single women, were highly vulnerable to trafficking. 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.

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. Greece's economic crisis and the influx of refugees and migrants to the country placed a significant strain on government resources, which affected its law enforcement efforts. The government prosecuted somewhat fewer suspects compared with the previous two years. Police identified fewer trafficking victims, but the government provided all identified victims assistance, unlike in 2014. The government operated or provided funding or in-kind assistance to some shelters that could assist trafficking victims; however, the government did not operate a trafficking-specific shelter. The government issued renewable residence permits to 29 trafficking victims in 2015, compared with none in 2014. In November, the government issued a joint-ministerial decision to grant six-month work permits for some third country nationals residing in Greece without a residence permit, aimed at reducing this population's vulnerability to trafficking.



## 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 training to prosecutors, judges, and law enforcement on a victim-centered approach to prosecutions; establish specialized shelters for trafficking victims and provide shelter for adult male and child victims; employ witness protection provisions already incorporated into law to further encourage victims' participation in investigations and prosecutions; draft a national action plan for combating trafficking; integrate messages targeted towards vulnerable minority populations into existing awareness campaigns; and create a national database to digitize the collation of trafficking case information from national courts.

## PROSECUTION

The government sustained law enforcement efforts on convictions, but decreased it in other areas. 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 32 human trafficking cases, six of which were for forced begging or labor, compared with 36 cases in 2014. Due to limitations in data collection capabilities, conviction information was not available from all courts, and information related to specific charges in prosecutions was available only once convictions were reached; therefore, government data could not disaggregate human trafficking trials from prosecutions of non-trafficking crimes involving sexual and labor exploitation. In 2015, the government prosecuted 117 defendants on suspicion of committing trafficking-related

crimes, a decrease from 125 in 2014 and 142 in 2013. Of these, 20 defendants were prosecuted for labor exploitation, including forced begging, and 97 defendants for sexual exploitation. Only partial data on convictions from approximately half of the courts was available, although the number of courts that reported data increased from previous years. This partial data shows that the government convicted 34 traffickers in 2015, compared with 31 in 2014. Sentences ranged from 2.5 to 32.5 years' imprisonment and fines up to 100,000 euros (\$113,000). An NGO reported one instance in which a court convicted sex traffickers under pimping laws that carried lesser penalties.

Police units focusing on human trafficking are centered in Athens and Thessaloniki; those units provide staff to other regions to assist in the investigation of trafficking cases. Severe budgetary constraints stemming from Greece's seven-year financial crisis continue to impact police efforts. Law enforcement, in cooperation with NGOs, trained police serving in seven areas considered to be sensitive, including near the border with Turkey, and in the islands most affected by the flow of migrants. The government, sometimes in cooperation with NGOs, conducted several other training programs for police, First Reception Service staff, and public and private sector legal experts, on areas including identifying and protecting unaccompanied minors, trafficking in persons sensitivity training, a victim-centered approach to combating trafficking in persons, labor trafficking, and the nexus between the asylum process and human trafficking. The government did not provide comprehensive training for judges or prosecutors on trafficking or using a victim-centered approach. Amendments to law 4128/2013 made penalties for trafficking crimes more stringent if committed by public officials in the performance of their duties, starting with a minimum of 10 years' imprisonment and fines ranging between 50,000 and 100,000 euros (\$56,000 to \$113,000). There were isolated cases of government officials allegedly complicit in trafficking crimes. In August 2015, authorities arrested a police officer for alleged participation in an illegal prostitution ring, potentially involving trafficking victims; the investigation was ongoing at the close of the reporting period. In September 2015, authorities arrested three municipal employees alleged to have accepted bribes in exchange for issuing permits for night clubs and bars where trafficking victims were exploited; the prosecution was ongoing at the close of the reporting period. Law enforcement actively cooperated with regional governments, especially in the Balkans and Southeast Europe, on specific trafficking cases and investigations.

## PROTECTION

The government increased protection efforts in some areas, but decreased it in others. Police identified 57 potential trafficking victims, compared with 64 in 2014; 34 were victims of sexual exploitation, including four children, and 23 of forced begging or labor exploitation. Seven victims were children. Twenty-six victims were from Romania; 12 from Bulgaria; five from Greece; four from Moldova; four from Ukraine; three from Albania, and one each from Bangladesh, Poland, and Russia. The government provided assistance to all 57 victims, an increase from assistance provided to 30 in 2014. The Secretariat for Gender and Equality reported 43 trafficking victims received psycho-social support, legal and employment counseling, and emergency shelter through its hotline, counseling centers, and shelters. Greece's National Center for Social Solidarity reported it assisted 14 victims, including four children, in its shelters for victims of violence. NGOs and international organizations also identified and provided services for an additional 106 potential sex or labor trafficking victims during

the reporting period. A privately funded NGO ran the only shelter exclusively for female trafficking victims. Male victims could be accommodated in short-term government shelters for asylum-seekers or homeless persons. Child victims were served in government-run shelters, NGO shelters, and facilities for unaccompanied minors, but were not housed in specialized facilities for trafficking victims. Limited government resources affected its ability to expand shelter services during the reporting period. NGOs also administered shelters funded by government and by private funding where children, including trafficking victims, are referred for shelter and support services.

The government was unable to determine how much funding was spent exclusively on victim assistance, 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. The government had cooperation agreements and memoranda of understanding in place with three NGOs receiving government funding to house, protect, and assist children in danger, including underage trafficking victims, and female victims of violence, including trafficking victims. NGOs reported good cooperation with the police generally and excellent cooperation with police anti-trafficking units during the reporting period. Although access to victim services was the same by law for both domestic and foreign trafficking victims regardless of residency status, some victims reportedly had difficulty obtaining medical care authorized for them through the law, as some health workers were unaware of victim service provisions. The government trained Greek and foreign law enforcement, immigration officers, social service workers, labor inspectors, and health workers in identifying trafficking victims through written procedures. Police had a screening process to ensure possible victims of trafficking in custody were not deported or sent to migrant detention centers. NGOs recommended that formal training should be compulsory for migrant detention center staff. NGOs and police both reported improvements in victim identification procedures; however, some NGOs assessed the government still needed to improve victim identification, particularly among irregular migrants.

The law provides witness protection to victims during trial; however, an NGO reported no trafficking victims it has served have received full witness protection privileges to date, while authorities state no requests for witness protection were made. The law 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. Foreign nationals identified by a public prosecutor as trafficking victims could be granted one-year residence permits, renewable every two years during ongoing criminal investigations. The government issued renewable residence permits to 29 trafficking victims in 2015, compared with none in 2014. No victims were detained, fined, or jailed for unlawful acts committed as a direct result of being subjected to human trafficking. Police conducted hundreds of unannounced and targeted checks of studios, brothels, and bars; inspections occurred twice a week with an average of 10 locations inspected per week and screened for trafficking indicators amongst individuals in prostitution. It is unclear whether police identified any trafficking victims in these inspections during the year.

## PREVENTION

The government increased efforts to prevent trafficking. The Office of the National Rapporteur on Human Trafficking, which is charged with coordinating anti-trafficking efforts,



established focal points at the first reception service receiving migrants, the Asylum Service, the Labor Inspectorate, and in state hospitals to identify and refer trafficking victims. The office of the national rapporteur, jointly with the Ministry of Justice, created a working group to increase coordination between law enforcement and prosecutors to combat trafficking. There was no national action plan exclusively for anti-trafficking efforts; however, during a June session of a parliamentary committee, the office of the national rapporteur submitted a joint memo for discussion on the development of a national action plan to combat trafficking. In March, the parliament speaker approved one of the office of the national rapporteur's suggestions by reinstating the parliamentary sub-committee on issues related to trafficking in persons. Article 54, Paragraph 7 of Law 4369 (Civil Administration Reform Bill) approved by Parliament February 27 provides for additional screening of local staff members contracted for temporary employment in Greek diplomatic missions overseas, including the requirement that the employee must have no previous convictions for any crime relating to sexual exploitation. The government monitors its anti-trafficking efforts and made its assessments publicly available, but ministries continued to be inconsistent in their reporting. The development of a national database for trafficking statistics remained pending during the reporting period. In October, the government organized and funded its first ever national two-day multimedia anti-trafficking awareness festival, attended by more than 3,000 people. In November, the government issued a joint-ministerial decision to grant six-month work permits for some third country nationals residing in Greece without legal residency status whose deportation orders had been temporarily revoked or revoked on humanitarian grounds. This aimed at reducing this population's vulnerability to trafficking. The government continued a public awareness campaign with a hotline targeting female victims of violence, including trafficking victims. NGOs reported a need to increase trafficking prevention efforts in border areas where Romani and Muslim minorities are concentrated, and in areas where migrant and refugee populations are concentrated. The government continued efforts to reduce the demand for commercial sex or forced labor. The government provided anti-trafficking guidance for its diplomatic personnel and manuals on identifying trafficking victims to facilitate granting visas.

## GUATEMALA: Tier 2

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. Foreign child sex tourists—predominantly from Canada, the United States, and Western Europe—and Guatemalan men exploit child sex trafficking victims. Women and children from other Latin American countries and the United States are exploited in sex trafficking in Guatemala. 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.

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 increased trafficking-related investigations, prosecutions, and convictions, and obtained one conviction for labor trafficking, compared with four in 2014. The Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) sustained government coordination on anti-trafficking initiatives, including supporting department-level networks and concrete action plans to address prevention and emergency funding for shelters, in spite of government-wide funding cuts, but the government did not allocate a dedicated budget to protect or provide specialized services for trafficking victims. Although the government slightly increased overall funding for services to child sex trafficking victims and assisted a greater overall number of victims of trafficking compared to 2014, officials reduced funding for three shelters and most identified victims did not have access to specialized services. Adult shelters restricted victims' freedom of movement, and specialized services for male victims and labor trafficking victims remained limited. Officials advanced a high-profile trafficking in persons case involving the son of a former magistrate, which has remained in the pre-trial stage for several years; an appeals court overturned the acquittal of a former city councilman complicit in trafficking by purchasing sex acts from a child; and the government expedited the case of two judges who were accused of wrongfully absolving an influential official accused of sex trafficking. The government, however, did not criminally convict any officials for complicity in trafficking.



### RECOMMENDATIONS FOR GUATEMALA:

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; strengthen implementation of the 2014-2015 protocol against trafficking; amend legislation to permit adults access to open shelters and enhance comprehensive services and witness protection; continue efforts to vigorously 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 and not as irregular adoption; 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; increase efforts to investigate, prosecute, and convict child sex tourists; and target prevention activities toward the most vulnerable populations, including indigenous communities.

## PROSECUTION

The government strengthened efforts to prosecute and convict sex and labor traffickers and, for the first time, investigated and prosecuted several public officials complicit in trafficking. The anti-trafficking law of 2009 prohibits all forms of trafficking, although it includes irregular adoption as a form of trafficking; it prescribes penalties from eight to 18 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government initiated investigations of 280 complaints of trafficking-related offenses in 2015, compared with 266 investigations in 2014, and prosecuted 105 defendants in 28 separate trafficking-related cases, compared with 62 in 2014; the majority of cases involved sex trafficking, while officials identified a limited number of cases of forced labor. These totals may also include crimes that do not meet the international definition of trafficking, such as illegal adoption. Authorities convicted 39 traffickers in 28 separate cases in 2015, compared with 20 traffickers convicted in 2014, involving 12 sex trafficking cases and one labor trafficking case, with sentences ranging from eight to 48 years' imprisonment. The government obtained its first conviction for international labor trafficking, involving Guatemalans exploited in forced labor in Jordan.

Anti-trafficking police and prosecutors' capacity to conduct investigations outside of the capital, while improved, continued to be limited by inadequate funding and training. Specialized courts continued to hear trafficking and gender-based violence cases, including a specialized 24-hour court in Guatemala City. Some members of the judiciary, especially in the interior, lacked adequate training to apply forensic evidence in prosecutions and, at times, applied trafficking sentences unevenly. Officials investigated and prosecuted few cases of forced labor or cases that did not involve organized crime elements; however, authorities investigated one case in which a routine labor inspection uncovered children subjected to forced labor in convenience stores. Officials did not identify any cases of forced criminal activity. Guatemalan officials trained 127 prosecutors and paralegals, 121 airport security officials, and 85 tourist police on trafficking indicators and identifying trafficking victims, among other topics. Guatemalan authorities also held training sessions for labor inspectors, diplomatic corps, and 17 businesses to enhance identification and prosecution efforts. Officials coordinated a law enforcement operation with El Salvador and Mexico that resulted in the arrest of 36 alleged members of a trafficking ring and rescue of 39 victims.

The government increased actions to address official complicity in trafficking crimes, but it did not convict any complicit officials. The government stripped of official immunity two judges accused of wrongfully absolving a government official of sex trafficking. Two officials were arrested for sharing law enforcement-sensitive information with organized criminal groups, including those allegedly linked to human trafficking.

## PROTECTION

The government increased efforts to identify and protect victims. The government identified 673 trafficking victims in 2015, a

significant increase from 287 victims in 2014; however, reported data did not specify the types of trafficking experienced. Of the 673 victims identified, at least 456 were women and girls, compared with a total of 106 in 2014; and 217 victims of trafficking were men and boys, including at least 174 men in forced labor, an increase from 26 in 2014. Labor officials implemented a protocol to identify potential sex and labor trafficking victims during labor inspections, and the government increased training for staff and law enforcement at sexual violence clinics in public hospitals to facilitate identification of trafficking victims. Officials, however, had difficulty recognizing domestic servitude or other types of forced labor not involving criminal networks as human trafficking; victims of these forms of trafficking were unlikely to be identified or referred to protective services. Authorities collaborated to identify and rescue at least 135 children in forced child labor in the capital.

The quality and availability of specialized victim services remained inadequate, and the government did not refer the majority of victims to assistance. Officials finalized a victim protection protocol in 2015 to guide government agencies in assisting victims, but it was not implemented during the reporting period. Guatemalan law requires that judges make all referrals to public or private shelters; in 2015, judges referred 249 victims to shelters, an increase from 132 referrals in 2014 but a little less than half of all victims identified. Most referrals to shelters involved children; only seven adult men received residential services. 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 assisted 153 trafficking victims. A government-supported NGO provided specialized services to an additional 55 children; however, this NGO reduced its available services, in part because of government funding cuts. The sole government-run shelter for women closed in December 2015, after providing services to 20 women in 2015; while in operation, staff restricted residents' movements outside the shelter, effectively denying their ability to earn an income or participate in other outside activities while in the shelter. The quality of services in remaining government-run shelters remained poor; NGO shelters provided higher quality care and had the capacity to shelter victims as long as necessary to address psycho-social, re-integration, and security needs. Nonetheless, 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-trafficking or retaliation from traffickers—particularly those whose cases involved organized crime groups or public officials. NGOs provided the only services to fill this gap, at times sheltering victims on a long-term basis. 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. There were few services available in the country for male victims; most boys and some girls were placed in a government shelter that housed child victims of abuse or neglect, as well as child offenders. Although the government had no specialized shelters for male victims, it provided temporary residential shelter to seven adult male victims of trafficking.

Authorities encouraged victims to assist the investigation and prosecution of traffickers and made options available for private testimony; an unspecified number did so with legal and psychological support from NGOs and the Public Ministry. 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 a significant impediment to pursuing prosecutions in cases involving adults. Judges may order restitution when sentencing traffickers, and victims had the right to file civil claims for compensatory damages and harm suffered as a result of being subjected to trafficking; in practice, no civil suits regarding damages for trafficking crimes were filed in 2015, compared with 10 victims obtaining restitution from criminal convictions 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.

### PREVENTION

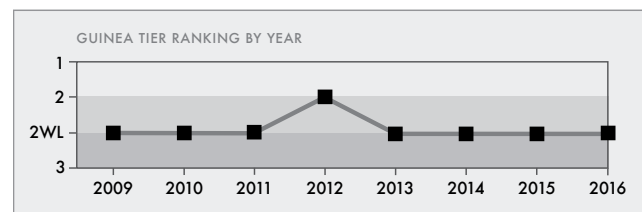
The government continued strong prevention efforts. SVET continued to oversee the interagency anti-trafficking commission and coordinate government efforts against trafficking and gender-based violence. Officials oversaw 23 departmental networks in the interior of the country, which responded to trafficking cases and conducted prevention activities; however, such network activities slowed due to 2015 budget constraints. The new general labor inspection protocol was implemented and included modules on the identification of victims of trafficking and child labor exploitation. 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. 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 17 businesses across the country, reaching a total of 2,405 individuals. The government made efforts to reduce the demand for commercial sex, investigating suspects who purchased commercial sex with children. The government made no discernible 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.

## GUINEA: Tier 2 Watch List

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. Trafficking is more prevalent among Guinean citizens than foreign migrants and more prevalent among children than adults. Girls are sometimes sent to intermediaries who subject them to domestic servitude and sex trafficking, while boys are forced to beg on the streets, work as street

vendors or shoe shiners, or labor in gold and diamond mines. Some 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 or to Senegal where corrupt *marabouts* subject students to forced begging in Koranic schools. Children from villages in the Upper Guinea region 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 false pretenses of providing an education, but instead exploit them in forced begging in Senegalese Koranic schools or forced labor in Senegalese, Malian, and other West African gold mines. 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 as domestic servants and possibly in sex trafficking. Guinean women and girls are subjected to domestic servitude and sex trafficking in various West African, European, and Middle Eastern countries, as well as the United States. Guinean boys are exploited in prostitution in the Netherlands. Thai, Chinese, and Vietnamese women are subjected to forced prostitution in Guinea. Due to the lack of research on trafficking in Guinea, the full extent of the problem remains unknown.

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Law enforcement officials identified 48 potential trafficking victims and arrested seven suspected traffickers in one investigation. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Guinea is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Guinea was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government did not initiate any prosecutions of and there were no convictions for trafficking offenses, nor did the government provide adequate resources or anti-trafficking training to law enforcement and judiciary officials. The government relied on NGOs to provide victim services and did not take any tangible action to prevent trafficking.



### RECOMMENDATIONS FOR GUINEA:

Intensify efforts to investigate, prosecute, and convict suspected traffickers, including allegedly complicit officials, and ensure adequate sentencing; develop systematic procedures for victim identification and subsequent referral to protective services; train police, border officials, labor inspectors, and magistrates on such procedures, as well as case investigation techniques; enact legislation to increase prescribed penalties for forced prostitution and criminalize debt bondage; regularly convene the national anti-trafficking committee (CNLTP) and provide it with sufficient resources, including an operational budget, to effectively fulfill its mandate; enhance collaboration and information-sharing among government agencies involved



in combating human trafficking; strengthen partnerships with NGOs and international organizations to improve victim referral procedures, expand victim care, and provide increased financial or in-kind support; implement the national action plan to combat trafficking in persons; establish a shelter specifically for trafficking victims; and increase efforts to raise public awareness about trafficking, including adult trafficking.

## PROSECUTION

The government maintained minimal law enforcement efforts. Guinean law does not prohibit all forms of trafficking; for example, debt bondage is not criminalized. Article 330 of the 2012 penal code prohibits forced prostitution and prescribes penalties of two to five years' imprisonment; these penalties are sufficiently stringent but not commensurate with penalties prescribed for other serious crimes, such as rape. Article 337 of the 2012 penal code prohibits individuals from entering into agreements to deprive third parties of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any proceeds from the crime. Articles 385-396 of the 2009 child code prohibit all forms of child trafficking and prescribe penalties of five 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. These penalties are not, however, commonly imposed in practice, because article 49 of the criminal code generally authorizes judges, if they find "mitigating" circumstances, to reduce imprisonment to less than 16 days and a nominal fine, or even simply a maximum fine of two million Guinean francs (\$250). The government, with help from an international organization, drafted a law in 2012 to provide NGOs with the ability to become plaintiffs on behalf of victims and exempt them from the prosecution fees normally charged by the judiciary; the draft law remained pending for the third consecutive year.

Following its interception in January 2016 of a caravan of 48 children allegedly destined for forced begging in Senegalese Koranic schools, the government arrested and initiated a judicial investigation against seven suspected traffickers traveling with the children. The alleged traffickers remained in jail awaiting formal charges at the end of the reporting period. The government did not report any prosecutions or convictions for trafficking offenses in 2015—a decrease from four prosecutions and three convictions achieved the previous reporting period. Officials from the Office for the Protection of Gender, Children, and Morals (OPROGEM), the division of the Guinean police responsible for investigating human trafficking and child labor, investigated a case of local children forced to serve as porters at a bus station but ultimately did not pursue trafficking or any other charges. The government did not provide anti-trafficking training for its law enforcement personnel during the reporting period, nor did it provide in-kind support for such training provided by an NGO. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, general corruption remained an issue among judiciary and law enforcement officials and was believed to be especially prominent among labor inspectors, customs directors, and heads of police stations.

## PROTECTION

The government demonstrated minimal efforts to protect trafficking victims. The government identified 48 potential trafficking victims but did not provide any victim services during

the reporting period; furthermore, it did not provide funding or in-kind support to NGOs that assisted victims. In one instance, local authorities asked an NGO for reimbursement for food the authorities had provided to the suspected trafficking victims before the NGO began to provide victim care. Due to a lack of resources and miscommunication between government agencies, the 48 suspected child trafficking victims were housed at a local prison for two days—where they may have been in close contact with their accused traffickers—before they were transferred to a youth hall. The government referred child victims on an *ad hoc* basis to NGOs, where most victims were placed; however, due to the Ebola outbreak and the economic crisis, many NGO safe houses were in the process of closing. Some OPROGEM officials brought child victims to their private homes until space became available in NGO shelters. OPROGEM received irregular funding, did not have an operational budget, and often relied on donations or support from international organizations; limited resources and the lack of trained personnel severely reduced its efficacy and operational capacity. Articles 392-396 of the child protection code mandate 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 implemented during the reporting period.

Although legally available, the government did not provide temporary or permanent residency to any victims from countries where they would face hardship or retribution, as the government did not identify any such victims during the reporting period. There was no evidence the government encouraged trafficking victims to participate in the investigations or prosecutions of their traffickers; reports indicated victims—or victims' parents in cases involving children—were reluctant to file claims against trafficking offenders due to limited access to justice, a lack of confidence in the justice system, corruption, and potential threats of reprisal. 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 a lack of formal victim identification procedures, some unidentified victims may have been penalized for such crimes.

## PREVENTION

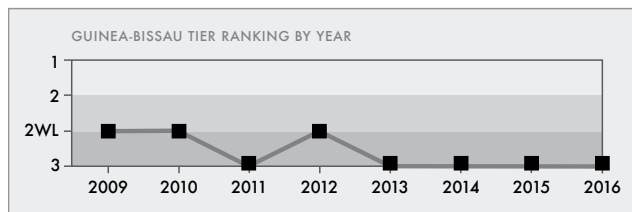
The government demonstrated minimal efforts to prevent trafficking. The CNLTP, with financial assistance from the office of the president, drafted and finalized an anti-trafficking national action plan that focuses on victim assistance and prevention efforts. The CNLTP continued to lack an operational budget, which severely hindered its effectiveness in overseeing national anti-trafficking efforts, but it did meet several times throughout the reporting period. The government did not conduct any trafficking awareness campaigns. The government has policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, yet OPROGEM lacked the resources and trained personnel necessary to oversee the policies' successful implementation. The government did not take any tangible steps to reduce the demand for forced labor or commercial sex acts. It did not provide anti-trafficking training for its diplomatic personnel or peacekeeping troops prior to their deployment abroad.

## GUINEA-BISSAU: Tier 3

Guinea-Bissau is a source country for children subjected to forced labor and sex trafficking. The extent to which adults

are subjected to forced labor or forced prostitution is unclear. Many Bissau-Guinean boys attend Koranic schools led by religious teachers known as *marabouts*; some corrupt *marabouts* force such boys into begging in Guinea-Bissau. Some *marabouts* subsequently transport the boys to Senegal or, to a lesser extent, Mali or Guinea, for forced begging. Unscrupulous *marabouts* increasingly exploit Bissau-Guinean boys from rural areas in forced begging in cities. The principal traffickers are men from the regions of Bafata and Gabu—often former students of the *marabouts*, known as *talibes*, or men who claim to be working for a *marabout*—who are generally well-known within the communities in which they operate. Bissau-Guinean boys are subjected to forced labor in street vending in Guinea-Bissau and in manual labor in the agricultural and mining sectors in Senegal. Bissau-Guinean girls are subjected to forced labor in street vending and domestic servitude in Guinea and Senegal; a smaller number may be victims of child sex trafficking in these countries. There are unconfirmed reports Europeans engaged in child sex tourism on islands in the Bijagos Archipelago.

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. In August 2015, the president dismissed the government after a little more than one year in office; a two-month gap with no government followed, and a second government assumed power in October 2015. Despite enacting an anti-trafficking law and adopting a national action plan in 2011, the government failed to demonstrate any notable anti-trafficking efforts for a fourth consecutive year. It did not take law enforcement action against suspected trafficking offenses, provide adequate protection to trafficking victims, conduct prevention activities, or implement its national action plan in 2015.



### RECOMMENDATIONS FOR GUINEA-BISSAU:

Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including unscrupulous *marabouts* who subject boys to forced begging in Koranic schools; provide anti-trafficking training to law enforcement, labor, and social welfare officials on victim identification, referral, and case investigation techniques; train judicial personnel on the 2011 anti-trafficking law; develop formal written procedures to identify and refer victims to protective services and train officials on such procedures; provide shelter and services for all trafficking victims; reconvene the inter-ministerial anti-trafficking committee and allocate specific funds for the implementation of the national action plan; increase funding allocated to NGOs to ensure provision of adequate services to all victims; make efforts to raise public awareness of human trafficking; and improve data collection efforts, including the number of victims identified and referred to protective services.

### PROSECUTION

The government failed to demonstrate any notable 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 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, however, did not use these or other existing laws to prosecute trafficking cases during the reporting period. In March 2015, the judicial police commenced an investigation of potential child labor trafficking; the police did not further advance the case. During the reporting period, an NGO intercepted 22 children at the Senegalese border allegedly en route to Koranic schools for forced begging; law enforcement did not launch an investigation or make any arrests. Guinea-Bissau's judicial system lacked sufficient human and physical capital to function properly, and corruption remained pervasive. The government did not provide any specialized training to law enforcement officials on investigating or prosecuting trafficking crimes. It did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Observers reported some police and border guards might have accepted bribes from traffickers, hindering law enforcement efforts during the reporting period.

### PROTECTION

The government made inadequate efforts to identify and protect victims, although it provided modest financial assistance to one NGO that provided services to trafficking victims. The government did not provide any statistics on the number of victims identified during the reporting period. An NGO identified and provided services to 43 Bissau-Guinean children in its transit centers in 2015, including the 22 children intercepted at the border, though it is unclear if any were victims of trafficking. A Senegalese NGO identified 86 Bissau-Guinean boys allegedly subjected to forced begging in Koranic schools. There is no evidence the government assisted with their repatriation or provided victim services. The government did not make systematic efforts to identify victims proactively. Although it occasionally referred victims to NGOs and international organizations, it continued to rely entirely on these entities to provide all victim assistance. During the reporting period, the government contributed five million West African CFA francs (\$8,290) to an NGO that operated two multipurpose shelters that provided care to an unknown number of victims. These facilities were severely overcrowded and underfunded; some shelter volunteers used their own homes to house victims temporarily. Shelter was only available for child victims, and there were no services to address trafficking victimization in particular. While the government did not initiate any investigations of trafficking offenses during the reporting period, officials would not ordinarily make efforts to encourage victims, adult family members, or neighbors to participate in legal proceedings against suspected traffickers. The government did not provide legal alternatives to removal to countries in which victims would face hardship or retribution. There was no evidence the government detained, fined, or jailed trafficking victims for unlawful acts committed as a result of being subjected to trafficking.

### PREVENTION

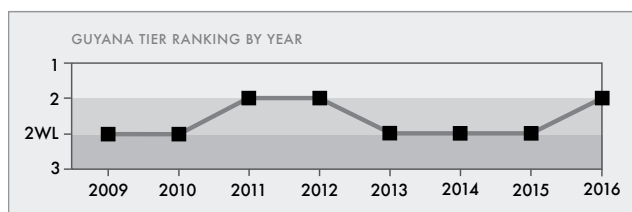
The government did not make any tangible efforts to prevent trafficking. The government's inter-ministerial anti-trafficking committee, established in 2009 to coordinate the government's anti-trafficking efforts, did not meet. The anti-trafficking national action plan, adopted by a previous government in 2011, requires the government to allocate funds annually from its general budget for anti-trafficking efforts; however, with the

exception of the funds allocated to the aforementioned NGO, no additional funds were dedicated to anti-trafficking efforts in 2015. There was no evidence the government took steps to implement the national action plan. The government made no discernible efforts to reduce the demand for commercial sex acts or forced labor during the reporting period. There were unconfirmed reports Europeans engaged in child sex tourism on the Bijagos Archipelago. Despite these unconfirmed reports, the government did not take action to investigate the claims. The government did not provide anti-trafficking training for its diplomatic personnel.

## GUYANA: Tier 2

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.

The Government of Guyana does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted one trafficker, imposed a three-year prison sentence, and required her to pay the victim restitution—the first time restitution has been ordered for a trafficking offender in Guyana. The government also provided 600,000 Guyanese dollars (GYD) (\$2,970) to an NGO-run shelter dedicated to trafficking victims—the first shelter of its kind in Guyana—to enhance the shelter's psycho-social services for victims. The government further increased collaboration with anti-trafficking NGOs by instituting procedures to refer victims to the shelter and including a leading anti-trafficking NGO on its inter-ministerial anti-trafficking taskforce. However, it did not allocate additional personnel to the severely understaffed anti-trafficking unit to facilitate trafficking investigations, nor did it increase protection and services for victims outside the capital or participating in investigations against their traffickers. The government continued to prosecute and punish suspected trafficking victims for crimes committed as a result of being subjected to trafficking.



### RECOMMENDATIONS FOR GUYANA:

Continue to vigorously investigate and prosecute sex and labor trafficking cases and hold convicted traffickers accountable—including complicit officials—by imposing sentences that are

commensurate with the severity of the crime, denying bail, and ordering restitution, where appropriate; finalize and issue written procedures to guide and encourage front-line officials—including police, health, immigration, labor, mining, and forestry personnel—to identify and protect victims of forced labor and sex trafficking; train law enforcement, judiciary officials, and front-line responders—especially those working outside the capital—on victim identification, referral to services, and victim-centered investigations; allocate additional staff to the inter-ministerial anti-trafficking unit and provide sufficient funding and resources for it to investigate trafficking in the mining sector and conduct awareness campaigns; provide additional protection for victims to enable them to appear in court and testify against traffickers in a way that does not further endanger them; increase funding for NGOs that identify and assist victims; take efforts to ensure victims are not summarily deported without the opportunity to assist in a trial against their traffickers and that they are not penalized for crimes committed as a result of being subjected to trafficking; open and adequately fund the proposed shelter for male trafficking victims; develop child-sensitive investigation measures and court procedures that protect the privacy of children and minimize their re-traumatization; regularly convene the inter-ministerial taskforce and finalize and implement the 2016-2017 national action plan; offer increased protection and assistance for victims near mining communities outside the capital; and continue to raise awareness of trafficking among civil society.

### PROSECUTION

The government modestly 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 government reported investigating 15 trafficking cases involving 56 victims, including 16 children, which resulted in seven prosecutions and one sex trafficking conviction, compared with seven investigations, four prosecutions, and one conviction the previous reporting period. The defendant in the 2015 conviction was sentenced to three years' imprisonment and, unlike defendants convicted in previous years, was denied post-conviction bail and required to pay restitution to the victim. At least one of the defendants in an ongoing prosecution was released on bail pending the outcome of her trial. In response to calls received by the trafficking hotline, government officials conducted raids on mining and logging areas outside of the capital. It is unclear if authorities removed any victims from exploitative situations or initiated any trafficking investigations as a result of these raids. During the previous reporting period, a police officer was convicted of child sex trafficking and sentenced to four years' imprisonment but granted bail pending appeal; his appeal remained pending at the end of the reporting period. Media reports indicated a brothel owner was tipped off by a law enforcement official in advance of a police raid and tried to clear four trafficking victims from her establishment to avoid detection by law enforcement. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking. Law enforcement lacked training on victim identification, referral, and trafficking investigations, and the government did not directly train these officials or provide in-kind support for such training.

### PROTECTION

The government increased protection efforts but victim assistance



remained insufficient, especially in areas outside the capital and for male victims, and the government continued to penalize some suspected trafficking victims. It is unclear how many of the 56 identified trafficking victims were identified by the government and how many by NGOs; the government identified 16 victims during the previous reporting period. In January 2016, the government signed a memorandum of understanding with an anti-trafficking NGO and provided 600,000 GYD (\$2,970) to the NGO for the provision of enhanced psycho-social services to adult, female trafficking victims referred by the government. This is the first Guyanese shelter dedicated solely to trafficking victims. The shelter provided short-term shelter, psycho-social services, and career guidance to two victims during the reporting period. Prior to the memorandum of understanding, the government also provided 10 million GYD (\$49,500) to another NGO that provided housing and counseling services to victims of crimes, including 17 trafficking victims referred by the government. There were no public or private shelters dedicated to male or child trafficking victims; however, the government announced plans to open and partially fund a shelter for male victims. Child trafficking victims were placed in government-run shelters with child victims of other crimes. Male victims were offered voluntary placement in homeless shelters. Resources devoted to victim protection remained inadequate; authorities did not consistently refer trafficking victims to services; and shelter and services for victims outside the capital, including in mining areas, remained nonexistent. One victim reported sleeping on the floor of a police station because shelter and services were unavailable. Longer-term shelter and protection were not available in Guyana, and reports indicated some identified victims were subjected to additional trafficking after identification or became homeless due to inadequate protective services. Donor-funded organizations continued to provide some victim services, including in dangerous areas outside of the capital.

The government continued to develop standard operating procedures to guide officials in identifying trafficking victims, but the procedures remained informal and were not widely implemented during the reporting period. As a result, victims did not always receive proper care or referrals to services. Government officials continued to work with NGOs to develop child-sensitive investigation and prosecution procedures; the lack of such procedures put children at risk of reprisal from traffickers. In one case, government officials identified two girls as labor trafficking victims in a bar and, disregarding protocol, returned the girls to their mother, whom the girls had identified as their trafficker.

The government did not effectively encourage victims to assist in the investigation and prosecution of their traffickers. Victims often did not testify in court, as officials failed to locate and inform them of court dates. Victims also did not testify when they had no transportation to court or could not afford residency in Guyana in the months before their court date. 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. However, the government did not report extending deportation relief to foreign victims during the reporting period and in June deported 11 potential trafficking victims, six charged with illegal entry into Guyana, and five charged with overstaying their time in Guyana. The victims were discovered during a raid and were not properly screened for indicators of trafficking. These factors generally contributed to the relatively low conviction rate for trafficking crimes.

## PREVENTION

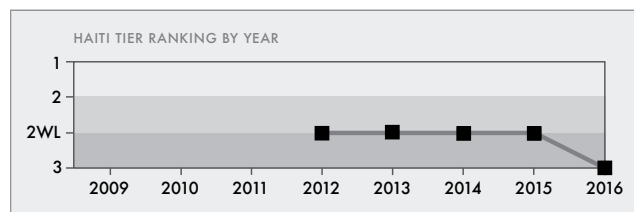
The government maintained efforts to prevent trafficking. Guyana's newly elected government reformed the anti-trafficking inter-ministerial taskforce in January 2016; before the reformation, however, the taskforce was inactive for eight months and did not make efforts to implement the 2014-2015 national action plan. Like previous taskforces, the reconstituted taskforce included representatives from several government agencies and NGOs but, for the first time, also included the lead anti-trafficking NGO in Guyana. The government drafted but did not finalize an action plan to combat trafficking. It conducted a variety of awareness-raising activities, including campaigns to sensitize civilians and law enforcement in 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 or forced labor. While the government significantly increased its number of labor inspections, the number of labor trafficking investigations did not significantly increase. The government did not provide anti-trafficking training for its diplomatic personnel.

## HAITI: Tier 3

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 may be kept from school. A significant number of children flee employers' homes or abusive families and become street children. 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. Female foreign nationals, particularly citizens of the Dominican Republic, are particularly vulnerable to sex trafficking and forced labor in Haiti. Other vulnerable populations include Haitian children working in construction, agriculture, fisheries, domestic work, and street vending in Haiti and the Dominican Republic; women and children living in camps for internally displaced persons set up as a result of the 2010 earthquake; members of female-headed or other single-parent families; children in private and NGO-sponsored residential care centers; and Haitians without documentation, including those returning from the Dominican Republic or The Bahamas. 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.

The Government of Haiti 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. Having been placed on Tier 2 Watch List in the preceding four years, Haiti is not making significant efforts to meet the minimum standards and is therefore placed on Tier 3. In December 2015, the government inaugurated the inter-ministerial anti-trafficking committee. The government also finalized its action plan, and investigated and prosecuted trafficking cases during the reporting period. However, the systemic weaknesses of the justice system in disposing of cases and the lack of funding for, and coordination among, government agencies impair efforts to prosecute traffickers. The government's interagency effort to formalize victim identification and referral guidelines, like other priorities,

gained little momentum due to the protracted political impasse over the scheduling of Haiti's elections.



## RECOMMENDATIONS FOR HAITI:

Vigorously investigate, prosecute, convict, and sentence traffickers, including those responsible for domestic servitude and child sex trafficking; resource and implement the new national anti-trafficking action plan; increase funding for trafficking victim assistance, including by working with the donor community to develop long-term, sustainable funding mechanisms for trafficking victim service providers; train police, prosecutors, and judges on trafficking; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of victims to appropriate shelters and services; implement measures to address the vulnerabilities that lead to child domestic servitude, including protecting child victims of neglect, abuse, and violence; to counteract tolerance of child domestic servitude, educate the Haitian public about children's rights to education and freedom from slavery; and draft and enact a child protection law with special protections for child trafficking victims.

## PROSECUTION

The government sustained minimal anti-trafficking law enforcement efforts and did not secure any trafficking convictions during the reporting period. The 2014 anti-trafficking law (No. CL/2014-0010) prohibits all forms of human trafficking and prescribes penalties of seven to 15 years' imprisonment and a fine ranging from 200,000 to 1,500,000 gourdes (\$4,500 to \$32,000). The law criminalizes sex trafficking, forced labor, and intentional retention of identification documents or passports for the purpose of committing trafficking-related offenses. The law 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, among others. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

During the reporting period, the government continued investigations and prosecutions of two previously reported cases. Authorities also initiated four new investigations and prosecutions—one potential sex trafficking case, two potential forced labor cases, and one potential sex and labor trafficking case—as compared to the last reporting period in which the government reported four investigations and two prosecutions. The Haitian Magistrate's School collaborated with two U.S. government-funded organizations to develop a training curriculum on the anti-trafficking law and provided a venue for the training. Approximately 100 officials from the central directorate of judicial police, the Haitian Police Minors' Protection Brigade, the social welfare agency, judges, prosecutors, and victim assistance groups participated in a two-day seminar to discuss the 2014 anti-trafficking law and its implementation. 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 national anti-trafficking commission began drafting a proposal to the Ministry of Justice to create a specialized anti-trafficking law enforcement unit in the department of Hinche.

## PROTECTION

The government sustained minimal efforts to identify and assist trafficking victims. While the government did not systematically track data regarding trafficking victim identification, it reported identification of two potential trafficking victims; one Dominican child and one Haitian child. The government continued to provide assistance to a total of 97 child trafficking victims in 2015, including 17 potential victims identified in 2014. In 2015, Haitian officials removed some children, including some trafficking victims, from vulnerable situations and referred or placed them in appropriate care. One government shelter assisted at least 43 children, at least some of whom were child trafficking victims referred by the social welfare agency. Haitian authorities worked with an international organization to identify and assist hundreds of Haitian child domestic workers in exploitative situations.

The 2014 anti-trafficking law tasks the national anti-trafficking commission to develop standard operating procedures to guide officials in the identification and rehabilitation of trafficking victims; requires the government to provide protection and medical, psychological, and social services to trafficking victims; and creates a government-regulated fund to assist trafficking victims. NGO or international partners who came into contact with trafficking victims made ad hoc referrals directly to police or social welfare officials for assistance and case management. Social welfare officials worked with international and local NGO partners to assess the scope of care needed by the child victims and found organizations to provide that care, including medical and counseling services, family tracing services, pre-return assessments, family sensitization, and economic empowerment opportunities. The Haitian government operated two of the country's 776 care centers focused on reducing the number of children living on the streets of the capital.

The government did not provide any specific services for adult or foreign victims. While the government did not provide detailed information on the amount it spent on victim protection, its funding remained insufficient to cover the basic protection needs of trafficking victims throughout Haiti. 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. Authorities worked closely with the U.S. Coast Guard to receive deported migrants, screening unaccompanied children and facilitating 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, authorities have not used these provisions. The law also protects victims from liability for crimes committed while under the control of actual perpetrators of trafficking offenses as defined in the 2014 trafficking law, but there was no information regarding whether victims were in fact protected from such prosecutions by this law.

## PREVENTION

The government sustained efforts to prevent trafficking. The Haitian president inaugurated a 12-member inter-ministerial

commission to combat trafficking in December 2015; however, the commission's lack of a budget slowed its efforts to implement the 2015-2017 national anti-trafficking action plan. In December, the Ministry of Labor and Social Affairs and an international organization jointly issued a report on children in domestic servitude, which found one in four children do not live with their biological parents and 207,000 children under age 15 are engaged in working more than 14 hours a week and, thus, have been significantly delayed in completing school. 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. With foreign government funding, the government continued a series of radio spots on the 2014 anti-trafficking law, trafficking indicators, and sanctions for traffickers. The government managed a social services hotline, and authorities conducted 52 investigations stemming from hotline calls, including four for potential trafficking.

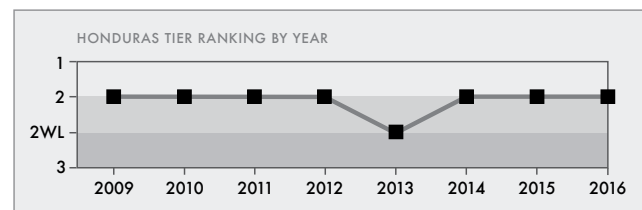
Following the Government of the Dominican Republic's June 15, 2015 deadline for registration of migrant workers in that country, the Haitian government coordinated efforts with international organizations and NGOs to receive Haitian expellees. However, dysfunction of the Haitian civil registry system and weak consular capacity to provide identity documents leaves many Haitians at risk of remaining undocumented in the Dominican Republic and subject to deportation—recognized risk factors for vulnerability to trafficking. At the border, the government worked with NGOs to assess the needs of children crossing the border and permitted children accompanied by an adult to cross from Haiti into the Dominican Republic only after verifying that the adult had legal authority to take the child out of Haiti. Officials acknowledged traffickers were more likely to use unofficial border crossing points. The government continued a partnership with community representatives to monitor night clubs for sexual exploitation and met with officials in the geographic administrative department of Hinche to explain the anti-trafficking law and its consequences. 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 did not use these provisions to hold purchasers accountable and did not report efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel.

## HONDURAS: Tier 2

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 agriculture, street vending, domestic service, and the informal sector in Honduras, and forced labor in other countries, particularly in 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. NGOs and the media report that criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten young males in urban areas 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 being subjected to sex trafficking on the streets of large cities, particularly the economic center 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 in sex trafficking and forced labor. During the year, there were reports 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 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.

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. Authorities prosecuted and convicted more sex traffickers, but there were no investigations or prosecutions for suspected cases of forced labor or the recruitment of children for forced criminal activity. For the second year, the government provided a budget to its interagency, multi-stakeholder commission on child trafficking and commercial sexual exploitation (CICESCT), and it developed a national action plan for 2016-2020. The government's "immediate response team" strengthened referral to services for female child sex trafficking victims, but services for other populations remained limited and there were reports that the government re-victimized adult victims by ordering restrictions on their communication and movement while compelled to reside in an NGO shelter. The government did not develop guidelines to identify trafficking victims among vulnerable populations. Authorities demonstrated progress in addressing trafficking-related complicity by convicting one police officer and one military official for purchasing sex acts from child trafficking victims.



### RECOMMENDATIONS FOR HONDURAS:

Increase efforts to prosecute trafficking offenses and to convict and sentence traffickers, including for crimes involving forced labor, sex trafficking of adults, and forced criminal activity of children; develop and implement formal procedures to identify victims among vulnerable populations and refer them to service providers; increase the identification and assistance of adult victims, forced labor victims, and children forced to commit crimes, including among repatriated Hondurans; continue to strengthen victim referral mechanisms and provide specialized



services and shelter to all victims, including through increased funding to government entities or civil society organizations; ensure adult victims are not detained in shelter facilities against their will; develop policies and train officials to protect both child and adult victims from re-victimization in the criminal justice system; sustain efforts to prosecute and convict public officials for complicity in trafficking offenses; enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement; increase training and resources for the dedicated anti-trafficking police and prosecutorial units, as well as staff on the “immediate response” team; amend the anti-trafficking law to include a definition of human trafficking consistent with international law; and implement the national action plan for 2016-2020.

## PROSECUTION

The government continued law enforcement efforts to combat child sex trafficking and made progress in holding complicit officials accountable, but efforts to investigate and prosecute other forms of trafficking were negligible. 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. The law is inconsistent with international law in that it conflates human trafficking with other crimes, such as illegal adoption, and establishes the use of force, deceit, or intimidation as an aggravating factor, rather than an essential element, of most trafficking crimes. Civil society organizations reported concerns that traffickers were often prosecuted for lesser crimes with lower penalties, such as pimping. Authorities reported investigating 18 cases of suspected trafficking and initiating prosecution of 24 suspects in nine cases for sex trafficking. It convicted 13 traffickers in 10 cases—some of which had been opened in previous years; this is an increase from four prosecutions and no convictions in the previous reporting period. Convicted offenders received sentences ranging from 10 to 15 years’ imprisonment. One convicted trafficker is believed to have been the leader of a sex trafficking ring that catered to “clients” in the police and military, who also provided the criminal operation with protection against investigation. In the same case, two public officials—one police officer and one army lieutenant colonel—were convicted for purchasing commercial sex acts from trafficking victims and sentenced to five years and four years and six months in prison, respectively. These convictions demonstrated progress in addressing impunity for trafficking-related complicity. Despite evidence of force or coercion used by gangs to compel children and adults to engage in illicit activities, authorities did not investigate or prosecute any such crimes as human trafficking. Furthermore, the government did not investigate or prosecute any suspected cases of forced labor. A lack of adequate human and material resources limited the effectiveness of investigators and prosecutors, and funding was insufficient to address the magnitude of the problem. Authorities cooperated on trafficking investigations with officials from INTERPOL, Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and the United States. NGOs funded by international donors continued to deliver most of the anti-trafficking training available to government officials, often with support from the government’s anti-trafficking commission.

## PROTECTION

Overall government efforts to identify, refer, and assist trafficking

victims remained inadequate and authorities remained largely dependent on NGOs to fund and provide services. While immigration officials, border police, and the CICESCT “immediate response team” had victim identification tools, Honduran authorities lacked systematic procedures to identify trafficking victims among vulnerable populations, such as people in prostitution or working children. The immediate response team, which included a full-time coordinator and a trained psychologist, worked with government ministries and civil society organizations to coordinate immediate victims’ services—including food, shelter, and health screenings—as well as referrals to longer-term support services. This team provided support to 28 sex trafficking victims, including 14 women and 14 girls; three victims were Nicaraguan and one was Salvadoran, while the others were Honduran. The government did not identify any forced labor victims, male victims, or LGBTI victims in Honduras. It is unknown how many victims NGOs identified and assisted in 2015. The foreign ministry assisted 31 victims of sex and labor trafficking through Honduran missions in Belize, Guatemala, and Mexico; these included three men and three girls, while the age and gender of the others was not specified. Only one of these victims was referred to the immediate response team for assistance. Of the 59 victims identified within the country and abroad, 41 were reunited with their families and received limited long-term support, four were housed in shelters, three foreign victims were repatriated to their home countries, and 11 Honduran victims remained in other countries. Honduran consular officers in Mexico helped 10 Honduran victims obtain humanitarian visas to remain in Mexico. The immediate response team operated a dedicated helpline for responding to cases of trafficking and staff of the government’s new 911 system received training on how to manage trafficking cases.

There were limited services available for victims, and services for adults or children identified outside the capital were particularly lacking. Civil society organizations continued to fund and provide the majority of services for victims. During the year, the government created a new mechanism to provide trafficking victims greater access to existing social services, though the impact of this initiative was not clear. The government continued to provide a small grant of 371,460 lempiras (\$17,000) 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 that had neither the capacity nor the specialized resources to provide appropriate care for these victims. There were reports during the year that government officials ordered restrictions on the communication and movement of adult victims housed in NGO shelters. There were few long-term support or reintegration services available for victims, leaving them 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, but procedures for referral to follow-up services were insufficient to ensure that all identified victims received such care. 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, caused many 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, due to the lack of a formal mechanism to screen vulnerable populations, some unidentified victims may have been punished for such crimes. Officials acknowledged that

children forced to engage in criminal activities by criminal groups were not properly identified and thus treated as criminals instead of victims. NGOs noted that the criminal justice system often re-victimized both child and adult victims due to the lack of sensitivity of some officials, lack of protective services, and restriction on movement imposed on adult victims. The government enabled some child victims to provide testimony via videoconference or pre-recorded interviews, but the necessary equipment was not always operational. Honduran law allows foreign victims to receive temporary and permanent residency status, including the ability to work; one victim remained in the country in 2015 and applied for long-term residency and a work permit with assistance from the government.

## PREVENTION

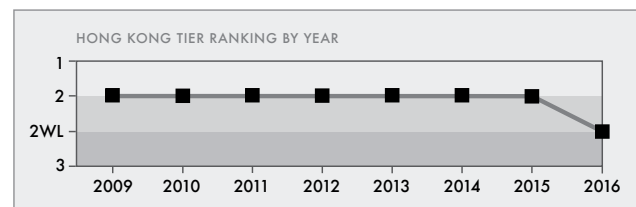
The government sustained its strengthened prevention efforts. The interagency commission on child trafficking and commercial sexual exploitation, which included civil society, coordinated the government's efforts; although overall funding remained insufficient, the government distributed 2,354,173 lempiras (\$107,000) and provided office space for the commission. The commission increased the number of interagency committees to coordinate efforts at the local level to 19, up from 10 in 2014. With both government and donor funding, authorities organized and participated in activities to raise awareness about the dangers of trafficking, including through television and the distribution of printed materials. The government provided training and materials to members of the local interagency committees and conducted awareness-raising sessions in schools and other public institutions. The interagency, multi-stakeholder commission conducted a series of stakeholder meetings in early 2016 and drafted a 2016-2022 national action plan to guide the government's anti-trafficking activities, but the plan had not been adopted by the close of the reporting period. The government did not make efforts to punish labor recruiters for illegal practices that increase migrants' vulnerability to exploitation abroad, though in September 2015 it published an official decree requiring job placement companies to charge fees to employers and not employees. The government convicted three individuals, including two public officials, for purchasing sex acts from trafficking victims. Authorities conducted campaigns to raise awareness of child sex tourism among members of the tourist sector and local officials. The government provided anti-trafficking training for its diplomatic personnel.

## HONG KONG: Tier 2 Watch List

The Hong Kong Special Administrative Region of the People's Republic of China is primarily a destination, transit, and to a much lesser extent, a source territory for men, women, and children subjected to sex trafficking and forced labor. 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 340,000 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. 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. 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. An NGO report released in 2016 estimated that as many as one in six foreign domestic workers are victims of labor exploitation. 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 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Hong Kong is placed on Tier 2 Watch List. Authorities' investigations and prosecutions for labor trafficking were inadequate for the scale of the problem, and there were no convictions for labor trafficking in 2015 because there remains no specific criminal offense related to the crime. Hong Kong's laws do not prohibit all forms of trafficking and authorities continued to define human trafficking as the trans-border movement of people for prostitution, inconsistent with the 2000 UN TIP Protocol. While the government convicted eight traffickers during the reporting period, sentences were incommensurate with the gravity of the crime, with three perpetrators sentenced to seven months' imprisonment or less. The government did not appropriately penalize employment agencies that perpetuated labor trafficking via debt bondage. Labor tribunals lacked sufficient translation services, did not provide the right to counsel, and often had judges inexperienced with forced labor cases. Some trafficking victims may have been punished for crimes committed as a direct result of being subjected to trafficking. The government continued to fund partially six NGO-run shelters and three government-owned and -operated shelters for victims of abuse and trafficking, and identified 16 trafficking victims during the reporting period. It continued distribution of anti-trafficking information pamphlets to foreign domestic workers, law enforcement training, and cooperation with the consulates of labor-sending countries.



## RECOMMENDATIONS FOR HONG KONG:

Enact a comprehensive anti-trafficking law that prohibits all forms of trafficking in accordance with the definitions set forth in the 2000 UN TIP Protocol; 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 available services; vigorously prosecute suspected labor traffickers and recruiters, especially those who exploit foreign domestic workers; penalize employment agencies that charge excessive fees; do not penalize victims for crimes committed as a result of being subjected to trafficking; increase protective services for vulnerable populations, such as foreign domestic workers and women in prostitution; make labor tribunals more effective through improved translation services, the right to counsel, and anti-trafficking training for judges; grant foreign victims permission to work and study while participating in judicial proceedings against their traffickers; adopt an action plan to combat trafficking and commit resources to its implementation; provide legal alternatives to foreign victims who may face hardship or retribution in their home countries; and educate law enforcement, government officials, and the public on trafficking definitions aligned with international standards.

## PROSECUTION

The government maintained limited anti-trafficking law enforcement efforts. Hong Kong laws do not criminalize forced labor and authorities continued to define trafficking as the trans-border movement of people for prostitution; this definition is inconsistent with the 2000 UN TIP Protocol definition of human trafficking. Section 129 of the crimes ordinance, which prohibits “trafficking in persons to or from Hong Kong,” requires an element of transnationality given its focus on the movement of persons into or out of Hong Kong for prostitution, and it does not require the use of force, fraud, or coercion. 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. 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. There was no parallel change in the criminal laws, however, and labor trafficking investigations and prosecutions remained low (two cases) in 2015 compared with the scope of the problem. There were no convictions for forced labor in 2015.

In 2015, the government investigated and prosecuted six alleged trafficking cases, compared with four trafficking investigations and one prosecution in 2014. Three cases involved sex trafficking of 11 Thai women, in which five defendants were convicted of managing a vice operation and sentenced to between four and 22 months’ imprisonment and seven additional defendants are pending sentencing. Two cases of foreign domestic workers forced to work in mainland China by their employers remained pending. The government sentenced three traffickers to 28-30 months’ imprisonment for conspiracy to obtain by deception services of three victims transiting Hong Kong on fraudulent documents. A high profile case—filed by an alleged victim of forced labor who stated that he received no assistance from the government—set in motion a judicial review of the government’s human trafficking laws, which remains in progress. 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 evidence of abuse. While victims could go to labor tribunals to attempt to claim back wages, poor translation services, the lack of a right to counsel, the inability to work while awaiting a decision, and judges’ inexperience with forced labor cases typically led victims to abandon attempts at restitution. In 2015, authorities trained approximately 400 front-line police officers

on trafficking victim identification and more than 500 new immigration trainees on trafficking and victim identification, among other training activities. Hong Kong authorities did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government maintained limited efforts to protect victims and their frequent penalization discouraged victims from self-identifying, seeking assistance, or leaving employment where they suffered exploitation. In 2015, authorities identified 16 trafficking victims, a decrease from 26 in 2014. The government continued to partially fund six NGO-run shelters and three government-owned and -operated shelters that serve victims of abuse, exploitation, and trafficking. Although the government reported screening 7,133 foreign workers and 3,573 persons arrested for prostitution for signs of exploitation and trafficking during the reporting period, it only identified 16 trafficking victims. Potential victims, some of whom were arrested and charged with crimes, were considered for protective services in consultation with the Department of Justice on a case-by-case basis. NGOs and victims reported the government sometimes charged victims with crimes committed as a direct result of being subjected to human trafficking and that victims often pled guilty to these charges to facilitate expeditious deportation. Officials reported having a policy in place to encourage victims to participate in the investigation and prosecution of traffickers, but they did not allow victims to work while participating in trials that were sometimes lengthy, which deterred victims from cooperating with authorities. As a result, many victims opted to repatriate immediately or were deported. In 2015, immigration officials issued 1,824 visa extensions to former foreign domestic workers involved in ongoing legal proceedings in Hong Kong, but it was unclear how many of these cases involved labor exploitation. Hong Kong does not allow for permanent residency status for cases in which repatriation may constitute a risk of hardship or retribution in the victim’s home country.

## PREVENTION

The government sustained modest efforts to prevent trafficking. An interdepartmental working group led by the security bureau has been in place since 2010. The government began drafting a national action plan to combat trafficking in 2013, but it has not announced the publication, formal adoption, or implementation of the plan. Authorities continued to distribute anti-trafficking pamphlets in five languages and information packets to foreign domestic workers at the airport, six information kiosks, through their consulates, and in Filipino and Indonesian language newspaper advertisements. These information packages describe foreign domestic workers’ rights and their employers’ obligations under the law, and provide contact information for relevant government offices for assistance. NGOs report these packets are sometimes seized by employment agencies or employers. Authorities also conducted publicity campaigns using radio, newspaper, and leaflets to remind employers of their legal obligations to their domestic workers. Labor officials conducted inspections of approximately 1,300 employment agencies, roughly the same number as in 2014. Following inspections, 12 agencies were convicted for various offenses, five licenses were revoked, and investigations were opened into other agencies. NGOs reported employment agencies that violated regulations faced penalties that were too lenient and continued to operate either without a license or under the guise of new ownership. The government made some efforts to reduce the demand for



commercial sex through school sex education programs and reported efforts to reduce the demand for forced labor through raising awareness of proper treatment of domestic workers. It reported no efforts to prevent or combat child sex tourism of Hong Kong residents in mainland China or other foreign countries. The government did not provide anti-trafficking training to its personnel posted overseas.

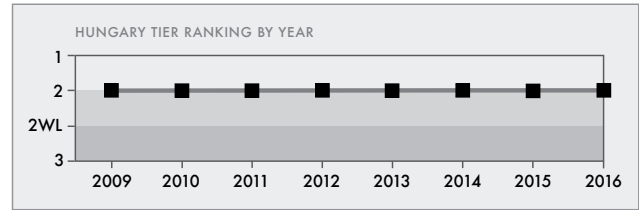
## HUNGARY: Tier 2

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, Roma, unaccompanied asylum-seekers, 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, Belgium, Germany, Austria, Switzerland, and the United Kingdom. Hungarians, particularly Romani women and girls from eastern Hungary and from state care institutions, are exploited in sex trafficking in large numbers in Belgium by Hungarians also of Romani 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. Hungarian men and women are subjected to forced labor domestically and abroad, including in the United Kingdom, the Netherlands, other European countries, and North America. 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.

During the reporting period, international organizations and government officials reported the dramatic rise in migrants and refugees arriving predominantly from Syria, Afghanistan, and Kosovo. These individuals were highly vulnerable to trafficking. International organizations reported a high prevalence of trafficking indicators amongst migrants in Hungary; however, the formal mechanisms set to screen migrants for trafficking indicators failed to identify any such cases.

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. Authorities increased law enforcement efforts against human trafficking, although data on these efforts was unreliable and efforts to address sex and labor trafficking of children have remained weak for several years in a row. Despite increased efforts, including funding for NGOs providing services for victims, increased funding for shelters, and new victim protection legislation, government protection efforts were insufficient. Specialized services for child victims did not exist and law enforcement arrested children exploited in prostitution, including sentencing nine children to imprisonment despite their being subjected to trafficking. Shortcomings in security and services at state care institutions for children remained widespread, resulting in high vulnerability

of children under state protection during and after their time in these facilities.



### RECOMMENDATIONS FOR HUNGARY:

Screen all individuals in prostitution for trafficking indicators and ensure neither adults nor children are punished for crimes committed as a result of trafficking, including prostitution; take steps to prevent trafficking among 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 law enforcement efforts to investigate, prosecute, and convict the perpetrators of all forms of trafficking; 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; increase funding for and provision of specialized victim services and provide consistent funding to NGOs to offer victim care; enhance the collection and reporting of reliable law enforcement and victim protection data; and 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.

### PROSECUTION

The government increased law enforcement efforts against human trafficking, although data on these efforts was unreliable and efforts to address sex and labor trafficking of children appeared to remain 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 making force, the threat of force, or fraud 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 but does not include the necessary purposes of exploitation, as defined by international law. 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 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.

Law enforcement data remained unreliable, making it difficult to assess efforts. In 2015 police initiated 62 trafficking investigations, including 28 for forced labor, seven for forced begging, two for sex trafficking, and 25 for unspecified trafficking, compared with 10 forced labor investigations and 10 other trafficking investigations started in 2014. Officials prosecuted 18 individuals, including at least one for forced labor, compared with 18 individuals prosecuted in 2014. The government did not report how many investigations or prosecutions, if any, involved child sex trafficking. Courts convicted 22 traffickers in 2015, compared with 10 sex traffickers convicted in 2014. Sentences

ranged from no jail time or suspended sentences to six years' imprisonment. The government did not provide information on the specific type of trafficking crimes committed aside from forced labor. National police investigated transnational trafficking cases, and local police investigated internal cases; NGOs criticized local police for lack of sensitivity toward trafficking cases. Observers raised concerns that law enforcement regularly underreported trafficking offenses. Although the 2012 criminal code eliminated the previous requirement to provide evidence of a commercial transaction for a victim, judges continued to seek this evidence. Prosecutors appeared reluctant to press trafficking charges and chose lesser crimes instead, which were easier to prove in court, but often resulted in suspended sentences, permitted traffickers to commit a serious crime with impunity, endangered the victims they exploited, diminished the deterrence effect, and prevented policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime.

Anti-trafficking experts reported police categorized children between the ages of 14 and 18 as "youth" instead of children and treated them as criminals instead of victims, particularly in cases of child sex trafficking. Experts also reported police generally failed to investigate 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. Authorities provided anti-trafficking training to some government officials, particularly police and prosecutors. Officials coordinated with other European governments on anti-trafficking investigations and extradited 30 individuals accused of trafficking to other European countries.

## PROTECTION

The government's protection efforts remained insufficient, as specialized services for child victims did not exist and law enforcement arrested children exploited in prostitution, including sentencing nine children to imprisonment despite their being subjected to sex trafficking. The government did not demonstrate adequate efforts to identify victims among vulnerable populations, such as children exploited in prostitution or adults and children living in government-run institutions. 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. The Victim Assistance Service of the Office of Justice identified eight victims, including one child, compared with 20 total victims in 2014. The National Crisis Management and Information Service reported 27 victims, including four men, 13 women, and 10 children. NGOs reported identifying 25 trafficking victims—19 female victims, four male victims, and two transgender victims. Two government-funded shelters provided care for 62 victims, including 33 adult women, seven adult men, and 22 dependent children accompanying adult victims.

In November 2015, Parliament amended legislation that introduced new victim protection services, including psychological and emotional support in courtrooms; a requirement to provide victims with more information during criminal proceedings; the opportunity for each sex trafficking victim to be questioned by an individual of his or her gender; and closed hearings. Victims may ask their perpetrator not to be present in the courtroom and officials must alert victims prior to the release of their traffickers from custody. NGOs noted a lack of trained staff, funding, and available services, particularly

for long-term needs such as reintegration. The government was required by law to provide victim assistance and state compensation to victims exploited within Hungary. Authorities provided victims financial support, psychological services, legal assistance, and referral to a shelter. The government increased the funding to 19 million forints (\$67,600) for two NGO-run family shelters in 2015 that could reserve a total of 16 beds for trafficking victims for a renewable 90-day period; the government provided 16 million forints in 2014. Victims generally were not allowed to leave the shelters unless accompanied by a chaperone. Authorities provided two million forints (\$7,300) to an NGO for anti-trafficking efforts, including support for its shelters providing services to victims. Although the Office of Justice issued a protocol in 2015 for victim support professionals outlining specific guidelines for assisting child victims, the government did not implement specialized services for child trafficking victims. Child victims could receive general care through the child protection system, but experts reported this system did not have sufficient staff or resources to provide tailored care, leaving victims vulnerable to re-trafficking.

During the reporting period, authorities fined five adult sex trafficking victims for prostitution violations. Furthermore, authorities penalized 101 children, including 100 girls and one boy, for prostitution offenses despite being sex trafficking victims; 30 received a fine, and courts sentenced nine to imprisonment. Experts criticized the government's lack of harmonized guidelines on protective services for victims, noting the referral system was ineffective. Inadequate government protection for victims who testified against traffickers was a concern; one child victim and one adult victim participated in the witness protection program. 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 while legal proceedings against their traffickers were ongoing. State compensation was available to indigent victims of crime who met specific criteria, including trafficking victims, but authorities did not report how many trafficking victims received this compensation in 2015.

## PREVENTION

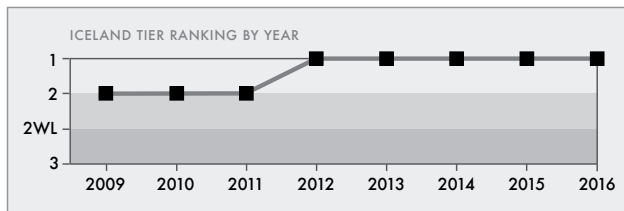
The government sustained its prevention efforts. The government had an anti-trafficking coordinator who chaired the national coordination mechanism, an entity including government actors and civil society organizations. The government had a 2013-2016 anti-trafficking national strategy with specific instructions for implementation. Experts reported interagency coordination remained uneven. Authorities continued multiple awareness campaigns on human trafficking targeted at teenagers, which reached an estimated 125,000 primary and secondary school students. In August, the Ministry of Interior organized an event to raise awareness at an annual music festival for the fourth consecutive year; the campaign reached 1,376 people through questionnaires on trafficking. Authorities reported no efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

## ICELAND: Tier 1

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, West Africa,

and Brazil are subjected to sex trafficking, often in nightclubs and bars. Men and women from Africa, Eastern Europe, South America, and South and East Asia are subjected to forced labor in construction, tourism, restaurants, fish factories, and as au pairs in private houses. 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, sometimes through forced marriage; NGOs report 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.

The Government of Iceland fully meets the minimum standards for the elimination of trafficking. The government increased investigations of suspected trafficking and identified more victims. However, for the third consecutive year there were no prosecutions or convictions of suspected traffickers. The government worked with NGOs to publish and distribute updates to its victim identification, assistance, and referral procedures, focusing educational efforts on professionals likely to come into contact with potential victims. Unlike the previous reporting period, several victims identified in 2015 cooperated with law enforcement efforts. The government maintained prevention efforts by holding 11 awareness-raising sessions across the country for officials and professionals on identifying and referring victims.



### RECOMMENDATIONS FOR ICELAND:

Significantly increase efforts to prosecute and convict traffickers; increase training for all investigators, prosecutors, and judges on detecting and prosecuting trafficking crimes; prioritize building trust between law enforcement and victims and provide protection and adequate 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 and 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 provide adequate funding to law enforcement for implementation of the national anti-trafficking action plan.

### PROSECUTION

The government demonstrated mixed anti-trafficking law enforcement efforts, due in part to inadequate funding and resources. Article 227a of the criminal code prohibits 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 initiated 23 trafficking investigations during the reporting period, an increase from 11 investigations in 2014; of these investigations, 14 were for suspected labor trafficking, three for sex trafficking, and six were undetermined. However, as in 2013 and 2014, the government did not prosecute or convict any traffickers. The police college curriculum included instruction on victim identification and investigation of trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Police authorities conducted cooperative international investigations on two suspected trafficking cases during the year.

### PROTECTION

The government strengthened victim identification and referral procedures, and increased victim identification efforts. The government identified at least 29 potential trafficking victims in 2015, an increase from 11 in 2014, and certified 10 as trafficking victims: three male (one of whom was a minor) and five female victims of forced labor (of which one adult man and one woman had been subjected to forced labor through forced marriages), and a woman and a minor male subjected to an unidentified form of trafficking. Police were unable to confirm the form of trafficking from the testimony of either victim, but suspected both were sex trafficking victims. Authorities referred all 10 of these to care facilities for assistance, but only three of the women and the minor believed to have been subjected to child sex trafficking accepted housing at shelters. There are currently no shelter services available for adult male victims. Government-funded NGOs identified and assisted one additional potential trafficking victim. In December 2014, the government signed a 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 2016 state budget allocated 70.6 million krona (\$573,000) to the shelter, compared with 65.1 million krona (\$528,000) for 2015. The Welfare Ministry provided the shelter with an additional 200,000 krona (\$1600) 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 Ministry of Welfare reimbursed the municipalities for all associated expenses; in 2015, the government refunded 12.5 million krona (\$102,000) to municipal governments for expenses related to “foreign citizens in distress,” which may have included trafficking victims. The government allocated 71 million krona (\$576,000) in the 2016 state budget to a separate NGO offering psychological services to victims, compared with 65.5 million krona (\$532,000) in 2015. Iceland remained without specialized care for male victims, who 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 work 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 used a pocket checklist to identify potential victims and inform them of available services. NGOs stated these procedures worked effectively to identify and provide resources to suspected victims. Witness protection for trafficking victims was not mandated by law, but the government provided it in practice. Three victims identified in 2015 agreed to cooperate with law enforcement in the investigation of their cases, but no cases went to court during the reporting period; many victims declined to participate in the investigations due to fear of retaliation by traffickers. An NGO reported most victims of forced marriage, which may involve forced labor or sex trafficking crimes, do not contact police or press charges due to fear of traffickers and because cases can be hard to prove. Victims could file civil suits against traffickers or seek restitution from the government, but no victims did so. Any foreign trafficking victims could obtain a six-month residence permit. 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 did not issue any such temporary residence permits to victims in 2015. In early 2016, two Sri Lankan female labor trafficking victims living in a shelter left the country because they were legally unable to acquire work permits; the government provided them only 5,200 krona (\$42) per week in financial assistance and denied them 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 government continued to implement its 2013-2016 national action plan and allocated 10 million krona (\$81,000) in the 2016 budget to do so. The steering group responsible for overseeing implementation of the national action plan met monthly, established a temporary taskforce to focus on education and awareness raising, and improved law enforcement data collection and assessment of human trafficking. Its education team held 11 sessions for civil professionals across the country on victim identification and referral. Approximately 1,000 government and municipal specialists in law enforcement, welfare services, healthcare services, labor, and education attended these and 17 sessions held in 2014. In December 2015, the government signed a four-year anti-trafficking agreement with the Icelandic Red Cross that specified establishing a hotline for trafficking victims to access assistance and resources, training of legal professionals with assistance from international organizations, efforts to raise trafficking awareness within general Icelandic society, and increased cooperation between agencies and organizations involved in combating trafficking. The government demonstrated efforts to reduce the demand for commercial sex acts by monitoring and working with social media sites to reduce online advertisement of prostitution, but did not make efforts to reduce the demand for forced labor. The government included anti-trafficking language in its code of conduct for diplomatic personnel, but provided no trafficking-specific training.

## INDIA: Tier 2

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. The majority 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 for sex trafficking or forced labor, including domestic servitude.

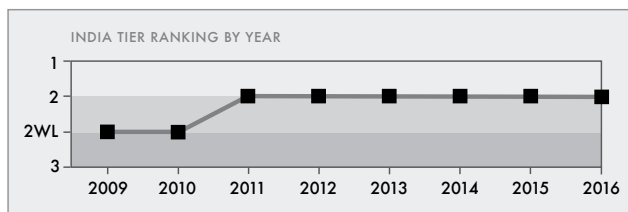
In addition to bonded labor, some children are subjected to forced labor as factory and agricultural workers, domestic servants, and beggars. Begging ringleaders sometimes maim children to earn more money. Some NGOs and media report girls are sold and forced to conceive and deliver babies for sale. Conditions amounting to forced labor may be present in the “*Sumangali* scheme” in Tamil Nadu, in which employers pay young women a lump sum, used for a dowry, at the end of multi-year labor contracts. Some children, reportedly as young as 6 years old, are forcibly removed from their families and forced by separatist groups such as the Maoists in Bihar, Chhattisgarh, Jharkhand, Maharashtra, West Bengal, and Odisha 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 then 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 tourist destinations. Many women and girls—predominately from Nepal and Bangladesh, and from Europe, Central Asia, 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 April 2015

Nepal earthquake, Nepali women who transit through India are increasingly subjected to trafficking in the Middle East and Africa. Some boys from Bihar are subjected to forced labor in embroidery factories in Nepal, while some boys from Nepal and Bangladesh are subjected to forced labor in coal mines in the state of Meghalaya, although reportedly on a smaller scale than in previous years. Burmese Rohingya, Sri Lankan Tamil, and other refugee populations continue to be vulnerable to forced labor in India.

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. For the first time, the National Crime Record Bureau's Crime in India report included data on trafficking investigations, prosecutions, and convictions. The data demonstrated vigorous efforts to combat human trafficking but reflected a relatively low number of law enforcement action for the scale of trafficking in India and a low conviction rate overall. Moreover, the scope of law enforcement action on forced labor and the range of sentences applied to convicted traffickers remained unclear because the data was not comprehensive. The Ministry of Home Affairs (MHA) revised its strategy guiding Anti-Human Trafficking Units (AHTUs), to ensure more effective identification and investigation of trafficking cases and coordination with other agencies to refer victims to rehabilitation services. Several state governments created or re-activated AHTUs, although the majority of districts remained without AHTUs. The government investigated and prosecuted some cases of official complicity, although comprehensive data was unavailable and official complicity remained widespread. The government continued to fund shelter and rehabilitation services for women and children throughout India and issued additional directives to states to find and rescue missing children, some of whom may have been trafficking victims. However, overall victim 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 revised, but did not repeal, its policy restricting travel of some Indians identified as trafficking victims abroad by a foreign government and of their family members.



### RECOMMENDATIONS FOR INDIA:

Increase prosecutions and convictions for all forms of trafficking, including forced and bonded labor, respecting due process; establish and fully resource AHTUs in all districts, including by providing additional dedicated, trained staff and by clarifying the mandate of AHTUs; encourage AHTUs to address all forms of trafficking, including forced labor of adults and children; cease the penalization of trafficking victims, including restrictions on their travel; increase investigations and prosecutions of officials allegedly complicit in trafficking, and convict and punish those found guilty; improve central and state government implementation of protection programs and compensation schemes to ensure trafficking victims receive benefits, release certificates, and rehabilitation funds; develop and implement standard operating procedures (SOPs) to harmonize victim

identification and repatriation, and the prosecution of suspected traffickers when trafficking crimes cross state lines; take steps to eliminate all recruitment fees charged to workers and raise awareness among potential migrants on the no fee policy; 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 or facilitation of trafficking crimes.

### PROSECUTION

The government demonstrated increased law enforcement efforts, although investigations, prosecutions, and convictions were low for the scale of human trafficking in India, and action on forced labor remained unclear. Section 370 of the Indian Penal Code (IPC) prohibits slavery, servitude, and most forms of sex trafficking, and prescribes sufficiently stringent penalties ranging from seven years' to life imprisonment, which are 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—the standard of 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, which prescribes insufficiently stringent penalties of up to three years' imprisonment. India prohibits many forms of forced labor through the Child Labor (Prohibition and Regulation) Act, the Juvenile Justice Act, and other provisions of the IPC; 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. However, because the ITPA also criminalizes acts related to prostitution and officials inconsistently screened for trafficking indicators, the government prosecuted sex trafficking victims under the ITPA. In December 2015, as a result of public interest litigation, the Supreme Court directed the central government to develop comprehensive anti-trafficking legislation by June 2016. During the reporting period, the government formed an inter-ministerial committee, which met multiple times to draft the legislation.

During the reporting period, the National Crimes Record Bureau (NCRB) issued the 2014 Crime in India Report, the most recent law enforcement data available. For the first time, the report included data on trafficking investigations, prosecutions, and convictions under several relevant laws. During 2014, police investigated 3,056 trafficking cases, including 2,604 cases of sex trafficking, 46 cases of bonded labor, and 406 uncategorized trafficking cases; an additional 2,336 cases were pending investigation at year's end. In 2014, 2,782 people involving 2,538 alleged sex traffickers, 195 alleged labor traffickers, and 49 uncategorized traffickers were prosecuted, resulting in 577 traffickers convicted, 1,990 persons acquitted, and 29 persons discharged. Notably, the acquittal rate was 77 percent and only

six of the convictions were for bonded labor, although bonded labor offenders may also be convicted under the Prevention of Atrocities Act, and these statistics were not reported. The government did not report sentences for convictions. One Indian media story commented the figures reported by the NCRB were ambiguous and did not reflect the large scale of human trafficking crimes in India; experts stated many cases were not registered by police or were settled at the complaint stage. Incidents of inaction by police and prosecutors reflected often inconsistent application of the law across jurisdictions, corruption among officials, and a lack of awareness or capacity in some parts of the country.

During the reporting period, MHA revised its strategy guiding the AHTUs to support trainings fostering partnership across police, prosecutors, judges, and service providers and encourage state governments to increase AHTU resources and the number of personnel. Of the more than 600 districts, only 226 had functioning AHTUs at the end of the reporting period, and most lacked clear mandates *vis-a-vis* other district- and state-level police units. In response to an increase in trafficking cases of Nepalis in India after the April 2015 Nepal earthquake, AHTUs were created or re-activated in Uttarakhand and Uttar Pradesh. Some NGOs reported significant cooperation with AHTUs on investigations, particularly in Maharashtra and Tamil Nadu states. However, 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 and underfunded and lacked the necessary resources, such as vehicles and computers, to combat trafficking effectively. Some police utilized AHTU resources and personnel for non-trafficking cases. NGOs noted judges and courts did not have sufficient resources to properly prosecute cases, including an adequate number of support staff, such as stenographers and translators. State and local governments conducted training for police, magistrates, and prosecutors in collaboration with NGOs and international organizations that addressed the integration of anti-trafficking efforts post-Nepal earthquake, the law, and the non-criminalization of victims.

Official complicity in human trafficking occurred at varying levels of government. Some corrupt law enforcement officers protected suspected traffickers and brothel owners from law enforcement action, took bribes from sex trafficking establishments and sexual services from victims, and tipped off sex and labor traffickers to impede rescue efforts. The government did not report comprehensive data on investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Eight Puducherry police officers were dismissed from their jobs; in May 2015, they were charged for a second time with rape in an ongoing case from May 2014, in which four children were rescued from a sex trafficking racket. In February 2016, a Goa water resource department official and his Mumbai-based partner were arrested for running a prostitution ring; police rescued three girls and registered the case under sections of the ITPA. However, media also reported allegations of a few complicit officials whom the government did not prosecute and who remained in government.

## PROTECTION

The government demonstrated mixed efforts to protect victims; while it made positive steps to find and rescue potential child trafficking victims and improve assistance to Bangladeshi victims, the government's overall provision of services was

generally inadequate and inconsistent, and the penalization of victims remained a concern. 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 6,216 victims in 2014: 3,332 sex trafficking, 279 bonded labor, and 2,605 uncategorized victims. 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 utilized such SOPs. The central government issued several directives to state- and district-level law enforcement to carry out operations to rescue and rehabilitate missing and exploited children. During the reporting period, the government reported its rescue of 19,742 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 believed their responsibility concluded with the rescue operation and did not complete investigations or charge suspects. In other cases, police arrested and charged alleged traffickers, but some of the alleged traffickers posted bail and while awaiting trial—sometimes for several years—purportedly intimidated witnesses and subjected new victims to trafficking.

The Ministry of Women and Child Development (MWCD) continued to fund NGO-run shelter and rehabilitation services for women and children through the *Ujjawala* program, specifically for female sex trafficking victims, and the *Swadhar* program for women in difficult circumstances. Central government funding for MWCD grants to states decreased slightly in the 2015-2016 fiscal year. NGOs reported an insufficient number of government shelters, noting the increase in rescue operations further overwhelmed already overburdened shelters and victim care services. 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. In September 2015, the government suspended several government social welfare officers and two superintendents at a shelter home for women in Delhi for dereliction of duty and mismanagement; conditions in the shelter were found to be unhygienic, and the women lacked clean water and adequate food. 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. Some government-run shelters did not permit adult victims to leave the premises. Child victims were placed in private shelters or in government juvenile justice homes and largely received the same government services as adults.

Rescued bonded laborers are entitled to "release certificates," enabling them to receive government-funded compensation and 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. 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. MHA guidelines to all state governments specify that foreign women and children who are declared victims should not be prosecuted for immigration violations. Government policy on foreign victims dictated their return to their country of origin at the earliest possible time. Foreign sex trafficking victims were confined to government aftercare homes until repatriation and were not permitted to work in the local economy. Due to a number of constraints, this process resulted in some victims spending upwards of four years confined in these homes before being repatriated. In June 2015, the Governments of India and Bangladesh signed a Memorandum of Understanding (MOU) on human trafficking to improve coordination in preventing trafficking and protecting victims; one provision stipulated repatriation cases taking more than six months be referred to a higher-ranking authority. 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. In February 2016, a Bangladeshi trafficking victim gave testimony via video-conference from Dhaka; a lawyer commented this was likely the first time a deposition was given via live-video in a cross-border trafficking case.

NGOs in several states reported police and prosecutors were increasingly aware of the need to identify trafficking survivors as victims and not as defendants; however, the government did, in certain cases, continue to penalize victims as a result of inconsistent identification and screening efforts. There were reports of some victims being detained and arrested for acts committed as a result of being subjected to trafficking, including sex trafficking victims prosecuted and convicted for prostitution and foreign trafficking victims charged with immigration violations. In the previous reporting period, 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 could be provided and the Indian government determined the person to be a trafficking victim. However, some victims continued to cite lengthy delays, requests for private or otherwise sensitive information, and inconsistent application of the policy when attempting to renew their passports. In a limited number of cases during the reporting period, authorities confiscated the passports of some victims' families when they were traveling from India.

## PREVENTION

The government increased efforts to prevent human trafficking. In May 2015, MWCD and Ministry of Railways signed an MOU with an NGO for the protection of unaccompanied children at railway stations. During the reporting period, 20 railway stations hosted NGO staff to provide immediate support to unaccompanied children, who may be missing, abandoned, or runaways and are vulnerable to exploitation, including trafficking. In November 2015, MWCD and the railway ministry launched a project to supply posters to railway stations advising the public to call the national Childline hotline if they encounter an unaccompanied child. Some state governments also conducted anti-trafficking awareness campaigns. During the reporting period, the governments of

Telangana, Andhra Pradesh, and Odisha partnered with NGOs and a foreign donor for a large-scale survivor-run awareness campaign across 53 districts.

In August 2015, in response to public interest litigation filed in 2004, the National Legal Services Authority submitted a report to the Supreme Court with recommendations for the prevention of trafficking for commercial sexual exploitation and the rescue and rehabilitation of victims. Based on the recommendations, the Supreme Court directed the government to establish a central organized crime agency by December 1, 2016, to investigate human trafficking cases and rescue and rehabilitate victims. During 2015, the government made the Central Advisory Committee to combat trafficking of women and children for commercial sexual exploitation the lead agency on trafficking issues. The government did not have a national action plan. Some state governments had action plans and taskforces to combat trafficking; during the reporting period, both Uttar Pradesh and West Bengal established anti-trafficking taskforces and Uttar Pradesh officially launched and West Bengal drafted an action plan. MHA maintained an online portal for officials and other stakeholders to access information on trainings, meetings, statistics, laws, and shelters.

During the reporting period, the Ministry of Overseas Indian Affairs (MOIA) merged with the Ministry of External Affairs to increase the government's ability to monitor the welfare of Indian migrant workers abroad. MOIA launched eMigrate, an online system for registering foreign recruitment agencies, and registered over 20,000 domestic agents in India and 7,000 foreign agencies during the reporting period. MOIA continued to provide counseling and other resources to those considering migrant work at five resource centers in Chennai, Gurgaon, Hyderabad, Kochi, and Lucknow; it also continued to administer a welfare fund in 43 Indian Missions globally and provide shelter to migrants in distress in several countries in the Middle East. MOIA funded the repatriation of Indian victims abroad through its mandatory insurance reserves, foreign employer security deposit policies, and receipts from overseas consular fees. MOIA worked with the Central Bureau of Investigation to address cases of recruitment fraud and trafficking allegations and frequently revoked recruitment licenses. In September 2014, the local government of Delhi issued an executive order to regulate job placement agencies; during the reporting period, NGOs reported law enforcement implemented the order when cases were brought to their attention, but awareness of the order was low and proactive implementation was lacking. After the April 2015 Nepal earthquake, the government's border patrol agency organized a joint training session on trafficking with police officers from Nepal and Bhutan. Despite India being a source and destination for sex tourism, the government did not report on specific measures to reduce the participation of its nationals in child sex tourism. Goa law enforcement cooperated with law enforcement in the United Kingdom (UK) on the prosecution of British sex tourists who had returned to the UK. The government did not report efforts to reduce the demand for commercial sex 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.

## INDONESIA: Tier 2

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. Indonesians are exploited in forced labor abroad—primarily in domestic service, factories, construction, and on Malaysian palm oil plantations—and subjected to sex trafficking. A significant number of Indonesian migrant workers face forced labor, including debt bondage, in Asia, the Middle East, and on fishing vessels. Malaysia remains the top destination for Indonesian migrant workers, followed by Saudi Arabia, and the government estimates more than one million of the 1.9 million Indonesian workers in irregular status are in Malaysia. Indonesian victims were identified in other Asian and Middle Eastern countries during the reporting period—including South Korea—as well as in the Pacific Islands, Africa, Europe (including the Netherlands and Turkey), and North America. Indonesian women and girls are subjected to sex trafficking primarily in Malaysia, Taiwan, and the Middle East. Experts report the government’s expanding use of biometric travel documents, which make false travel documents harder to obtain, have resulted in more undocumented workers traveling abroad by sea.

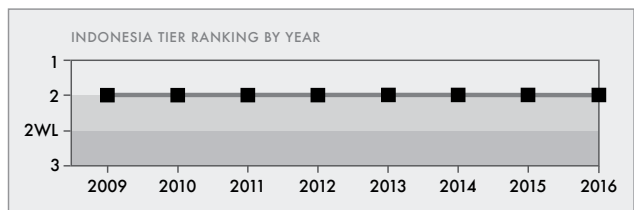
Reports continue of Indonesian fishermen in forced labor on Taiwanese and South Korean fishing vessels in non-Indonesian waters. In past years, Indonesian men have been subjected to forced labor on fishing vessels in Indonesian waters. The government reported a significant number of foreign men in forced labor on fishing vessels in Indonesian waters, including from Burma, Cambodia, and Thailand; most of the vessels belong to Thai parent companies that operate under the auspices of Thai-Indonesian shell companies. Thai traffickers issue fake Thai identity documents to foreign workers and force them to fish in Indonesian waters, threatening to expose their fake identities if they contact Indonesian authorities. Thai-Indonesian shell companies based in fishing ports in eastern Indonesia perpetuate these abuses by prohibiting fishermen from leaving their vessels or detaining them on land in makeshift prisons after the government’s 2014 moratorium on foreign fishing vessels grounded many of the men’s ships in port.

NGOs estimate labor recruiters are responsible for more than half of Indonesian female trafficking cases overseas. The government and NGOs note as awareness of trafficking increases, traffickers are recruiting more victims from eastern Indonesian provinces, where awareness is lower. Migrant workers often accumulate significant debt from independent labor recruiters overseas and Indonesian recruitment companies, making them vulnerable to debt bondage. Some companies use debt bondage, withholding of documents, and threats of violence to keep migrants in forced labor. In many cases, corrupt officials 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.

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 females are exploited in domestic servitude and sex trafficking, including Colombian women in forced prostitution. 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 Jambi provinces. When the government closed a large red light district in 2014, protections for women who worked in prostitution in the district decreased, increasing their vulnerability to sex trafficking in other regions, including Bali and Papua. Children are exploited in sex trafficking in the Batam district of Riau Islands province and have been exploited in West Papua province in previous years. Reports suggest an increase in university and high school students using social media to recruit and subject other students to sex trafficking. Child sex tourism is prevalent in the Riau Islands bordering Singapore, and Bali is a destination for Indonesian child sex tourists.

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 convicted 119 traffickers, repatriated 5,668 Indonesian trafficking victims identified abroad, and provided short-term shelter and services to more than 441 trafficking victims. In one case the government convicted eight traffickers for forced labor on fishing vessels, but it did not initiate any other prosecutions for trafficking offenses in the fishing industry, despite the identification of over 1,500 trafficking victims in that sector. The government created eight new shelters to serve victims of crimes, including trafficking, but the quality and services of shelters varied widely across regions. Officials’ lack of knowledge of trafficking indicators and anti-trafficking legislation impaired proactive victim identification among vulnerable populations and anti-trafficking law enforcement efforts; inadequate coordination between government agencies hampered the implementation of the national anti-trafficking strategy. Despite endemic corruption among law enforcement that impedes anti-trafficking efforts and enables traffickers to operate with impunity, law enforcement prosecuted only one official 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 training for judges, prosecutors, police, and social workers on the anti-trafficking law; monitor recruitment fees charged by private agencies to ensure they are in line with the law; raise awareness among victims of government reintegration services; prosecute and punish those who obtain commercial sexual services from children; increase resources for the anti-trafficking taskforce and improve its coordination across ministries; increase the amount of time allowed to investigate cases of forced labor in the fishing sector to give authorities an opportunity to gather sufficient evidence of trafficking offenses; create a national protocol that clarifies responsibilities for

prosecuting trafficking cases when they occur outside victims' respective provinces; and expand awareness-raising campaigns targeted at the public and government in all regions, especially those with high incidences of trafficking.

## PROSECUTION

The government maintained anti-trafficking 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. Officials reported ineffective coordination among police, prosecutors, and judges hindered the government's ability to investigate, prosecute, and convict traffickers, especially when cases involved numerous jurisdictions, including other countries. Extrajudicial mediation impeded successful prosecutions, as victims whose families received settlements from traffickers were usually unwilling to participate in official law enforcement proceedings. The government lacked a system for reporting and compiling comprehensive data on anti-trafficking law enforcement efforts. Authorities' use of the anti-trafficking law to prosecute non-trafficking offenses, such as smuggling, impaired the determination of the total number of anti-trafficking investigations, prosecutions, and convictions. The Indonesian National Police's anti-trafficking unit reported 221 new trafficking investigations during 2015—a decrease from 305 the previous year. The police referred 165 cases to prosecution, compared with 134 referred in 2014, but it is unclear how many prosecutions were actually initiated. The Supreme Court reported 119 convictions in 2015, with sentences ranging from three to 15 years' imprisonment, an increase from 79 convictions in 2014. A lack of familiarity with the anti-trafficking law led some prosecutors and judges to decline cases or use other laws to prosecute traffickers.

During the reporting period, the police's anti-trafficking unit investigated and prosecuted eight employees of a Thai-Indonesian fishing company—three Indonesian managers and five Thai captains—for the alleged forced labor of Burmese, Thai, Cambodian, and Lao men aboard fishing vessels in Indonesian waters. In March 2016, the judge convicted all eight men under the anti-trafficking law and sentenced each to three years' imprisonment and either an additional two months' imprisonment or a \$12,250 fine. Furthermore, the judge ordered the five Thai captains to pay a total of \$67,800 in compensation to the 13 identified crew members who testified in the case. Despite identifying more than 620 trafficking victims in Ambon, the government launched only one investigation into trafficking offenses on that island and did not arrest any alleged traffickers in the case. NGOs and government officials reported endemic corruption among security forces and other authorities continued to impede anti-trafficking law enforcement efforts. During the reporting period, police arrested a local official in Batam for allegedly exploiting a girl from West Java in domestic servitude; officials reported this was the first arrest of a Batam official on trafficking charges, and the prosecution was ongoing at the end of the reporting period.

Because the police's anti-trafficking unit devoted substantial resources and personnel to investigate forced labor on fishing vessels and Indonesians subjected to trafficking abroad, the police upgraded the status of the anti-trafficking unit from a component of the Unit for the Protection of Women and Children to a separate unit with increased staff. While the government has not yet increased the unit's staff permanently, it temporarily relocated officers from other precincts on an as-

needed basis, primarily to gather evidence from Indonesian consulates for trafficking cases involving Indonesian victims abroad.

In September 2015, the government signed a memorandum of understanding with United Arab Emirates (UAE) to facilitate joint investigations of trafficking networks, the exchange of anti-trafficking law enforcement information, and full access to Indonesian trafficking victims in UAE for Indonesian officials. Despite a widespread lack of familiarity with human trafficking and the anti-trafficking law among law enforcement and the judiciary, the government did not report providing or funding any anti-trafficking training for officials.

## PROTECTION

The government sustained inadequate victim identification efforts and moderate efforts to protect trafficking victims. Officials did not collect or report comprehensive data on victims identified. While the government had standard operating procedures for proactive victim identification, it did not consistently employ them among vulnerable groups; it continued to rely on international organizations and NGOs to identify victims, especially foreign victims in Indonesia. To standardize inspection procedures, the fisheries minister—with NGO support—drafted and adopted a ministerial regulation in October 2015 establishing government-wide protocols for inspecting fishing vessels and screening for trafficking victims among crews, but they were not uniformly implemented during the reporting period. The government continued to work with NGOs to identify trafficking victims from among the crews of ships grounded or destroyed in the government's December 2014 crackdown on fishing vessels operating illegally in Indonesian waters, including victims stranded or detained on the island of Benjina. An international organization reported that with the government, it identified approximately 1,500 men exploited in forced labor in the fishing sector. An NGO also identified 97 forced labor victims—80 in domestic servitude, 10 in factories, and seven on plantations. The same international organization provided services to 1,322 trafficking victims referred by government agencies, NGOs, lawyers, and foreign embassies; the NGO then referred more than 1,126 of those victims back for shelter and health services, the majority of which were government-run or received some government funding.

The government's systems for overseas workers to file work-related complaints received 462 reports of trafficking and 948 reports of workplace disputes or abuses, some of which may have been trafficking. When these reports led to identification of trafficking victims, the agency to place and protect Indonesian workers abroad referred the cases to the local police precincts in Indonesia where the trafficking had taken place or where the victim had originated. It is unclear if this resulted in any trafficking investigations. Indonesian consular officials screened migrant workers for trafficking and provided shelter and financial assistance to victims. The Ministry of Foreign Affairs (MFA) repatriated 5,668 Indonesian trafficking victims, a significant increase from approximately 1,200 victims repatriated in 2014. The MFA offered short-term shelter and services to victims upon return and referred them to local governments for further care. In August 2015, Indonesian and Saudi police jointly inspected an illegal shelter in Riyadh and discovered 39 Indonesian domestic workers who had been promised jobs in Bahrain but were forced to work illegally in Saudi Arabia. They arrested the suspected trafficker, repatriated all 39 victims, and provided services upon return.



The government made efforts to aggregate victim services data from government agencies and NGOs, but data remained incomplete, especially from local governments. The Ministry of Social Affairs continued to provide trauma services and reported providing immediate shelter to 441 victims of crime, including trafficking—242 males and 191 females—in adult rehabilitation centers, children’s shelters, and trauma care centers; it established eight new trauma care shelters during the year, bringing the total to 26. The government managed 247 service centers, supported by government and private funds and operated primarily by provincial governments, which served vulnerable populations, including trafficking victims. Some shelters provided some long-term care, including funds to start small businesses. Some trafficking victims were housed in 13 government-operated “detention centers,” although the government worked with an international organization to improve the shelters’ quality and services. 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 for victims’ health care, and national police hospitals were obligated to provide free medical care; 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 88 victims; because multiple agencies provide legal assistance, the total number who received such aid is unknown. The law allows victims to obtain restitution from their traffickers, and at least 25 victims received compensation during the year. There were no reports 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 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 made minimal efforts to prevent trafficking. Most prevention efforts occurred at the district and provincial levels; funding for and activities undertaken by the taskforces varied greatly across regions. The national anti-trafficking taskforce, housed within the Ministry of Women’s Empowerment and Child Protection (MoWECP), met several times during the reporting period and adopted a 2015-2019 national action plan to combat trafficking, which focused on enhancing rehabilitation and reintegration services for victims and improving coordination between government ministries and with other stakeholders. With support from international donors and an NGO, the MoWECP and local governments designed and implemented trafficking awareness campaigns to inform citizens of safe migration practices and recruitment procedures. In addition, it established 25 new anti-trafficking taskforces at the local level and, with NGOs, provided vocational training and scholarships to women and school-aged children living in communities targeted by unscrupulous recruiters to reduce their susceptibility to trafficking. The taskforce lacked an operational budget, however, and relied on participating ministries to contribute funds to implement its activities. Insufficient funding of some local taskforces and lack of coordination within and between local taskforces and with the national taskforce at times impeded anti-trafficking efforts. With support from international

donors and an NGO, the MoWECP and local governments designed and implemented trafficking awareness campaigns to inform citizens of safe migration practices and recruitment procedures. In November 2015, the Ministry of Labor launched the first of 18 anticipated anti-trafficking centers in migrant source villages. The centers, with some government funding and staff, provided anti-trafficking awareness materials to prospective migrants; economic empowerment programs for at-risk youth; and care and resources for returning victims, including a hotline for migrant workers to report labor violations, including forced labor.

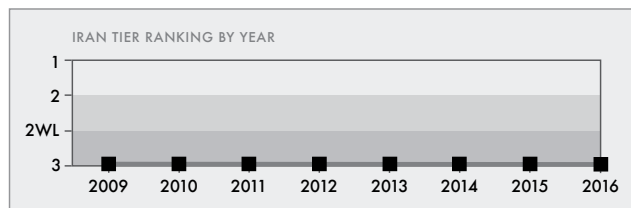
The labor ministry revoked or suspended the licenses of 24 companies allegedly engaged in unscrupulous recruitment, but it is unclear how many agencies the ministry referred to the police for investigation and if the police initiated any investigations. Authorities conducted raids on recruiting companies suspected of illegal practices but did not report any punishments for illegal acts. Due to many cases of Indonesian domestic workers subjected to trafficking in the Middle East, the government expanded its moratorium on permits for Indonesians working in domestic service from five to 21 countries in North Africa and the Middle East. The government’s one-year moratorium on foreign-built fishing vessels in Indonesian waters ran through December 2015, during which time the government froze licenses and destroyed boats in a crackdown on illegal fishing. No foreign-built fishing vessels from among the 1,132 under investigation has received its license back or resumed fishing operations since the moratorium’s expiration, and no new foreign-built vessels have been allowed to operate. The government did not report any prosecutions or convictions of child sex tourists. The government made efforts to reduce the demand for forced labor and commercial sex acts. The government provided anti-trafficking training for military personnel prior to their deployment abroad on international peacekeeping missions and for its diplomatic personnel, including modules on identifying trafficking victims and protecting Indonesian migrant workers abroad.

## IRAN: Tier 3

Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Accurate information on human trafficking in Iran is difficult to obtain. Organized groups reportedly subject Iranian women, boys, and girls to sex trafficking in Iran and in Afghanistan, the Iraqi Kurdistan Region, Pakistan, United Arab Emirates, and Europe. 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. An increase in the transport of girls from and through Iran en route to other Gulf States for sexual exploitation has been reported from 2009-2015; during the reporting period, Iranian trafficking networks subjected Iranian girls to sex trafficking in brothels in the Iraqi Kurdistan Region. 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 continues to increase. Organized criminal groups kidnap or purchase and force Iranian and immigrant children to work as beggars and street vendors in cities, including Tehran. These children, who may be as young as 3, are coerced through physical and sexual abuse and drug addiction; reportedly many are purchased for as little as \$150.

In January 2016, an international organization 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. 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 boys, to forced labor in construction and agricultural sectors 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 which make workers vulnerable to exploitative work practices such as coerced overtime and denial of work benefits.

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. As in previous reporting periods, the government did not share information on its anti-trafficking efforts. Public information from NGOs, the media, international organizations, and other governments indicates the Iranian government is not taking significant steps to address its extensive trafficking problem, particularly with regard to the protection of trafficking victims. Furthermore, during the reporting period, allegations arose of complicity by Iranian officials in the coerced recruitment and use of Afghan men for combat in Syria.



**RECOMMENDATIONS FOR IRAN:**

Cease coerced recruitment and use of Afghan men for combat in Syria by IRGC-organized and commanded militias; while respecting due process, investigate and prosecute sex trafficking and forced labor cases; increase transparency of anti-trafficking policies and activities; ensure sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking; institute procedures to identify trafficking victims, particularly among vulnerable populations such as persons in prostitution, children in begging rings, 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; and become a party to the 2000 UN TIP Protocol.

**PROSECUTION**

The government did not report anti-trafficking law enforcement efforts and was reportedly complicit in trafficking crimes during the year. 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. In 2015, there was no new information about previous government claims that the anti-trafficking law was under review for amendment, including specific provisions to improve the effectiveness of the law. The constitution and labor code prohibit forced labor and debt bondage, but the prescribed penalty of a fine and up to one year's imprisonment is not sufficiently stringent. Iranian courts accord legal testimony by women only half the weight accorded to the testimony by men, therefore restricting female trafficking victims' access to justice. Moreover, female victims of sexual abuse, including sex trafficking victims, are 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 trafficking offenders. The government also did not report investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite reports that such complicity was widespread. The government did not appear to provide anti-trafficking training to officials during the reporting period.

**PROTECTION**

The government made negligible efforts to protect trafficking victims. There was no indication the government provided protection services to any trafficking victims, including repatriated Iranian victims. The government reportedly continued to punish sex trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, such as adultery and prostitution. 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 until their deportation. The government and NGOs operated a small number of multipurpose shelters for women, largely in major cities, which trafficking victims could access. There were no reports of shelters for male trafficking victims. 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 appear to 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 a legal alternative to removal to countries in which they may face hardship or retribution.

**PREVENTION**

The government did not make sufficient efforts to prevent human trafficking. The government did not improve transparency on its anti-trafficking policies or activities, nor did it make discernible efforts to forge partnerships with NGOs or international organizations to combat human trafficking. 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. During the reporting period, an amendment to the citizenship laws to allow Iranian citizenship to be passed down through mothers was submitted, but the parliament did not pass it; children with foreign fathers continued to lack documentation and remained vulnerable to exploitation. The government did not register or

provide residence permits to new Afghan refugees and coerced many to serve in combat brigades deployed to Syria. There was no indication the government provided anti-trafficking training for its diplomatic personnel. The government has not ratified the UN Convention against Transnational Organized Crime, despite previous reports the parliament was reviewing the convention. Iran is not a party to the 2000 UN TIP Protocol.

## IRAQ: Tier 2

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 continued escalation in 2015 of the conflict with Da'esh, also known as the Islamic State of Iraq and the Levant (ISIL), gravely increased the vulnerability of the population to trafficking, in particular women and children. In 2015, more than 3.3 million Iraqis were displaced across the country, and more than 245,000 Syrian refugees remained displaced in the Iraqi Kurdistan Region (IKR). Da'esh militants continue to kidnap and hold captive thousands of women and girls from a wide range of ethnic and religious groups, especially from the Yezidi community, and sell them to Da'esh fighters in Iraq and Syria where they are subjected to forced marriage, sexual slavery, rape, and domestic servitude. There are reports Da'esh executes captives if they refuse to marry fighters. The media has also reported that Da'esh sells some captives to wealthy individuals in Gulf countries. Da'esh maintained an organized system to buy and sell women for sexual slavery, including sales contracts notarized by Da'esh-run courts. In 2015, thousands of women and girls escaped Da'esh captivity—many of whom were pregnant as a result of rape—and became internally displaced persons (IDPs) because Da'esh still controlled their homelands; these victims remain highly vulnerable to various forms of exploitation, including re-trafficking. Da'esh continues 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. Da'esh continues to train children at military training and indoctrination camps. In 2015, an international organization and media reported Da'esh forced hundreds of boys from the Ninewa Governorate to man checkpoints and serve as informants and suicide bombers. IKR contacts reported in 2015 that the Kurdistan Workers' Party had recruited Yezidi boys, some younger than 10 years old, to serve as fighters against Da'esh. The UN reported that in 2015, volunteer militia affiliated with the Popular Mobilization Forces (PMF), which is an official entity funded by the 2015 budget but one that the government struggles to control, were alleged to have recruited and used children to serve in combat roles. The UN also reported in 2016 that the PMF coerced eight boys to attend a military training camp and recruited four boys to serve in combat roles. An international organization also reported in 2015 that children, including girls, continue to be associated with Yezidi self-defense forces fighting alongside the Peshmerga in the Sinjar mountains.

Refugees and IDPs face heightened risk of trafficking due to their economic and social vulnerability. In 2015, NGOs reported trafficking networks in the IKR targeted refugees and IDPs, operating with assistance from local officials, including judges, individuals from the Kurdistan Regional Government's (KRG) Asayish internal security forces, and border agents. Likewise, various individuals, including security and law enforcement officials, criminal gangs, taxicab drivers, and the victims' family

members, exploited women and girls from Iraq and Syria, including refugees and IDPs, in sex trafficking. In the IKR, members of Parliament and NGOs have alleged some personnel from the Asayish internal security forces facilitate 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. Reports from 2015 indicate IDPs and some Syrian refugee women are 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 promise to resettle them from the IKR; the women's children are also forced to beg on the street. Some Syrian refugee men enter into employment without legal work contracts in Iraq, which increases 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.

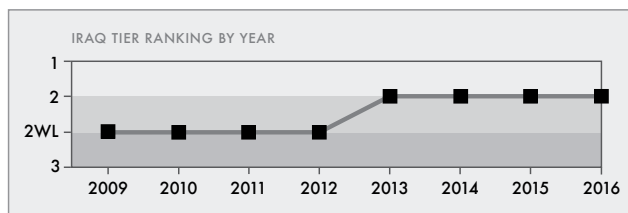
Traditional practices, including child forced and "temporary" marriages and *fasliya*—the exchange of family members to settle tribal disputes—also place women and girls at increased risk of trafficking within the country. An NGO reported in 2015 that incidents of child marriage—which could increase a child's vulnerability to commercial exploitation—increased among 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 at times ignore, or may accept bribes to ignore, such cases, including those in which girls are sold multiple times. Anecdotal reports also suggest that 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 prostitution; the media reported a KRG official allegedly paid \$3,000 to have sex with an Iranian sex trafficking victim, paying a premium because the victim was a virgin. Criminal gangs subject children to forced begging and other types of forced labor in Iraq, while 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 forced to work 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 traveling to Iraq, including the IKR. In May 2015, 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-upon salaries and 18 percent reported violent acts their employers committed against them.

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. Violence and security challenges, lack of control over parts of the country, budget constraints, and an influx of IDPs, particularly in the IKR, continued to severely hinder the government's ability to combat trafficking.



The government and KRG made efforts to prosecute and convict traffickers, and the KRG continued to conduct operations to rescue Yazidi and other trafficking victims from Da'esh captivity. Some PMF-affiliated militias recruited and used child soldiers. While the PMF is funded by the government and falls under the control of the prime minister, the government struggled to exercise full control over all the PMF factions. The government did not hold anyone accountable for child recruitment and use by the PMF and PMF-affiliated militias. The government officially opened a permanent shelter for trafficking victims in Baghdad, and both the government and KRG continued to improve services available for trafficking survivors of Da'esh captivity. Nevertheless, the quality of protection services for trafficking victims varied widely by location; some trafficking victims were unable to receive services, and the government did not provide support to NGOs that provided appropriate assistance to victims. The government continued to harshly punish and deport victims of forced labor and sex trafficking, including children.



### RECOMMENDATIONS FOR IRAQ:

Stop the recruitment and use of child soldiers by the Popular Mobilization Forces (PMF) and PMF-affiliated militias, hold complicit officials accountable, and provide protection services to demobilized children; amend the anti-trafficking law to prohibit and punish all forms of trafficking consistent with international law; significantly increase investigations, prosecutions, and convictions of trafficking crimes under the anti-trafficking law, including of complicit government officials; establish and implement an adequate legal framework that applies to the IKR that criminalizes all forms of human trafficking and prescribes sufficiently stringent penalties; ensure trafficking victims are not punished for crimes committed as a direct result of being subjected to human trafficking, such as prostitution and immigration violations; institute government victim identification and referral guidelines and provide unhindered access to protection services to all trafficking victims, regardless of a victim referral from the court; provide adequate protection services to trafficking victims and their children, including trauma counseling, psycho-social and medical care, long-term shelter, reintegration services, employment training, and financial assistance in Iraq and the IKR; 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; develop mechanisms to encourage victims' participation in investigations and prosecutions of traffickers in Iraq and the KRG; regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor; and strengthen anti-trafficking coordination with regional, provincial, and local authorities.

### PROSECUTION

The government demonstrated some law enforcement efforts, but did not adequately address alleged government complicity.

Iraq's 2012 anti-trafficking law prohibits some, but not all, forms of human trafficking. The government did not finalize regulations that would authorize authorities to fully implement the anti-trafficking law; this remained an obstacle to enforcing the law, bringing traffickers to justice, and protecting victims. The law's definition of human trafficking is not entirely consistent with international law; it requires a monetary transaction and it does not consider the facilitation of "child prostitution" a trafficking crime. An article in the penal code, however, criminalizes "the prostitution of a child"; the penalty is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, 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, however, prescribes penalties for labor trafficking of a fine and imprisonment not exceeding six months, which are not sufficiently stringent. The KRG did not have a law that specifically prohibits all forms of human trafficking, nor did it endorse or adopt the Iraqi government's anti-trafficking law. The central government reported the prosecution of 113 offenders and conviction of 29 traffickers, which included, but was not limited to, two forced labor offenders and one child trafficker under the anti-trafficking law; it sentenced the child trafficker to life imprisonment and a fine. These represent a significant increase compared with 18 perpetrators prosecuted in 2014. KRG authorities arrested and charged three alleged sex traffickers; the case was ongoing at the end of the reporting period. KRG authorities also arrested an alleged sex trafficker for owning a spa that operated as a brothel in the IKR; however, they eventually deported the alleged offender without charging him with trafficking offenses. In 2015, the KRG facilitated the release and rescue of approximately 5,000 Yazidis held captive by Da'esh, many of whom were trafficking victims. In addition, KRG authorities cooperated with Turkish authorities to extradite a Turkish national allegedly engaged in human trafficking. The government did not report any investigations or convictions of government officials complicit in human trafficking, despite multiple reports of complicity among law enforcement, internal security, and paramilitary forces in Iraq and the IKR. The government did not hold members of the PMF, or militia affiliated with the PMF, that reportedly recruited and used child soldiers criminally accountable; however, the government did not exercise full control over all PMF groups. Although the government reported prosecuting a police officer in Babil for attending a brothel where there were women and child sex trafficking victims, it was unclear if it charged the alleged offender for trafficking crimes.

During the reporting period, the Ministry of Interior (MOI) reorganized its anti-trafficking department to include divisions in charge of victims and witnesses, investigations, and international cooperation; this department received an unknown portion of the 2016 budget to fight human trafficking. In 2015, the MOI formed two committees in Baghdad, led by three colonels and several investigative officers, to investigate trafficking cases on a full-time basis; it also appointed one additional officer in each province to handle trafficking cases. Judicial officials lacked understanding of the anti-trafficking law and did not adequately implement it or protect victims during legal proceedings. To remedy this problem, in January 2016 the Higher Judiciary Council issued a directive calling for all judges to refer suspected trafficking cases to judges in Baghdad

who specialize in trafficking. The government continued to train its officials on anti-trafficking measures and provided some financial or in-kind assistance for international organizations to conduct additional trainings.

## PROTECTION

The government demonstrated minimal efforts to identify and provide protection services to trafficking victims, but punishment of victims remained a serious deficiency. The government did not have formal procedures for proactive identification of trafficking victims among vulnerable groups, including undocumented foreign migrants and persons in prostitution, or for referral to appropriate protection services. In April 2015, the government established a working group to draft a national victim referral mechanism, but it was not finalized at the end of the reporting period. Nevertheless, during the course of investigations, the central government identified 39 Bangladeshi forced labor victims and one potential Iranian child trafficking victim. Likewise, through a coordinated effort between KRG authorities, NGOs, and the Philippine embassy, the KRG rescued 12 Filipino sex trafficking victims identified in a spa that operated as a brothel in the IKR; these victims were referred to a women's shelter in Erbil and repatriated in collaboration with the Embassy of the Philippines. These identification efforts demonstrated significant progress from the previous reporting period when the central government and KRG did not identify any trafficking victims. Despite these efforts, the KRG relied on victims to identify themselves to authorities and only referred to protection services victims initiating legal proceedings against their traffickers. Victims, therefore, remained unidentified and vulnerable to arrest, imprisonment, and deportation for unlawful acts committed as a direct result of being subjected to human trafficking, such as prostitution and immigration violations. Sentences for prostitution violations—including for children—were excessively harsh, ranging from 15 years' to life imprisonment. During the reporting period, foreign embassies reported authorities forcibly deported foreign migrant workers for overstaying their visas with no effort to screen this vulnerable population for trafficking. In some isolated incidents during the reporting period, judges overturned or reduced the sentences for women convicted for prostitution violations, but it was unclear if these women were victims of sex trafficking.

The government provided some protection services to trafficking victims, but overall victim care varied by location. No facilities in Iraq and the IKR offered specialized services to child trafficking victims or victims with special needs or psychological trauma. The government also did not provide specialized care to children who were recruited and used in armed groups, including the PMF and PMF-affiliated militia. The government did not provide funding or in-kind assistance to NGOs providing victim care. NGOs were not legally able to operate shelters, although some continued to do so without official approval; however, these facilities remained vulnerable to legal action by the government and threats of violence by extremist groups. In June 2015, the government officially opened a permanent trafficking shelter in Baghdad, with a capacity of 50 male and female victims, and trained shelter staff to provide psycho-social counseling and legal aid; it was unknown how many trafficking victims—if any—received assistance at the shelter during the reporting period, although the shelter reportedly housed orphans and victims of gender-based violence. The government operated some temporary shelters and holding facilities for foreign workers awaiting repatriation; however, these facilities did not provide appropriate services for trafficking victims and may have operated as detention centers. 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, however, focused primarily on family reconciliation instead of victim protection and they did not have a regular referral system; the government did not report if the units referred any trafficking victims to appropriate protective services in 2015. 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.

In May 2015, the Iraqi parliament approved an emergency plan to implement UN Security Council Resolution 1325 on women, peace, and security, which established a coordination mechanism to recover victims exploited by Da'esh and provide survivors with protection, rehabilitation, compensation, and other forms of support. During the reporting period, the government provided financial compensation to 300 Yezidis, who were former Da'esh captives, through a compensation program. Additionally, in 2015 MOH collaborated with an international NGO to establish mental health units with trained professionals in Kirkuk and Dohuk Governorates to address the growing need to provide psychological and trauma assistance to trafficking victims, particularly those who were held captive by Da'esh. The KRG also continued to provide direct financial assistance to Yezidis who were former Da'esh captives, as well as limited other essential services to these victims, including shelter, rehabilitation, and psycho-social assistance in IDP camps in the IKR. 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 shelter.

In August 2015, the government updated the labor law to include protections for foreign workers, such as allowing workers to maintain their residencies and work licenses if they lost their job to work for a different employer, and requiring employers to grant workers a return ticket home at the end of their work contract. The central government and the KRG did not encourage victims to assist in investigations and prosecutions, although the anti-trafficking law provides for victim protection during the investigation and prosecution processes. The government 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 government reportedly provided repatriation services to an unknown number of forced labor victims in 2015.

## PREVENTION

The government made limited efforts to prevent human trafficking, including the recruitment and use of children by the PMF and PMF-affiliated militias. The government reportedly provided training to military officers on child soldier issues, but its efforts to prevent child soldiering by various armed groups were severely limited. The government's inter-ministerial anti-trafficking committee, which included a KRG representative from the Kurdistan Ministry of Interior, met four times in 2015. During the reporting period, the government raised awareness about trafficking issues among religious organizations, NGOs, and universities and conducted awareness campaigns at airports. The government continued to operate and publicize its anti-

trafficking hotline, but it was unclear if any victims were identified through the hotline. The government, in collaboration with an international organization, continued to conduct an assessment of child labor, trafficking, and forced prostitution in Iraq, but the assessment was not finalized at the end of the reporting period. The 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, nor address the participation of Iraqi nationals in child sex tourism. It was unclear whether the government provided anti-trafficking training or guidance for its diplomatic personnel.

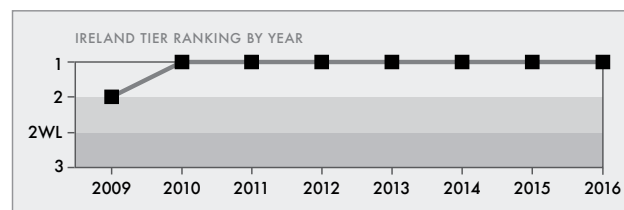
In 2015, the KRG developed an anti-trafficking action plan, which included input from various ministries, international organizations, and NGOs, but it was not finalized at the end of the reporting period. In response to growing public concern about human trafficking, in November 2015, the KRG formed a committee charged with investigating sex trafficking in Erbil; since its formation, the committee closed 52 illegal massage centers in hotels that were engaging in sex trafficking. Additionally, in 2015, the KRG launched a one-year awareness campaign against child marriage in the IKR. In January 2016, the Kurdistan Independent Human Rights Commission published its first annual report on foreign labor in the IKR, in which it assessed the labor conditions of 480 foreign workers. The KRG reported it temporarily suspended the operations of 15 companies and closed four for committing labor trafficking crimes; however, it failed to prosecute these companies for such crimes.

## IRELAND: Tier 1

Ireland is a destination and source country for women, men, and children subjected to sex trafficking and forced labor—including forced criminal activity. Foreign trafficking victims identified in Ireland are from Africa, Asia, and Eastern Europe. During the reporting period, law enforcement reported an increase in suspected victims of sex trafficking and forced labor, forced criminal activity, and forced begging. Authorities reported an increase in suspected victims from Nigeria and Romania. Irish children are subjected to sex trafficking within the country. Victims of forced labor have been identified in domestic service, the restaurant industry, and car washing services. Undocumented migrant workers are at higher risk of being subjected to labor trafficking. NGOs indicate 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. Media reports claimed undocumented Ghanaian, Filipino, Egyptian, and Indian migrant fishermen endure conditions possibly indicative of forced labor, including debt bondage, such as document retention, restriction of movement, and non-payment of wages, dangerous working conditions, and verbal and physical abuse. Some domestic workers, primarily women, are at risk of labor trafficking. Trafficking for forced marriage is a newly recognized phenomenon; women from Eastern Europe are subjected to sex trafficking and trafficking for forced marriage. The government acknowledged the problem of forced labor in the country is growing.

The Government of Ireland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government increased investigations of trafficking crimes, although it has not convicted a trafficker under the 2008 anti-trafficking law since 2013. The government continued

to prosecute a high number of non-trafficking crimes as trafficking cases, including child molestation cases, and neither prosecuted nor convicted sex or labor traffickers under the 2008 anti-trafficking law in 2015. Authorities maintained victim identification and protection efforts. However, law enforcement's continued failure to identify suspected victims of forced criminal activity and their subsequent prosecution and imprisonment within the Irish court system remained a serious concern.



### RECOMMENDATIONS FOR IRELAND:

Implement trafficking laws to hold sex and labor traffickers accountable through convictions and dissuasive sentences; increase efforts to identify and protect victims of labor trafficking and forced criminality, ensuring victims are not penalized for crimes committed as a result of being subjected to trafficking; establish multi-stakeholder case reviews during the victim identification process, involving service providers and anti-trafficking law enforcement units; offer specialized emergency accommodation and use of apartments and houses with outreach support to victims; publish the second national anti-trafficking action plan; enable and encourage all trafficking victims to access available legal services; and amend the policy to authorize the identification of trafficking victims in the asylum process and grant them relevant residence permits, including access to training and work.

### PROSECUTION

The government sustained efforts to investigate trafficking offenses, but has not convicted any labor or sex traffickers under the 2008 anti-trafficking act since 2013. The 2008 human trafficking act, amended in 2013, prohibits all forms of trafficking, prescribing 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, including 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. Section 5 of the 2008 act criminalizes soliciting or importuning a person subjected to trafficking for the purposes of prostitution, punishable by up to five years' imprisonment.

Authorities initiated investigations of 91 new trafficking-related cases in 2015, an increase from 79 in 2014. Four of the investigations were closed and the government will not prosecute them due to various factors, including lack of evidence, lack of cooperation from witnesses, and unidentified suspects. The government did not report for the second consecutive year how many cases it reviewed of individuals charged with drug-related offenses for work in cannabis cultivation to establish whether they involved trafficking. Authorities did not report how many individuals charged with these offenses were found to be trafficking victims. In 2015, all of the prosecutions under the anti-trafficking act involved the sexual abuse of children as opposed to trafficking as defined



under the 2000 UN TIP Protocol. The government did not report any criminal convictions for sex trafficking or forced labor under the anti-trafficking act in 2015. The government did not report any investigations, prosecutions, convictions, or sentencing of government officials for alleged complicity in trafficking offenses. During the reporting period, the government established a national protective services bureau, which includes the human trafficking investigation and coordination unit within the police force. In 2015, authorities hosted a three-day seminar on combating trafficking for 148 members of the police force, and an additional 70 members of senior police management received awareness raising training on human trafficking. Law enforcement cooperated with various foreign governments on trafficking investigations.

## PROTECTION

The government maintained victim protection efforts. The national referral mechanism required victims be referred to law enforcement before shelter, health, and legal services could be provided. Authorities identified 78 suspected trafficking victims in 2015, compared with 46 in 2014. Victims included 22 children, of which 15 were Irish; 22 victims from Romania; 13 from Nigeria; and the rest from Eastern Europe, Africa, and South Asia; 52 were female, 25 were male, and one was transgender; 48 were potentially exploited in sex trafficking; 28 were exploited in labor trafficking—11 for forced labor in temporary Romanian car washes, three for forced begging, and five for forced criminal activity; two in both sex and labor trafficking; and seven, including four Nigerians, had previously applied for asylum. Authorities did not report how many suspected victims they ultimately confirmed as trafficking victims. NGOs reported the continued lack of an effective mechanism to identify victims inhibited victims from receiving adequate protection, assistance, and witness preparation, and claimed the standard of proof for victim identification was too high. Law enforcement decisions on victim status could not be appealed, and NGOs reported not being offered explanations of denials. The justice department's anti-trafficking unit acknowledged the need to improve victim identification measures, and solicited NGO input for a potential new framework. All 56 inspectors of the Workplace Relations Commission and 106 immigration officials received training on trafficking indicators.

The national referral mechanism included formal procedures guiding the provision of services to trafficking victims. All foreign adult victims from countries outside the EU were offered lodging in the government-operated network of 34 asylum reception centers. Child victims were supported through child protection services. Irish adult victims could receive services through general social welfare and health service channels. In 2015, officials completed individual care plans for 28 suspected sex trafficking victims and 30 suspected labor trafficking victims, compared with 20 suspected sex trafficking victims and 19 suspected labor trafficking victims in 2014, that covered medical care, psychological care, lodging, legal assistance, and education and training. The government provided 225,000 euros (\$256,300) to an NGO for assistance for sex trafficking victims, compared with 172,000 euros (\$195,900) in 2014, and 9,564 euros (\$10,900) to an NGO to assist labor trafficking victims, compared with 4,000 euros (\$4,560) in 2014. The government gave additional funding to three organizations for projects to address victims' personal and social needs. NGOs reported concerns with lack of trauma and gender sensitivity, inadequate privacy protections and security, and remote locations and inaccessibility of some of these centers. Possible trafficking victims who have an asylum

application pending are not entitled to work pending a decision on their application. The referral tracking system did not allow social workers to verify whether the full range of services for which victims were eligible had actually been provided.

The government provided identified, undocumented migrant trafficking victims a 60-day reflection period to decide whether to assist law enforcement, during which victims were prohibited from working, as well as six months of temporary residency, during which victims were required to cooperate with law enforcement. Authorities granted five victims reflection periods and 28 victims six-month temporary residence permission in 2015; six of these victims received the permission without requiring a prior reflection period. The government did not report how many victims received ad hoc long-term residency by extending their temporary residence permission to remain in the country while cooperating with law enforcement. NGOs believed the government put too much emphasis on law enforcement cooperation from victims. NGOs report that some trafficking victims were advised to submit asylum claims, though this could cause problems for victims because it precluded them from seeking legal employment. Seven potential trafficking victims identified in 2015 had previously requested asylum in Ireland. NGOs urged the government to codify protections for all victims, irrespective of immigration status, which are currently governed by administrative procedures. The government offered free legal aid to all suspected trafficking victims, but not all eligible individuals used the aid; in 2015, 24 suspected victims did so, compared with 16 in 2014. As early legal representation was not always available, some victims faced challenges navigating the immigration system and lacked representation during the investigation process.

The law did not protect victims from prosecution for crimes committed as a result of being subjected to trafficking. NGOs reported that if the government prosecuted victims for crimes they committed as a result of being subjected to trafficking before their identification as victims, their criminal record could not be expunged following formal identification. NGOs continued to report the government prosecuted, convicted, and imprisoned Asian victims of forced labor in cannabis production for crimes committed as a result of being subjected to trafficking. In 2015, the national police reported 70 Asian nationals remained in prison related to cannabis offences, including 30 cases where the defendants were in pre-trial detention, and the remainder in jail as convicts. The national police were reviewing the 30 pre-trial cases for trafficking indicators, but the government did not report how many defendants were involved. NGOs expressed frustration at having no information on the progress of the review, ongoing since 2014. In 2015, the high court ruled the national police failed to identify a Vietnamese adult trafficking victim who was forced to work in cannabis production, finding deficiencies in the investigation and in policies and procedures for identifying trafficking victims. In 2015, NGOs reported the government tried and acquitted two trafficking victims for cannabis production, and did not take measures to assist them after release from prison, exacerbating their vulnerability. The national police enacted new measures during the reporting period to investigate human trafficking independently of drug offenses. The government, in collaboration with law enforcement, was compiling a set of guidelines to assist police officers in investigating these cases, but they remained in draft at the end of the reporting period. The government reported taking steps to make police and prosecutors aware of the possible victimization of individuals involved in cannabis cultivation, but did not report identifying any such individuals as trafficking victims in 2015, despite

what NGOs reported as strong indicators of forced labor in the cannabis production sector. Trafficking victims can file civil suits against their traffickers. However, it has proven more difficult for sex trafficking victims to obtain compensation than labor trafficking victims, who have the option of pursuing cases through the Labour Relations Commission, and also can claim quantifiable losses related to employment.

Media reports claimed undocumented Ghanaian, Filipino, Egyptian, and Indian migrant workers were routinely subjected to exploitative labor and possibly trafficking for forced labor on Irish trawlers, and were subject to passport retention, denial of freedom of movement, severe sleep deprivation, verbal and physical abuse, and dangerous working practices. The government identified one victim of labor trafficking in the fishing industry. The government identified the maritime industry as a potentially high risk area for human trafficking. The agriculture department established an interdepartmental taskforce, including representatives from civil society, charged with monitoring and oversight of the industry, and eliminating forced labor vulnerabilities. Ireland participates in an international group of senior law enforcement officials and Catholic bishops working with civil society to eradicate human trafficking; and leads a project focused on the fisheries industry in the North Atlantic, which carried out several law enforcement investigations and inspections in 2015, one of which led to the identification of a non-EU labor trafficking victim in the Irish fishing industry. The case was under investigation at the close of the reporting period, and the victim received victim services from the government and NGOs.

## PREVENTION

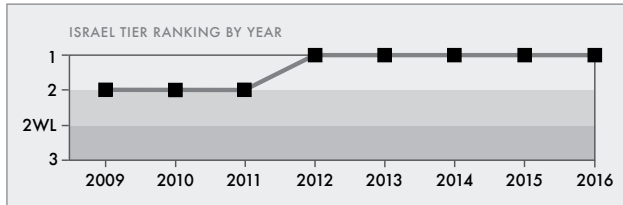
The government strengthened its anti-trafficking prevention efforts. The justice ministry's anti-trafficking unit coordinated interagency efforts, including the high-level interagency group and five working groups that included NGOs. NGOs called for the working groups to resume meeting on a regular schedule. The draft second national action plan remained under review for a third year, and NGOs expressed frustration at the length of the process. Authorities made efforts to reduce the demand for commercial sex and for forced labor. The government introduced a bill to criminalize the purchase of commercial sex, and classified the purchase of sex from a trafficking victim as a more serious offense. Authorities and NGOs completed an awareness-raising campaign on sex trafficking. The government conducted anti-trafficking trainings on supply chain issues for employees of a food production company. NGOs advocated for an independent national rapporteur to monitor government anti-trafficking efforts. The government monitored the guidelines instituted in the previous reporting period aimed at preventing the exploitation of domestic workers of foreign diplomats in Ireland, and there appeared to be a decrease in forced labor among domestic workers in diplomatic households. The government required all locally engaged staff of diplomats to have contracts in compliance with local labor law; NGOs recommended the government extend these measures to service staff employed by diplomats. The government provided anti-trafficking training to its diplomatic personnel and defense forces prior to their deployment abroad on international peacekeeping missions.

## ISRAEL: Tier 1

Israel is a destination country for men and women subjected to

forced labor and, to a much lesser extent, a source country for men and women subjected to sex trafficking. Migrant workers primarily from Asia, Eastern Europe, and West Africa migrate to Israel for temporary contract labor in construction, agriculture, caregiving, and fishing; 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 are withheld, and they experience long working hours, no breaks or rest days, and difficulty changing employers. In 2013, 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 that Philippine workers are paying recruiters in the Philippines fees of \$12,000 to go to Israel for work and that the requirement to repay this amount results in significant hardship for the workers. Foreign caregivers are legally limited to employment in a geographic area and type of work, though the government reports foreign caregivers are free to change employers without special permission from their current employers; nevertheless, NGOs continue to raise concerns that these regulations bind caregivers to their employers and increase their vulnerability to exploitation. Persons with disabilities, particularly foreigners, are vulnerable to forced labor, such as street begging. Women from Eastern Europe, 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. Many of these migrants were kidnapped along the Eritrea-Sudan border or within Sudan and subjected to severe abuse, including forced labor and sex trafficking, at the hands of criminal groups in the Sinai before reaching Israel. Although the flow of these migrants arriving in Israel has dramatically decreased from more than 10,000 in 2012, the Israeli government reported the arrival of 168 irregular migrants in 2015, an increase from the 21 migrants who arrived in 2014. The remaining 43,000 Eritrean and Sudanese male and female migrants and asylum-seekers are highly vulnerable to sex and labor trafficking.

The Government of Israel fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate strong efforts to identify and provide 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 sustained law enforcement actions against sex and labor trafficking, though prosecution and convictions decreased slightly from the previous year. In 2015, fourteen traffickers received sentences that included serving time in prison commensurate with the severity of the crime. Though the government continued to identify and provide some care to trafficking victims among the detained irregular African migrant population, unidentified victims continued to be susceptible to long-term detention for committing immigration violations. The government continued to implement strong anti-trafficking prevention measures.



## RECOMMENDATIONS FOR ISRAEL:

Continue to impose stricter sentences on convicted traffickers, consistent with the gravity of the crime; 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; further strengthen victim identification and referral measures among African migrants in detention facilities, especially those who endured severe abuses in Egypt's Sinai Peninsula; continue to provide protection for all trafficking victims, including shelter and medical and psycho-social treatment; further 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, victim sensitivity, and enforcement of labor and sex trafficking laws; and increase enforcement of foreign worker labor rights.

## PROSECUTION

The government continued to make progress in effective prosecution of traffickers under the anti-trafficking law, but some convicted traffickers received low sentences. The 2006 anti-trafficking law prohibits 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 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 2015, the police initiated 234 investigations of potential sex trafficking crimes, including 23 related to child sex trafficking; it also opened 158 suspected forced labor investigations, three of which involved withholding of passports. In 2015, the government prosecuted nine suspected sex traffickers and zero labor traffickers, compared with 14 sex trafficking and zero labor trafficking prosecutions in 2014. In 2015, the government convicted three sex traffickers and no forced labor offenders, a significant decrease from 18 sex traffickers and one labor trafficker convicted in 2014. Courts continued to issue sentences to some traffickers that are sufficiently stringent and commensurate with other serious crimes. However, many traffickers received sentences of suspended jail time, 'community service' similar to probation, and financial penalties; these sentences are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes. In 2015, fourteen offenders—some of whom were convicted in 2014—were given sentences that ranged from 'service to the community' to 16 years' imprisonment. The government continued to report challenges to prosecuting sex trafficking and forced labor cases, as many victims preferred repatriation and were unwilling to remain in Israel to serve as witnesses in criminal cases against their traffickers. In 2015, the government coordinated with

INTERPOL and Russian authorities to issue extradition requests for suspects involved in sex trafficking cases. The government also requested legal assistance from Russian authorities to collect testimonies from Russian trafficking victims for an ongoing sex trafficking investigation against alleged Israeli suspects. The government did not report efforts to prosecute or convict any officials allegedly complicit in trafficking offenses. However, in 2015, the government charged a police officer for alleged involvement in protecting the operation of a brothel, but it was unclear if the officer was charged for trafficking crimes. The government continued to provide extensive anti-trafficking training, workshops, and seminars to officials in various ministries, including training for police officers on procedures for appropriately handling child sex trafficking cases.

## PROTECTION

The government continued to demonstrate strong efforts to identify and protect victims of all forms of trafficking, but unidentified victims among the African migrant population remained vulnerable to detention and thereby 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. In 2015, authorities identified 50 trafficking victims and referred them to shelters; in addition, police also identified 13 victims during raids on brothels. Despite these efforts, an NGO reported having difficulty coordinating with the police's foreign workers investigation unit (SAAR) during the reporting period; the NGO reported referring to SAAR 13 cases of labor violations—some of which were potential forced labor cases—but it was unclear if authorities followed up on such cases.

The government continued to provide a wide range of protective services for victims of all forms of trafficking. The government maintained its funding for the 35-bed Maagan shelter for female trafficking victims and a 35-bed Atlas shelter for male trafficking victims; shelter residents were provided work permits and allowed to leave freely. Due to low occupancy numbers and no new victim referrals, the government closed its 18-bed Tesfa shelter in July 2015, which specifically catered to the cultural and social needs of female victims from Eritrea and Ethiopia. At the time of its closing, its 13 residents, including one infant, were relocated to other shelters for care. 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 specifically for male trafficking victims. In 2015, the Maagan shelter assisted 44 victims, including 24 victims newly referred to the shelter; eight of the residents resided in the shelter with their children and 15 of those newly referred were Eastern European. In 2015, the Atlas shelter assisted 39 newly referred trafficking victims, including 15 male sex trafficking victims, and it continued to assist 26 victims who entered the shelter in 2014. During the reporting period, eight Atlas shelter residents participated in a training program to work in the welding sector; seven of the program's participants received an internationally-recognized professional diploma after completing the training, and four subsequently sought work in their area of expertise. The Ministry of Social Affairs continued to operate a day center in Tel Aviv for male and female African trafficking victims who chose not to reside at a



shelter and to assist with victims' transition from the shelter to the community. The 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 2015, the center provided services to 141 men and women, primarily Eritrean, all of whom were identified by police as trafficking victims abused in the Sinai. 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 did not report how many trafficking victims were assisted at these centers during the reporting period. Additionally, for those identified trafficking victims who opted not to live in shelters, the government provided an official letter that protected them from potential arrest and emergency contact numbers for shelters and relevant ministries. Identified trafficking victims living outside of shelters were also allowed 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 Ministry of Justice (MOJ) legal aid branch continued to provide free legal aid to trafficking victims. In 2015, the branch received 132 legal aid requests from victims, including 82 African migrants and asylum-seekers, who were trafficking victims in the Sinai, and eight victims with disabilities. In 2015, the government issued 99 B1 visas—unrestricted work visas—and one-year rehabilitation visas to trafficking victims, which included 29 newly identified victims. By law, all victims residing in the Maagan and Atlas shelters were provided B1 visas. In 2015, the government provided repatriation assistance to eight trafficking victims in coordination with an international organization. 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 130 identified trafficking victims, including 11 children.

Although most trafficking victims were not punished for acts committed as a direct result of being subjected to human trafficking, authorities regularly detained trafficking victims among the irregular African migrant population—including those who were abused in the Sinai—for immigration violations under the Law of Infiltration. An amendment to the infiltration law, which determines irregular African migrants remain in prison for three months followed by 12 months in the Holot holding facility, went into effect in February 2016. Although the government characterized Holot as an open facility, an international organization and Holot residents claimed it is a de facto detention center due to its remote location in the desert and restrictive requirements on movement. Despite this, an NGO reported the government's process to identify trafficking victims among African migrants abused in the Sinai improved during the reporting period. It was unclear how many trafficking victims were released from Holot and referred 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. The national anti-trafficking unit

continued to coordinate anti-trafficking efforts effectively among relevant ministries and NGOs during the reporting period; it also conducted training and awareness-raising workshops for officials, including a train-the-trainers program, and maintained a website on human trafficking. The anti-trafficking unit continued to chair an inter-ministerial committee appointed to study women and children in prostitution in Israel. The Knesset subcommittee on trafficking in women and prostitution was dissolved in 2015, but its mandate was reassigned to fall under the Knesset Committee on the Status of Women and Gender Equality; this committee met regularly and coordinated with various ministries to address sex trafficking issues and policies during the reporting period. In February 2016 the sub-committee on trafficking in women was officially reestablished. The government provided anti-trafficking training for its diplomatic personnel.

The government continued efforts to reduce the demand for forced labor. In 2015, the government reported prosecuting 15 offenders and convicted nine offenders for fraudulent labor recruitment of foreign workers; six of these were corporations. The Population Immigration and Border Authority (PIBA), under the Ministry of Interior, continued to monitor recruitment agencies and manpower companies for labor law violations. The Ministry of Economy (MOE), which employed 274 labor inspectors and contracted translators during routine inspections, initiated 1,007 investigations, issued 2,429 administrative warnings and imposed 23 fines to employers for labor violations in 2015. MOE's ombudswoman for foreign worker's rights received and responded to 1,300 complaints of labor law violations in agriculture and referred 90 percent of these complaints to relevant authorities for follow-up or investigation. The government partnered with NGOs to produce and distribute to manpower agencies an informational brochure on victim identification and relevant anti-trafficking resources. 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 civil society organization, continued to operate a 24-hour hotline to assist foreign workers who are in Israel under bilateral agreements.

The government continued efforts to reduce the demand for commercial sex acts and to address sex tourism. In 2015, the state attorney's office and law enforcement entities collaborated to shut down five brothels for a period of 30 to 90 days to prevent sex trafficking crimes. In 2015, courts convicted five defendants for purchasing commercial sex with children; sentences given to the offenders ranged from 16 years' imprisonment to a suspended sentence. The anti-trafficking unit worked with tourism organizations to promote awareness of prostitution and sex trafficking in the hotel and hospitality sector. The law prohibits Israeli nationals from engaging in child sex tourism abroad.

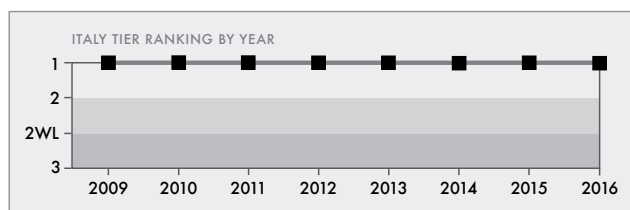
## ITALY: Tier 1

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 waitresses, dancers, singers, models, or caregivers. Eastern

European women and girls are forced into prostitution by Romanian and Albanian criminal groups. Nigerian women and girls are subjected to sex and labor trafficking through debt bondage and coercion through voodoo rituals. Experts estimate approximately 3,000 children are exploited in street prostitution. 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 or send money to their families. Official complicity in human trafficking crimes occurs at the local level. Italian men engage in child sex tourism abroad, including countries throughout Africa, Latin America, and East Asia.

During the reporting period, NGOs and government officials reported the number of trafficking victims in Italy increased significantly due to the dramatic rise in migrants and asylum-seekers arriving by boat from sub-Saharan Africa; one international organization estimated more than 2,800 likely trafficking victims arrived in 2015 from Nigeria alone. Most migrants and asylum-seekers rely on smugglers at some point during their journey and in some instances are forced into exploitation upon arrival in Italy. Italy received approximately 154,000 irregular arrivals by sea in 2015, more than half of whom requested asylum; these individuals were highly vulnerable to trafficking. Although the government operated temporary centers throughout the country to house asylum-seekers, the system was overwhelmed and the government was forced to house approximately 90,000 asylum-seekers in improvised shelters; international organizations reported increased incidents of labor and sex trafficking of asylum-seekers as a direct result of shelter shortages. Asylum-seekers, who are unable to legally work while their applications are reviewed, often sought employment in informal sectors, increasing their vulnerability to trafficking. More than one-third of the approximately 18,000 unaccompanied minors who arrived in Italy in 2015 left their protected communities to work, beg, or journey northwards, increasing their vulnerability.

The Government of Italy fully meets the minimum standards for the elimination of trafficking. The influx of migrants to the country during the reporting period placed a significant strain on government resources, especially among agencies that combat human trafficking. Despite this challenge, the government convicted a significantly larger number of traffickers, passed its first national action plan, and continued to provide training to law enforcement officials. However, investigations and prosecutions decreased, government-supported NGOs remained severely underfunded, many victims among vulnerable groups went unidentified, and there remained a significant lack of government coordination on anti-trafficking efforts.



## RECOMMENDATIONS FOR ITALY:

Continue to vigorously investigate and prosecute trafficking cases and ensure convictions of traffickers result in dissuasive sanctions; formalize victim identification and referral procedures and consistently train law enforcement and other officials on their proactive application; improve efforts to screen irregular migrants and asylum-seekers to identify possible trafficking victims, particularly in migrant reception and expulsion centers; provide adequate long-term funding to NGOs assisting victims; develop specialized services for child trafficking victims and expand accommodation for male victims; allow asylum-seekers to obtain legal employment while waiting for their applications to be reviewed; establish a national coordination structure that involves all relevant public bodies and NGOs; allocate sufficient funding towards the implementation of the national action plan; make efforts to reduce the demand for child sex tourism; and implement nationwide awareness-raising activities on all forms of trafficking.

## PROSECUTION

The government demonstrated a decrease in investigations and prosecutions, but an increase in convictions. 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. Authorities investigated 2,897 suspected traffickers in 2014, the most recent year for which law enforcement statistics were available, a decrease from 3,803 in 2013. The government prosecuted 828 defendants for suspected trafficking crimes in 2014, a decrease from 1,024 in 2013. In 2014, courts convicted 169 traffickers and appeals courts affirmed convictions of 184 defendants, representing a significant increase from the 74 traffickers convicted and 108 convictions upheld in 2013. The government was unable to provide complete data on sentences imposed in 2014, but reported some convicted traffickers received prison sentences ranging from five to 13 years' imprisonment. The government did not disaggregate law enforcement statistics involving sex and labor trafficking crimes but historically has prosecuted both. The training curriculum for law enforcement agencies included victim identification and investigation of trafficking and exploitation crimes; in 2014, the most recent year for which law enforcement statistics were available, 1,942 officers were trained. Despite isolated incidents of local government officials involved in trafficking, media did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

## PROTECTION

The government maintained modest protection efforts. The Department of Equal Opportunity, the entity responsible for coordinating protection efforts, reported government-supported NGOs assisted approximately 800 victims in 2015, similar to the 810 victims assisted in 2014; however, due to poor record keeping, the government was unable to provide a verified number of victims assisted. The government allotted 8 million euros (\$7.35 million) to trafficking victim assistance programs implemented by NGOs in 2015; the same amount allocated in 2014, despite the significant increase in the number of victims. Local governments provided an additional 1,700,000 euros (\$1,870,000) to victim assistance programs. The government relied predominantly on NGOs and international organizations to provide shelter and services to victims, who cited insufficient funding and the lack of a formal referral mechanism as serious

problems during the reporting period. These issues were particularly problematic in reception areas where migrants and refugees were forced to wait for extended periods for shelter, which resulted in increased instances of labor and sex trafficking.

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. Child victims received an automatic residence permit until age 18 and were accommodated in generalized children's centers or in new centers established for trafficking victims that are also asylum-seekers. The government granted 324 temporary residence permits for victims of exploitation in 2015; it is 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 collaborated with law enforcement. It is unclear how many victims collaborated in the prosecution of their traffickers in 2014. 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, that many trafficking victims among irregular migrants, asylum-seekers, and unaccompanied children went unidentified 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, many unidentified victims were treated as regular asylum-seekers or illegal migrants.

## PREVENTION

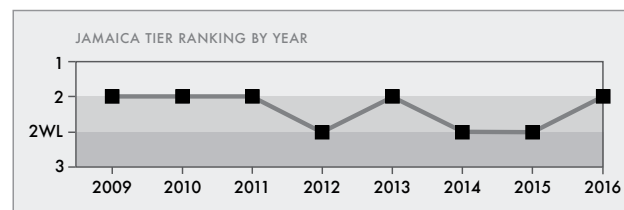
The government sustained limited trafficking prevention efforts. In February 2016, the government adopted a national action plan; however, it did not fund or implement the plan during the reporting period. Government officials and representatives from NGOs and international organizations cited an absence of coordination on trafficking efforts; the government continued to lack a national anti-trafficking coordinator and there was no national rapporteur to conduct independent evaluations of anti-trafficking efforts. It also 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 3,600 calls for information in 2015, of which 610 were directly related to trafficking. Local municipalities and police supported NGO-led education campaigns aimed at reducing the demand for commercial sex. Although Italians engaged in child sex tourism in various countries abroad, the government did not make any efforts to address the demand for child sex tourism, nor did it make any tangible efforts to reduce the demand for forced labor. The government provided anti-trafficking training to Italian troops prior to their deployment abroad as part of international peacekeeping missions and for its diplomatic personnel.

## JAMAICA: Tier 2

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. 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 residents of Jamaica's poverty-stricken areas effectively controlled by criminal "dons," 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. Two former officials faced trafficking in persons charges.

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 secured two convictions, the first in seven years: one each for forced labor and sex trafficking. The government prosecuted nine trafficking cases against 14 alleged traffickers. The government developed a national action plan for 2015-2018, developed and implemented two new victim protection protocols, reported 52 suspected child trafficking cases, identified four confirmed trafficking victims who were provided government shelter and services, and increased funding to victim services. Officials identified few confirmed victims relative to the number of new trafficking investigations and the size of the vulnerable population.



## RECOMMENDATIONS FOR JAMAICA:

Vigorously prosecute, convict, and punish traffickers, including any officials complicit in sex or labor trafficking; identify and assist more victims of forced labor and sex trafficking, including prostituted Jamaican children; develop a new, comprehensive national action plan with adequate funding dedicated to implementing the 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 younger than age 18 in prostitution in night clubs, bars, and massage parlors; develop and implement standards for shelter and trafficking victim care designed to move victims toward self-sufficiency; provide the necessary authority and support to the newly appointed national rapporteur on trafficking in persons to carry out the 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 increased 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 maximum sentence for trafficking in persons and conspiracy to commit trafficking is 20 years' imprisonment, or a fine, or both. The



maximum sentence for aggravated trafficking in persons is 30 years' imprisonment, or a fine, or both. These penalties are sufficiently stringent and commensurate with those prescribed 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.

Authorities reportedly initiated 30 new trafficking investigations compared with 38 in 2014, leading to the arrest of four individuals for suspected trafficking crimes in 2015. Officials prosecuted nine trafficking cases against 14 alleged traffickers; two cases—one sex trafficking and one forced labor—against four defendants were new in the reporting period compared to five new trafficking cases in the previous reporting period. The government secured two convictions, the first in seven years: a forced labor conviction and a sex trafficking conviction. In the forced labor case, the court sentenced the trafficker to pay 2.4 million Jamaican dollars (\$19,700) in fines and 2.4 million Jamaican dollars in restitution to three victims, but did not impose imprisonment; this is not sufficiently stringent under international law. In the sex trafficking case, the trafficker was sentenced to 15 years of hard labor in April 2016. The independent commission of investigations had authority to investigate all alleged abuses by police officers and government officials. 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 was ongoing at the close of the reporting period.

The government trained 563 police officers on trafficking, compared to 128 in the previous reporting period. The Ministry of National Security and the National TaskForce against Trafficking in Persons trained coast guard, customs, and immigration officials; and the Jamaican Constabulary Force (JCF), with the Ministry of Labor and Social Security, funded and facilitated an anti-trafficking training for police officers, soldiers, customs officers, and other law enforcement officials from across the Caribbean. Jamaican officials participated in trafficking in persons courses for criminal justice system professionals to build capacity, funded by foreign government and international organization sources.

## PROTECTION

The government increased efforts to protect victims. Authorities identified four confirmed trafficking victims—three men and one girl—in 2015, compared to four confirmed victims—three women and one girl—in 2014. The government developed a victim protection protocol and a standard operating procedure for granting temporary immigration status to trafficking victims. Police continued to use a standard operating procedure for victim identification. Immigration officials continued to screen and conduct risk assessments of potential victims. The children's registry received 52 reports of suspected trafficking cases—49 for sex trafficking and three for forced labor—which it referred to the JCF. The JCF's trafficking unit, when taking trafficking victims into protective custody, was required to notify the taskforce, partner NGOs, and, when applicable, the Child Development Agency. The JCF trafficking unit then made arrangements for the transportation and transfer of victims to a shelter care facility.

The government offered protection to all four 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, continued to assist two female victims; one victim of domestic servitude who had lived in the shelter for three years and one child sex trafficking victim who entered the shelter in 2015. Both received medical and dental care, psychological counseling, food and basic necessities, legal services, and access to recreation. Both victims attended school outside the shelter and received help with homework from shelter staff. Authorities also provided shelter and services to three male forced labor victims at a secure location. Authorities provided 13 million Jamaican dollars (\$107,100) for victim assistance in 2015, compared with 3.4 million Jamaican dollars (\$29,500) in 2014; however, the 2014 budget figure did not include the cost of accommodating victims in locations alternative to the shelter. In accordance with Jamaica's anti-trafficking law, the government directed immigration authorities not to deport foreign victims. The anti-trafficking taskforce and an international organization were in the process of securing immigration relief for four foreign national victims at the end of the reporting period. 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 human trafficking. Jamaica developed and published a new national anti-trafficking plan valid through 2018, to be implemented by the national taskforce through sub-committees on prevention, protection, and prosecution. The taskforce requested but had not received a fixed budget to implement the plan. The cabinet appointed a national rapporteur on trafficking in persons in early 2015 in order to investigate reports of trafficking, report on violations of the rights of victims, and provide an annual report to the government. The government engaged in public awareness raising activities on all forms of trafficking, including a campaign in schools and the community; media interviews; and targeted outreach through the distribution of more than 3,300 pamphlets. The government's efforts resulted in the direct training of more than 4,000 students and 90 principals. 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 closure of three establishments suspected of facilitating illegal activity. 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.

## JAPAN: Tier 2

Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers, mainly from Asia, are subjected to conditions of forced labor, including some cases through the government's Technical

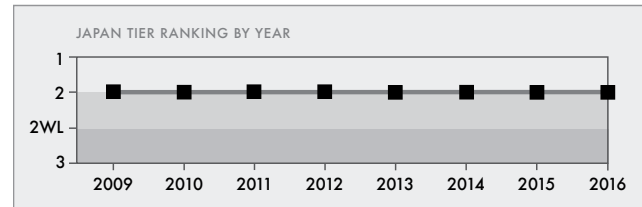
Intern Training Program (TITP). Some men, women, and children from East Asia, Southeast Asia (mainly the Philippines and Thailand), South Asia, South America, and Africa travel to Japan for employment or fraudulent marriage and are subjected to sex trafficking. Traffickers use fraudulent marriages between 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 predisposed 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. The phenomenon of *enjo kosai*, also known as “compensated dating,” and variants of the “JK business” (JK stands for *joshi-kosei*, or high school girl) 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. 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 then exploited in sex trafficking to pay off the debt incurred for the organizations’ services. Japanese men continue to be a significant 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. The majority of technical interns are Chinese 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 excessive fees, deposits, and “punishment” contracts by sending organizations under this program. 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.

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 increased prosecutions and convictions of traffickers and the number of trafficking victims identified during the reporting period, although nine of the 27 traffickers convicted in 2015 received only fines as punishment. The government did not prosecute or convict forced labor perpetrators despite allegations of labor trafficking in TITP, and the overall number of prosecutions and convictions decreased since 2013. The government released its first annual report on anti-trafficking measures. The government,

however, did not develop or enact legislation that would fill key gaps in the law to facilitate prosecutions of trafficking crimes and bring it into accordance with the definition of trafficking in international law. The government modestly increased efforts to protect trafficking victims. The government, however, did not develop specific protection and assistance measures for trafficking victims, such as establishing a nationwide network of shelters exclusively for trafficking victims apart from the existing network of shelters for victims of domestic violence. The government did not accede to the 2000 UN TIP Protocol.



### 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 penalty for trafficking offenses by eliminating the alternative of a fine to a prison sentence; significantly increase efforts to investigate and prosecute labor trafficking cases, and punish convicted traffickers with jail time; enact the TITP reform bill; increase enforcement of bans on excessive deposits, “punishment” agreements, withholding of passports, and other practices by organizations and employers that contribute to forced labor; implement the newly expanded victim identification procedures for front-line officers to recognize both male and female victims of forced labor or sex trafficking; enhance victim screening to ensure potential trafficking victims, including but not limited to arrested migrant workers under the TITP program, are not detained or forcibly deported for unlawful acts committed as a direct result of being subjected to trafficking; set aside 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 modestly increased anti-trafficking law enforcement efforts. Japan’s criminal code does not prohibit all forms of trafficking in persons, as defined by international law, and the government relies on various provisions of laws relating to prostitution, abduction, child welfare, and employment to prosecute trafficking in persons crimes. Articles 7 through 12 of the 1956 Prostitution Prevention Law criminalize the procurement of prostitutes and forced prostitution. Article 226-2 of the penal code criminalizes the buying or selling of human beings. The 1947 Employment Security Act makes it a crime for a person to engage in labor 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.” In addition, Japan’s 1947 Child Welfare Act broadly criminalizes harming a child—to include causing a child to commit an obscene act or an act harmful to the child—which has reportedly been the basis for prosecuting a defendant for subjecting a child to prostitution. However, the Child Welfare Act does not appear to cover all forms of child sex trafficking, as it does not reach the recruitment, transport,

transfer, or receipt of a child for the purpose of prostitution. Article 226-2 provides a 10-year maximum penalty for buying a person for the purpose of profit or indecency, which is sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes, such as rape. However, buying and selling a person for the purpose of transporting him or her across international borders is a lesser crime subject to a two-year minimum penalty. Other crimes relied on by Japanese prosecutors to prosecute trafficking offenses also carry insufficiently stringent penalties because they provide for a fine as an alternative to incarceration. An offender who prostitutes a child and is convicted of endangering a child's welfare by "causing the child to commit an act making an impact that is mentally or physically harmful to the child" could be punished only with the payment of a fine, as the penalty is a maximum of three years imprisonment, a fine of the equivalent of one million yen (\$8,000), or both. Likewise, though causing a child to "commit an obscene act" carries a higher maximum penalty of 10 years' imprisonment, a fine of no more than 3 million yen (\$24,000), or both, even under this article there remains the possibility of a fine as the sole punishment. Similarly, to the extent the Employment Security Act criminalizes the act of recruitment for forced labor, the allowed maximum punishment of a minimum fine of 200,000 yen (\$1,700) is insufficiently stringent. In addition, some forms of forced prostitution are punishable by a maximum of three years' imprisonment or a fine. Others are subject to five years' imprisonment without the alternative of a fine.

The government reported investigating 44 cases for crimes related to human trafficking in 2015, compared with 32 in 2014. It initiated prosecution of 17 cases in 2015, most of which had direct or indirect links to sex trafficking and involved a total of 26 suspected traffickers. The government convicted 27 traffickers, six of whose prosecutions began in 2014, compared with 18 convicted in 2014. Nine of the 27 convicted traffickers received only fines. Despite numerous reports and allegations of possible labor trafficking offenses under the TITP, including confiscation of passports, imposition of exorbitant fines, arbitrary deduction of salaries resulting from non-contractual infractions, and attempted forceful deportation by both sending and receiving organizations, the government did not prosecute or convict traffickers involved in the use of TITP labor as traffickers. However, the government has prosecuted some of these abuses as labor violations with insufficiently stringent penalties. The government reported investigating 728 cases of child prostitution, compared with 661 in 2014. It was unclear how many investigations resulted in prosecutions and convictions and how many of the cases involved children engaged in transactional sex as compared to children subject to prostitution by a third party. The National Police Agency (NPA), Ministry of Justice (MOJ), Bureau of Immigration, and public prosecutor's office continued to conduct numerous anti-trafficking trainings for senior investigators and 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 modestly increased efforts to identify and protect trafficking victims. The government identified 54 trafficking victims, compared with 25 in 2014. Of the 54, the government identified 23 Filipino labor trafficking victims in one case, which may have also involved sex trafficking for some

victims. The government identified 11 other labor trafficking victims in separate cases in 2015. This was the first year the government identified labor trafficking victims in 20 years; some of these cases may also have been related to sex trafficking. The government's protection efforts continued to be hampered by a narrow definition of human trafficking. The government has never identified a forced labor victim in TITP, despite substantial evidence of trafficking indicators, including debt bondage, passport confiscation, and confinement. NPA officials identified 20 female sex trafficking victims in 2015, compared with 25 in 2014. Five of the 13 Japanese sex trafficking victims identified were children. Despite 518 children identified as involved in prostitution by police, the government officially identified only five children as sex trafficking victims. Police informally counseled some child sex trafficking victims on their behavior instead of formally identifying them as trafficking victims and consequently did not receive specialized trafficking victim 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 21 of the identified victims. Other victims received assistance in NGO shelters or returned to their homes. 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 government began to provide financial support for shelter protection for male victims through an NGO in October 2015.

NPA officials used an IOM-developed handbook and the Inter-Ministerial Liaison Committee's manuals to identify victims and refer victims to available services. Some victims were reluctant to seek government assistance due to fear of reprisals from traffickers. No government assistance to victims of labor trafficking or abused participants in the TITP was reported, as the government did not screen for or identify victims among this vulnerable population. The government-funded Legal Support Center provided pro bono legal services to destitute victims of crime for both criminal and civil cases; for the fourth consecutive year, it was unclear whether any trafficking victims applied for or received such services. Although the law prohibits trafficking victims from being punished for crimes committed as a result of being subjected to trafficking, some victims were fined for immigration violations incurred. Temporary, long-term, and permanent residence benefits were available to victims who feared returning to their home country; the government granted eight long-term residence visas. In most cases, however, foreign victims chose to return to their home country rather than stay through the lengthy investigation and trial period, during which they were often not allowed to work. The government funded a program through an international organization to provide counseling, temporary refuge, social reintegration, and repatriation services to foreign victims. Twelve victims received services and returned to their home countries through this program during the reporting period. Victims had the right to seek compensation from their traffickers; and some foreign workers, including potentially unidentified trafficking victims, did file civil suits for non-payment of wages. However, given that companies ordered to provide restitution often declared bankruptcy, receiving restitution remained difficult.

## PREVENTION

The government increased efforts to prevent trafficking. It issued its first annual report on government actions to combat trafficking and tracked measures against the stated goals of its anti-trafficking action plan. The plan outlined efforts to reform the TITP, train front-line officers, and improve



protection and assistance for trafficking victims. A draft TITP reform bill submitted to the Diet in March 2015 has yet to be voted upon. The reform bill would establish an entity to conduct management audits, an oversight mechanism to hold perpetrators accountable for crimes of forced labor, redress mechanisms for foreign migrants, and would designate responsible ministries, but it would not allow interns to change employers. The Ministry of Land, Infrastructure, Transport and Tourism initiated a program to accept foreign construction workers that has strong protection components, such as onsite assessments and reviews, as an attempted progression from TITP. The MOJ banned three companies, 32 supervising organizations, and 238 implementing organizations from receiving TITP interns in 2015. The Japan International Trade Cooperation Organization, a government entity designated to monitor the TITP, conducted employer visits and trainings, operated a hotline for TITP interns, and distributed the TITP workers' handbooks in six languages.

The government continued to advertise the multilingual emergency contact hotline number at local immigration offices and with governments of source countries, conduct online trafficking awareness campaigns, and publicize trafficking arrests to raise awareness. To reduce demand for commercial sex, the cabinet office continued to distribute posters, leaflets, and passport inserts nationwide with warning messages to potential consumers of sexual services. Japan is a source of demand for child sex tourism, with Japanese men traveling and engaging in commercial sexual exploitation of children in other Asian countries—particularly Thailand, Indonesia, Cambodia, the Philippines, and, to a lesser extent, Mongolia; the government prosecuted one Japanese national for child sexual exploitation in another Asian country and sentenced him to two years' imprisonment with a four-year suspended sentence. The NPA shared case details on commercial sexual exploitation of children in Southeast Asia with Thai, Cambodian, Philippine, and Indonesian police counterparts. 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-8 country that is not a party to the 2000 UN TIP Protocol.

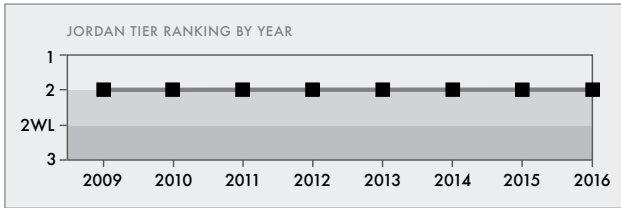
## JORDAN: Tier 2

Jordan is a source, destination, and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Jordan relies on foreign migrant workers 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. There are an estimated 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. Many of these workers are unable to return to their home countries, while some remain in Jordanian detention, due to pending criminal charges against them or due to their inability to pay overstay penalties or plane fare home. 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, unsafe living conditions, verbal abuse, and restricted movement; in addition, workers in 47 percent of the factories in this industry pay unauthorized fees to recruitment agents in their country of origin, making them vulnerable to debt bondage.

Syrian refugees in Jordan are increasingly vulnerable to trafficking, in part due to their financial circumstances. 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 enacted new policy in March 2016 that allows Syrian refugees legal work permits. NGOs have observed an increase in child labor and potential forced child labor among Syrian refugee children working alongside their families in agriculture and service industries, as well as peddling goods and begging. In previous years, Jordanian law enforcement, NGOs, and the media reported instances of Syrian refugee women and girls sold into "temporary" or forced marriages to Jordanians and men from the Gulf for the purpose of forced prostitution; however, Jordanian officials did not report similar incidents in 2015. 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. Some out-of-status domestic workers from Indonesia, the Philippines, Bangladesh, and Sri Lanka were 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 girls are forced to drop out of school to perform domestic service in their families' homes; some of these girls are vulnerable to trafficking.

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. During the year, the government continued robust efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials and alleged offenders in the garment industry. Despite serious budget and resource constraints, the government sustained progress in its proactive identification, referral, and provision of protective services to victims. The government opened its first shelter dedicated solely to victims of all forms of trafficking, with a three-year operating budget of 750,000 Jordanian dinars (JD) (\$1,056,264) and ensured shelter staff was trained to provide appropriate care. The government also adopted a national victim referral mechanism—developed in consultation with civil society organizations—for authorities to systematically identify and refer victims to protection services. Nevertheless, authorities continued to lack screening procedures in detention facilities to identify trafficking victims among illegal foreign migrants who were arrested and imprisoned.



**RECOMMENDATIONS FOR JORDAN:**

Amend the anti-trafficking law to ensure that penalties for sex trafficking and forced labor of adults are sufficiently stringent and commensurate with other grave crimes; amend the anti-trafficking law to restrict the ability of judges to impose fines in lieu of prison time when sentencing convicted traffickers; 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; increase training for law enforcement and prison officials to proactively screen for trafficking victims among detained foreign migrants, and improve proactive identification of victims of all forms of trafficking among vulnerable populations and regularly cooperate with NGOs in these efforts; 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; fully implement and train law enforcement, prison, and judicial officials on implementation of the national victim referral mechanism; continue to allocate adequate funding for operation of the government’s trafficking shelter and continue to train shelter staff to identify and provide specialized care to victims; issue regulations governing work in the agricultural sector, and regulate fraudulent labor and recruitment practices; and continue to implement anti-trafficking awareness campaigns.

**PROSECUTION**

The government maintained strong anti-trafficking law enforcement efforts. The 2009 anti-human trafficking law prohibits 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 JD (\$1,400-7,000); these penalties are neither sufficiently stringent nor commensurate with those prescribed for other grave crimes, such as rape and kidnapping. As stated in Jordan’s criminal code, penalties for rape are not less than 10 years’ imprisonment and penalties for kidnapping range from two to 10 years’ imprisonment. The law also prescribes penalties of not more than 10 years’ imprisonment for the sex trafficking and forced labor of children, which are sufficiently stringent and commensurate with those prescribed for other grave crimes. Jordan’s labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties are not sufficiently stringent to deter the crime of human trafficking. The withholding of passports is a crime under Jordan’s passport law, which prescribes six months’ to three years’ imprisonment, as well as financial penalties.

The Public Security Directorate and Ministry of Labor (MOL) joint anti-trafficking unit continued robust efforts to investigate potential trafficking crimes. In 2015, the joint anti-trafficking unit investigated 206 potential trafficking cases, among which 28 were determined to be forced labor cases and referred for prosecution; 26 of these cases were related to domestic servitude and two were related to the agricultural and construction sectors.

The Ministry of Justice reported it initiated the prosecution of 55 potential trafficking cases and convicted 12 offenders under the anti-trafficking law in 2015. Three of these convictions involved sexual exploitation and nine involved forced labor offenses; penalties applied to the offenders ranged from six months’ imprisonment to 10 years of hard labor and fines. Eight alleged trafficking offenders were acquitted and the government dropped two cases by general amnesty, which the King announced by Royal Decree. The government’s prosecution efforts in this reporting period increased slightly from 53 trafficking cases in 2014, yet convictions decreased from 28 in 2014. In one case in December 2015, an NGO reported an incident involving a Bangladeshi domestic worker beaten and forced to work by a recruitment agent. The police immediately investigated and referred the case for prosecution for alleged trafficking crimes; the case was ongoing at the end of the reporting period, and the recruitment agency was closed. The anti-trafficking unit conducted 57 inspections of recruitment agencies and 35 at work sites to investigate reports of mistreatment of foreign workers. Unlike in the previous reporting period, the government proactively took steps to investigate and refer for prosecution potential trafficking crimes in the garment industry. In January 2016, the anti-trafficking unit investigated forced labor allegations in a garment factory where more than 100 migrant workers experienced confiscation of passports, withheld pay, physical abuse, and unsafe living conditions. The anti-trafficking unit promptly referred the case for expedited prosecution and trafficking charges were reportedly filed against the factory’s manager and owner in February 2016; however, at the end of the reporting period, an NGO reported the factory administration was pressuring the victims to dismiss the charges. In addition, in November 2015, the government reported two members of the General Intelligence Directorate were charged with trafficking crimes and scheduled to be tried in front of a military court; the case was ongoing at the end of the reporting period.

The government also continued to settle an unknown number of labor disputes during the reporting period, which included cases involving non-payment of wages, withholding of passports, breaches of contract, inappropriate work conditions, and excessive work hours. Though some of these cases involved conditions indicative of trafficking crimes, the government did not categorize them as such. 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 joint anti-trafficking unit held a number of trainings and awareness-raising workshops for government officials in 2015, some of which were held in coordination with civil society organizations. For example, the anti-trafficking unit and a local NGO jointly held three trainings for 74 government officials on the protection of migrant workers.

**PROTECTION**

The government continued to take proactive measures to identify trafficking victims and made progress in its efforts to provide protection services to victims despite budget constraints. Authorities proactively screened for potential victims during trafficking investigations and labor inspections conducted throughout the year. Through these efforts, the government identified and referred 124 trafficking victims to government and NGO-run shelters in 2015; this was on par with the number of victim referrals in 2014. The government also offered protection

services to 100 forced labor victims identified in a garment factory in January 2016. Though the victims reportedly chose to continue working in the factory instead of receiving assistance, an NGO reported in February 2016 the factory administration was not providing the victims adequate food and was pressuring them to drop the charges against their perpetrators. The anti-trafficking unit received referrals from a wide range of entities, including the MOL-operated hotline, law enforcement and labor officials, NGOs, and foreign embassies. In November 2015, the government finalized and signed into effect its first national victim referral mechanism, which was drafted in consultation with various government ministries and civil society organizations. The referral mechanism outlines a broad range of institutions that can identify and refer trafficking victims and details a wide range of protection services available for victims, including shelter, medical, psychological, legal, translation, rehabilitation, and reintegration services, as well as training programs for all trafficking victims, both Jordanian and foreign. The referral mechanism, however, does not explicitly state that a victim can receive protection services regardless of whether they file charges against his or her perpetrator.

In September 2015, the government officially opened a shelter solely dedicated to protecting trafficking victims with a three year operating budget of 750,000 JD (\$1,056,264). The shelter's 20 staff members were trained with specialties to care specifically for trafficking victims. The facility had the capacity to serve 60 male and female victims, including children, with a separate wing and entrance for male victims; it was the only shelter in the country that was accessible to men. The shelter was available to all potential trafficking victims referred by the attorney general's office or the anti-trafficking unit. Between September and January 2016, the shelter served 18 female victims of forced labor. The government also continued to provide protection services to trafficking victims in a shelter for gender-based violence victims, which could house up to 50 female victims of violence and offered medical, psycho-social, educational, and legal assistance. In addition, during the reporting period the government drafted bylaws to operate a shelter that would provide protection services specifically to domestic workers; however, the bylaws were not enacted at the end of the reporting period. At the end of the reporting period, the government was seeking additional funding to renovate and furnish the shelter building, which will have the capacity to serve as many as 300 women.

Though the government made progress in its efforts to identify, refer, and protect victims, some foreign trafficking victims—including domestic workers—remained vulnerable to financial penalties, arrest, and detention if found without valid residence documents if they left their place of employment, or if their employers or recruitment agencies filed false claims of theft against them. NGOs reported law enforcement and prison officials were not sufficiently trained to effectively screen for, identify, and refer victims among foreign migrant workers in administrative detention or those charged with crimes. To address this problem, the Public Security Directorate (PSD) signed an agreement with a local NGO in January 2016 to work in partnership 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. Similarly in January 2016, the joint anti-trafficking unit signed an agreement with the Prison Directorate that grants the unit permission to screen all detainees for indicators of trafficking and refer victims to appropriate services; under this agreement, the unit will also provide anti-trafficking training to prison personnel. The fining of foreign workers—including identified trafficking victims—for

not maintaining valid residence documents served as a strong disincentive for victims to remain in Jordan and pursue legal action against their traffickers. Additionally, the government did not allow foreign trafficking victims to work while receiving shelter services, which led many victims to forego the litigation process altogether. Foreign female domestic workers continued to seek refuge at their respective embassies, which provided shelters for workers who fled abusive employers. Many of them were waiting for the return of their passports, back pay for unpaid salaries, or resolution of labor disputes or criminal charges. Following an amnesty period that ended in April 2015 for migrant domestic workers to rectify their immigration status in the country, the government continued to cooperate with foreign embassies to waive overstay fines for workers who wished to return to their home countries. Foreign embassies reported positive cooperation with the government in these efforts. However, an international organization reported that once the amnesty period ceased, it was difficult to obtain waivers for workers' overstay fines; as a result, the organization was unable to repatriate 80 domestic workers.

## PREVENTION

The government sustained strong prevention efforts. The inter-ministerial anti-trafficking committee and its technical 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 distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, airports, in the garment sector, and at the MOL unit in charge of domestic worker issues. It conducted media interviews to raise awareness about trafficking and resources for victims. The government took measures to reduce the demand for commercial sex acts and forced labor. The government made efforts to address and prevent forced marriages among the Syrian refugee population, which put women and girls at risk of abuse and exploitation; it conducted awareness campaigns on the dangers of forced marriage, established Shariah courts in Syrian refugee camps, and required Ministry of Interior approval for all Syrian marriages to people of other nationalities, including Jordanians. In addition, in March 2016, the government announced a new policy that eased restrictions on Syrian refugees' legal work status and allowed them to receive work permits in most sectors. MOL hired 66 new labor inspectors in 2015, increasing the total number to 226 inspectors responsible for enforcing the labor code, including child labor violations; this continued a steady increase of inspectors over several years. In 2015, MOL conducted 94,136 labor inspections, found 13,908 labor violations, and closed 1,635 workplaces. MOL also inspected 65 recruitment agencies and closed four, including the agency allegedly responsible for the abuse and forced labor of a Bangladeshi domestic worker in December 2015. MOL continued to operate a hotline that received labor complaints and included interpretation services in some source-country languages; this hotline continued to provide referrals to the anti-trafficking unit for investigation of potential trafficking crimes. A 2011 decree issued by the labor minister, which required employers to pay their domestic workers by direct deposit to a bank account, was not fully implemented or enforced in 2015. In August 2015, the government prohibited the recruitment of Kenyan domestic workers due to significant numbers of labor disputes and trafficking cases. The government provided human rights training to junior diplomatic personnel, but it did not provide specific anti-trafficking training. The Ministry of Foreign Affairs continued to report its finance department directly paid locally-hired domestic staff of Jordanian diplomats posted

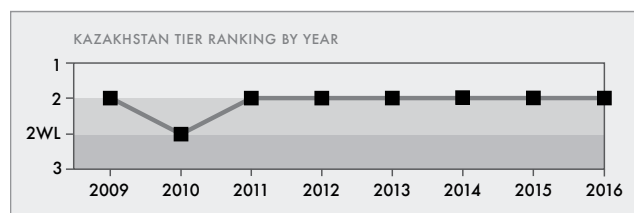


abroad, in accordance with labor laws and wage rates in the host country. The government did not provide specific anti-trafficking training for its peacekeepers before their deployment abroad.

## KAZAKHSTAN: Tier 2

Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Domestic trafficking is a consistent problem, accounting for most identified victims. Kazakhstani women and girls are subjected to sex trafficking in the Middle East, Europe, 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, 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. 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.

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 significantly increased its funding for and implementation of awareness campaigns, as well as its victim identification and case investigation efforts. The government also significantly increased its funding for victim assistance and continued its robust partnership with international organizations and NGOs to protect victims and raise awareness of trafficking crimes. The government adopted legislation that will allow funding for long-term shelters, as well as standards for the provision of services to trafficking victims. However, convictions of traffickers decreased significantly, in part attributed to insufficient resources and high turnover rates for police. Media continued to report allegations of police officers' complicity in human trafficking, but the government reported no investigations or prosecutions of police or other government officials suspected of trafficking crimes.



### RECOMMENDATIONS FOR KAZAKHSTAN:

Further improve 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; update laws to align with international standards; ensure victim identification is not contingent on successful investigation and prosecution efforts; increase funding and resources for anti-trafficking police units; continue to increase the number of government-funded trafficking shelters and provide longer-term shelter, free legal assistance, and rehabilitation to trafficking victims; 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 maintained progress in anti-trafficking law enforcement efforts. Articles 128, 135, 125(3b), 126(3b), 308, and 134-1 of the penal code prohibit 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. Updates to the penal code that entered into effect during the reporting period, however, did not include definitions of key terms that had been included in the old codes.

Police investigated 104 trafficking cases, compared to 82 in 2014. In 2015, law enforcement officials opened 97 new criminal cases for trafficking offenses, compared to 73 in 2014. Seven cases from previous years were continued, and seven additional cases were completed, resulting in 12 convictions, a decrease compared to 37 cases completed in 2014 with 32 convictions. While police attributed the decrease in convictions to the complexity and time-consuming nature of trafficking investigations, high turnover among police officers and inadequate staffing of anti-trafficking units also hindered the government's anti-trafficking efforts. Of the 12 convictions, 10 sex traffickers received sentences ranging from three to seven years' imprisonment and two labor traffickers received sentences of one to five years. In addition, the government opened 199 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 been related to trafficking, such as the cases of police officers in Zhambyl allegedly holding a resident of Kyrgyzstan in slavery for 19 years, making him work in their households in exchange for food, and of a former police officer in Akmola Region who allegedly exploited a man in his household for 10 years. Yet the government reported no official investigations or prosecutions of allegedly complicit police or other government officials in human trafficking offenses.

The government continued to provide a variety of specialized training courses in the identification, investigation, and prosecution of trafficking crimes for police, prosecutors, and judges, and funded police participation in international anti-trafficking events. In 2015, the judicial institute conducted six training sessions for 300 judges on the protection of trafficking victims during the criminal process. The Ministry of Internal Affairs (MVD) conducted six training courses on victim identification and investigative techniques for 103 police officers. During the reporting period, the government jointly investigated 17 cases related to trafficking in cooperation with foreign governments, including Kyrgyzstan, Uzbekistan, Russia, and Tajikistan. The Supreme Court released an analysis

of criminal cases tried in Kazakhstani courts during 2013 and 2014, which included 36 criminal cases against 69 traffickers, and recommended best practices for applying appropriate charges and avoiding mistakes during prosecutions.

## PROTECTION

The government maintained efforts to protect victims, finalized provisions that will allow for future funding of long-term shelters and set standards for the provision of services to trafficking victims. The first tranche of 44,000 Kazakhstani Tenge (KZT) (\$240,000) will be available for use in 2016. In 2015, the government identified 92 trafficking victims, an increase from 74 victims in 2014. Of those, 77 were sex trafficking victims and 15 forced labor victims. All but two of the identified victims were from Kazakhstan; 19 of the Kazakhstani victims were subjected to trafficking in Indonesia, Qatar, and United Arab Emirates, while the remaining were internal victims, recruited from rural to urban areas for both labor and sexual exploitation. All of the victims the government identified received assistance from government-funded programs.

Three NGO-operated trafficking shelters provide legal, psychological, and medical assistance and are accessible to all trafficking victims, regardless of citizenship, gender, or age. The government allocated approximately 4,700,000 KZT (\$25,700) for direct victim assistance, including 3,500,000 KZT (\$19,100) for shelter assistance to one NGO-run shelter for trafficking victims in Astana, which assisted 48 victims, and 1,200,000 KZT (\$6,600) for direct victim assistance during investigations. The government also allocated an additional 31,100,000 KZT (\$170,000) for funding NGO- and government-run shelters providing services to victims of crime, domestic violence, and trafficking. In 2015, NGOs reported assisting 162 trafficking victims, compared to 161 the previous year; among these, police referred 50 and international organizations, embassies, NGOs, and self-referrals were responsible for the additional 112. Of all trafficking victims assisted, 51 were Kazakhstani and 111 were foreigners; 49 were victims of sex trafficking, 113 of forced labor, 55 were female and 107 male.

In the previous reporting period, the government expanded the special social services law, to entitle 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. However, the government did not implement the new standards, which will be used in the operation of shelters for trafficking victims. Amendments to the penal procedural code, made in the previous reporting period, came into force in January 2015, allowing victims to seek compensation from a government fund. However, the fund had 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. The government provided 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 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 2015, there were no reports of authorities criminally punishing victims for crimes as a direct result of being subjected to trafficking.

## PREVENTION

The government increased prevention efforts, under the direction of the Interagency Trafficking in Person Working Group, which has been led by the MVD since 2014. The government approved 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. In May 2015, the National Commission for Human Rights publicly released a special report analyzing current legislation, existing prevention mechanisms, and stakeholders’ roles in addressing human trafficking. The report highlighted weaknesses in addressing corruption and victim identification and protection, along with recommendations for improvement. 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 2015, 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 1,525 calls in 2015, which led to the investigation of five cases of human trafficking. The government also allocated approximately 9,800,000 KZT (\$51,800) to NGOs for prevention projects, including public awareness campaigns, compared to 7,492,500 KZT (\$41,100) 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.

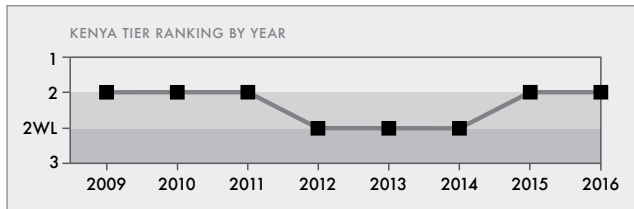
## KENYA: Tier 2

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. Girls and boys are also exploited in prostitution throughout Kenya, including in sex tourism on the coast; at times, their exploitation is facilitated by women in prostitution, “beach boys,” or family members. Children are also exploited in sex trafficking by people working in *khat* (a mild narcotic) cultivation areas, near Nyanza’s gold mines, along the coast by truck drivers transporting stones from quarries, and by fishermen on Lake Victoria. Kenyans voluntarily migrate to other East African nations, South Sudan, Angola, Europe, the United States, and the Middle East—particularly Saudi Arabia, Lebanon, Kuwait, Qatar, United Arab Emirates

(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 internally displaced persons, particularly those who live close to a major highway or local trading center, are most vulnerable to trafficking. 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 that recruit Rwandan 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.

Children from East Africa and South Sudan are subjected to forced labor and sex trafficking in Kenya; Kenyan children may endure similar exploitation in these countries. Kenya's largest refugee camp complex, Dadaab, hosts hundreds of thousands of refugees and asylum-seekers, and the security situation limits some humanitarian access, assistance, and protective services. A 2012 survey by a local NGO found fear of recruitment into terrorist organization al-Shabaab, especially of children, was a concern of a small percentage of respondents. Some children in Kenya-based refugee camps may endure sex trafficking, while others are taken from the camps and forced to work on tobacco farms. Trucks transporting goods from Kenya to Somalia returned to Kenya with girls and women subsequently placed into brothels in Nairobi or Mombasa. Indian women recruited to work in *mujra* dance clubs in Nairobi face debt bondage, which they are forced to pay off by dancing and performing sex acts.

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 Counter-Trafficking in Persons Advisory Committee (advisory committee) met regularly and began developing a data collection mechanism to improve tracking of anti-trafficking efforts across Kenya's 47 counties. The advisory committee established and implemented its annual work plan; its accomplishments in 2015 included developing standard operating procedures for prosecutors and training approximately 50 trainers from key anti-trafficking officials. The government reported substantially increased trafficking prosecutions and convictions. In 2015, the government identified 153 child trafficking victims in only three of Kenya's 47 counties. The government allocated seven million Kenyan shillings (approximately \$70,000) to the victim assistance fund for the first time during the reporting period. The government developed national referral mechanism (NRM) guidelines to assist stakeholders in referring potential victims of trafficking to services. The Ministry of Labor (MOL) developed new policies for Kenyans seeking employment opportunities abroad to ensure their work contracts comply with specific standards set within the ministry; however, the policies were not implemented by the end of the reporting period. The government did not provide adequate protective services to adult victims subjected to trafficking within the country or identified in situations of forced labor or prostitution overseas. In September 2015, an MOL taskforce provided a report to the cabinet secretary concluding that unskilled workers were the most vulnerable to exploitation and made recommendations for ways to address this issue as well as ways to regulate recruitment agencies, especially unregistered ones. Government funding and resource limitations remained a concern.



## RECOMMENDATIONS FOR KENYA:

Increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East; implement a formal process for law enforcement officials to refer trafficking victims for assistance, including adult trafficking victims and repatriated Kenyans; ensure data collection is obtained from all 47 counties for anti-trafficking efforts, including victim assistance; vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; provide additional training to all levels of the government, particularly front-line responders, on identifying and handling trafficking crimes; allocate adequate resources to police, labor, and social services staff to ensure implementation of the prosecution and protection mandates within the Counter-Trafficking in Persons Act of 2010; allocate sufficient resources for anti-trafficking efforts throughout the country; increase oversight of and accountability for overseas recruitment agencies; establish the board of trustees to oversee the National Assistance Trust Fund for Victims of Trafficking; utilize 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 increased law enforcement efforts. Section 1 of the Counter-Trafficking in Persons Act of 2010, which came into force in September 2012, prohibits all forms of trafficking and section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with that of other serious crimes, such as rape. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism, child prostitution, and forced prostitution, and prescribe penalties of six to 20 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious offenses. Prosecutors, however, rarely pursued cases under these provisions of the act.

The government reported prosecution of 762 suspected traffickers and 456 convictions during the reporting period, in comparison to 65 prosecutions and 33 convictions the previous reporting period. Eighty-one cases ended in an acquittal. For the first time, the government received law enforcement data from all 47 counties, partially contributing to the significant increase in reported prosecutions and convictions. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, a federal district court in California issued a default judgment awarding damages to a domestic worker who sued her former employer, a Kenyan consular officer, for exploitation. Corruption at all levels of the government remained a serious concern. During the reporting period, the government cooperated with foreign governments in the investigation of potential trafficking crimes. In September 2015, the advisory committee provided



anti-trafficking training to 30 senior Directorate of Criminal Investigation officials. The advisory committee developed standard operating procedures, including on responding to and prosecuting trafficking cases, and mandatory training requirements. During the reporting period, the government trained an unspecified number of officials on anti-trafficking. Nonetheless, training provided by the government during the reporting period remained insufficient in light of Kenya's considerable human trafficking problem.

## PROTECTION

The government made inconsistent efforts to protect child trafficking victims, and efforts to identify and assist adult victims remained weak. Authorities identified 153 internal child trafficking victims (44 for forced labor, 11 for sex trafficking, the remainder unidentified) and did not report how many adult victims it identified. While the number of children identified decreased compared to 658 the previous reporting period, it was unclear whether this reflected the government's reporting of data from only three of 47 counties. Immigration officials continued to arrest, without screening, potential trafficking victims for traveling with forged documents. Authorities sometimes identified victims at subsequent court hearings, when the detainees provided additional information about their status. Immigration officials often conflated smuggling with trafficking; authorities recognized the need to train officials on identification of trafficking victims.

The government and advisory committee developed and implemented NRM guidelines to assist all relevant stakeholders, including law enforcement and social service officials, in referring potential victims of trafficking to appropriate services. Department of Child Services (DCS) children's officers continued to participate in police investigations, identify child trafficking victims, and provide them with counseling and *ad hoc* 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, and abuse; the hotline's main call center was located in a government-owned building in Nairobi. During the reporting period, the hotline received 1,195 reports of child trafficking; however, the government did not report disaggregating the statistics between labor exploitation and sex trafficking. DCS continued to operate eight drop-in referral centers in Eldoret, Garissa, Malindi, Siaya, Kakamega, Nairobi, Nakuru, and Mombasa that provided counseling, guidance, and referrals to other centers for an unknown number of victimized children, including trafficking victims, who could not return to their homes. DCS also funded and operated four rescue centers in Garissa, Malindi, Thika, and Machakos where child victims of violence, including trafficking victims, could stay for three months before returning home or being referred to NGO facilities. The government reported its centers provided assistance to all child victims identified during the reporting period.

The government made efforts to implement the 2014 Victim Protection Act, which aimed to improve support provided to all trafficking victims, including accommodation, food, medical treatment, psycho-social care, police protection, and the establishment of a fund to assist victims. During the reporting period, the government allocated seven million Kenyan shillings (\$70,000) to the victim assistance fund for the first time. The government provided minimal services to adult trafficking victims identified within the country or abroad. Kenya's diplomatic missions made limited efforts to assist Kenyan trafficking victims, primarily by facilitating contact between

victims and their families. While the MOL initiated efforts to send labor attaches to Kenyan missions abroad, especially in the Middle East, it did not complete this process by the end of the reporting period due to resource limitations. The Ministry of Foreign Affairs (MFA) began developing a system to assist Kenyan trafficking victims abroad; however, it was not finalized by the end of the reporting period. The government continued to provide *ad hoc* access to medical aid, shelter, counseling, or financial assistance to repatriated adult trafficking victims. The MFA maintained the assignment of one additional immigration officer to its embassies in the UAE and Saudi Arabia to expand provision of consular services to assist trafficking victims.

The government reported it 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. 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 Department of Immigration implemented the Kenyan Immigration Border Procedure Manual (KIBPM), which included guidelines and procedures for immigration officials to identify traffickers and victims, mandatory actions for officials once a suspected case of trafficking is identified, and a procedure for conducting interviews with victims to gather evidence on recruitment and exploitation of the victim. The government did not report whether the KIBPM was provided to all officials, including police officers. 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 increased efforts to prevent human trafficking. The advisory committee, the governing body for anti-trafficking efforts, met regularly during the reporting period and implemented Kenya's national action plan for 2015-2020. Additionally, the advisory committee is working with partners to develop a database to share relevant ministry information across all 47 counties; in the interim, information is shared through DCS. The advisory committee through the represented offices and DCS disseminated awareness materials and case studies in efforts to educate local communities on potential indicators of trafficking.

The MOL developed new policies for Kenyans seeking employment opportunities abroad to ensure their work contracts comply with specific standards set within the ministry; however, the policies were not implemented by the end of the reporting period due to a lack of capacity within the ministry. In September 2015, MOL's taskforce to review the existing framework for the management and regulation of recruitment agencies produced a report on labor migration issues. MOL continued requiring agencies sourcing jobs abroad in the hospitality and service sectors to obtain MOL approval of all contracts prior to prospective migrants signing the contracts and departing for employment. The contracts, if a labor ministry officer deems the contract credible, are required to be signed before a labor ministry officer and applicants must register with the Kenyan embassy in the host country.

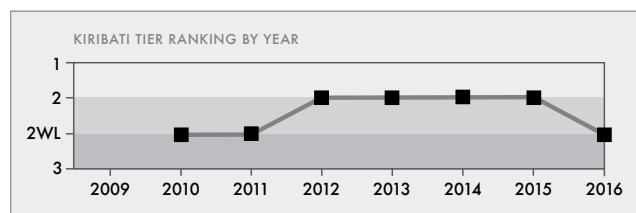
The government made efforts to reduce the demand for commercial sex acts, but did not report efforts to reduce demand for forced labor. The MFA provided anti-trafficking training for its diplomatic personnel and vetted employment

contracts between Kenyan foreign service officers posted abroad and their domestic workers to ensure that they were legally sufficient and provided for the interests of the domestic worker. The government's training for troops deployed overseas on international peacekeeping missions included a module on human rights, addressing human trafficking.

## KIRIBATI: Tier 2 Watch List

Kiribati is a source country for girls subjected to sex trafficking within the country. Visiting ship crew members, mainly Asian men, exploit children and some women in commercial sex. A local NGO reported as many as 20 I-Kiribati girls, some as young as 15 years old, may be subject to child sex trafficking in local bars and hotels. Some I-Kiribati—including family members of potential victims, older women, and hotel and bar workers—may facilitate child sex trafficking by providing a venue for commercial sex with minors. Others fail to assist trafficking victims or alert authorities to situations of child sex trafficking. These girls generally receive financial support, food, alcohol, or goods in exchange for sexual services.

The Government of Kiribati does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore Kiribati is placed on Tier 2 Watch List. During the reporting period, the government conducted anti-trafficking training for police and welfare officials, conducted outreach programs on sexual violence and exploitation, and developed counselling guidelines for schools to enhance the protection of minors. While the government enacted the Employment and Industrial Relations Act, criminalizing the trafficking of children, it assigned penalties that were not sufficiently stringent for the crime. The government did not prosecute cases against potential traffickers or punish those who exploited or facilitated the commercial sexual exploitation of children. The government also did not employ procedures to proactively identify child sex trafficking victims, particularly among individuals in prostitution. It did not provide assistance to any victims or refer them to or support organizations that did so.



### RECOMMENDATIONS FOR KIRIBATI:

Investigate and prosecute trafficking offenses, and convict and punish foreign crew members for the commercial sexual exploitation of children; ensure anti-trafficking laws criminalize the full scope of labor and sex trafficking, are not limited to cross-border movement, and prescribe penalties commensurate with other serious crimes; develop procedures for law enforcement officers and social service providers to interview women and children intercepted en route to or aboard international vessels, and at local bars and hotels, for evidence of trafficking; establish formal procedures for the identification of trafficking victims and their referral to domestic violence

and sexual offense officers for care; train front-line officers, including law enforcement, on victim identification techniques and interview procedures, and a victim-centered approach to facilitate increased trust between victims and officers; hold parents and guardians accountable—including under the 2013 Children, Young People and Family Welfare Act—for inducing children to engage in commercial sex acts; expand efforts to raise awareness about human trafficking in locations where perpetrators are known to seek potential victims; and focus on increasing public recognition that children in the commercial sex trade are trafficking victims rather than juvenile delinquents.

### PROSECUTION

The government made limited law enforcement efforts to combat human trafficking. The Measures to Combat Terrorism and Transnational Organized Crime Act, as amended in 2008, criminalizes certain forms of human trafficking, prescribing penalties of up to 15 years' imprisonment for the trafficking of adults and 20 years' imprisonment for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law defines trafficking as a transnational offense, requiring the entry of a person into Kiribati or any other State. Transnational trafficking is not known to occur in Kiribati or affect I-Kiribati. The government claimed internal trafficking could be prosecuted under this law; however, the statute does not appear to reach domestic crimes of exploitation, and there are no reports to indicate the government has ever attempted to prosecute a domestic trafficking case under the law. During the reporting period, the government passed and signed into law the Employment and Industrial Relations Act, which, for the first time, in parts XIII and XIV, specifically criminalizes the trafficking of children, including, respectively, both the use, procuring, or offering of a child for prostitution, the production of pornography and other similar offenses, and forced labor. For the prostitution and related offenses, the law imposes a \$5,000 fine, 10 years' imprisonment, or both; for forced labor, the penalty is a fine of \$100,000, a term of imprisonment of 25 years; or both. Although the law does criminalize both forms of child trafficking consistent with how those crimes are defined in international law, because the penalties include the possibility of a fine in lieu of prison time, they are not proportionate to the crime committed and not sufficiently stringent. In addition, the sanction for sex trafficking of children is not substantially similar to the sanction for other serious crimes, such as rape.

The government did not conduct any investigations in 2015, compared to zero investigations in 2014 and two investigations conducted against foreign fishing vessel owners in 2013. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government made no discernible efforts to protect trafficking victims, and did not identify or assist any victims in 2015. The government remained without procedures to identify trafficking victims proactively among vulnerable populations. Police may have encountered girls exploited by sex traffickers and clients in well-known meeting places, such as bars and hotels in Kiribati; however, officials did not formally screen this population and did not identify any trafficking victims among them or provide them with any protective or rehabilitative services. The government reported victims could be referred to religious organizations to access medical and psychological

services on an ad hoc basis; however, for the fourth consecutive year, it failed to refer any victims to such services or provide funding to these organizations. The Measures to Combat Terrorism and Transnational Organized Crime Act's victim protection provisions shield victims from prosecution for immigration crimes committed as a direct result of being subjected to trafficking; however, law enforcement efforts to combat prostitution potentially resulted in some trafficking victims being treated as law violators, for which the anti-trafficking act did not grant reprieve. Officials did not screen individuals detained for prostitution-related crimes to determine whether they were trafficking victims or verify their ages. The government did not develop or implement a referral process to transfer potential victims who are detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care. The Kiribati Immigration Ordinance gives the principal immigration officer the option to make exceptions or extensions to standard immigration rules in exigent circumstances, such as trafficking; given the lack of identified foreign victims, this provision remained unused.

### PREVENTION

The government made limited efforts to prevent human trafficking. The government lacked a national action plan or a government agency to coordinate national anti-trafficking efforts. The Ministry of Women, Youth, and Social Affairs, in partnership with an international organization, continued to broadcast a radio show on child protection issues, including the commercial sexual exploitation of children. The police department's domestic violence and sexual offenses unit continued to operate two 24-hour hotlines for reporting exploitation and abuse, although no known allegations of human trafficking were received. The government did not make efforts to address child sex tourism in the country or reduce the demand for commercial sex or forced labor. While foreign fishing license regulations hold ship captains accountable for the presence of unauthorized persons on their vessels, the enforcement of these regulations did not result in the prosecution of traffickers or protection of victims. The Ministry of Labor reported reviewing the contracts of all I-Kiribati going overseas and conducting pre-departure briefings to ensure workers were aware of their rights and able to protect themselves from potential forced labor. The government did not provide anti-trafficking training to its diplomatic personnel.

## KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF: Tier 3

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor 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. Many North Korean government-contracted laborers in foreign countries also face conditions of forced labor. North Korea 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.

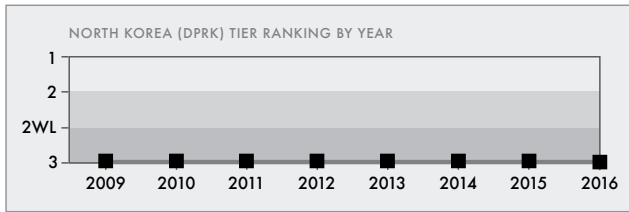
The North Korean government sends laborers to work abroad under bilateral contracts with foreign governments. The majority work in Russia and China, but Middle Eastern, African, European, and Asian countries also host North Korean laborers. Credible reports show many North Korean workers under these 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. Their movement and communications are monitored and restricted by North Korean government "minders." North Koreans sent overseas do not have a choice in the work the government assigns them and are not free to change jobs. These workers face threats of government reprisals against them or their relatives in North Korea 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 DPRK 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 from 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 slavery 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. If found by Chinese authorities, victims are often forcibly repatriated to North Korea where they are subject to harsh punishment, including forced labor in labor camps or death.

The Government of North Korea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government participated in human trafficking through its use of forced labor in prison camps and labor training centers, and its provision of forced labor to foreign governments through



bilateral contracts. It failed to protect 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 North Korea and to North Koreans repatriated from abroad; criminalize human trafficking and recognize it as a distinct crime from human smuggling; investigate and prosecute trafficking cases, and convict trafficking offenders; 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; 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. DPRK laws do not prohibit all forms of trafficking in persons. Fair trials did not occur in North Korea, 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. During the reporting period, there were no known investigations or prosecutions of trafficking offenses, 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 reported no 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 women believed to be 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 repatriated victims who were pregnant to forced abortions and reports indicate that infants born to 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

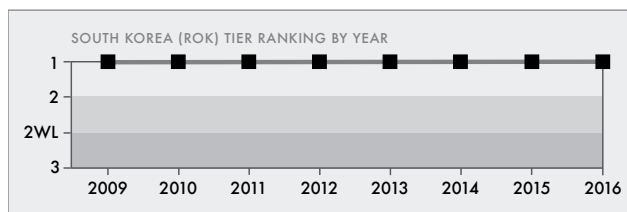
The government made no efforts to prevent human trafficking. Government oppression in the DPRK prompted many North Koreans to flee the country in ways that made them vulnerable to human trafficking in destination countries. The DPRK made no efforts to raise awareness of human trafficking, train government officials, or screen migrants along the border for signs of trafficking. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training to its diplomatic personnel. North Korea is not a party to the 2000 UN TIP Protocol.

## KOREA, REPUBLIC OF: Tier 1

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men, 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 Korean men are forced to work on salt farms where they experience verbal and physical abuse, non-payment of wages, long work hours, and poor working and living conditions. 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; 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 500,000 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. 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. South Korean men engage in child sex tourism in Vietnam, Cambodia, Mongolia, and the Philippines. 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.

The Government of the Republic of Korea fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. Authorities investigated 421 reported cases linked to human trafficking, indicted 146 cases involving 214 defendants, and obtained 64 trafficking convictions. The government conducted public awareness campaigns and maintained efforts to train public officials on anti-trafficking investigation procedures, victim identification, and victim protection. Despite the alignment of written law with anti-trafficking international standards, the government continued to narrowly define “trafficking” in practice, applying laws with lower penalties to trafficking crimes and failing to follow victim-centered procedures in law enforcement operations.



### RECOMMENDATIONS FOR THE REPUBLIC OF KOREA:

Increase efforts to investigate, prosecute, and convict traffickers under the criminal code and ensure convicted offenders receive sufficiently stringent sentences; train law enforcement officers, prosecutors, and judicial officials to interpret “trafficking” as defined in the criminal code—not requiring 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; actively inspect industries with high potential for exploitation, such as salt farms, rather than relying on self-reporting of abuse by victims; proactively investigate and prosecute South Koreans engaging in sex acts with child sex trafficking victims in South Korea and abroad; increase monitoring of and establish measures to address 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 sustained anti-trafficking 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. The government continued to use the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Traffic, the Labor Standards Act, and the Act on the Protection of Children and Juveniles against Sexual Abuse to prosecute and punish most trafficking offenses. The government investigated 421 reported human trafficking cases, indicted 214 suspects, and convicted 64 traffickers. Most of the convicted traffickers received sentences of less than three years’ imprisonment, with fines and community service, but many offenders received suspended sentences in practice. Prosecutors and police officers complained of inconsistent application of immigration regulations and

actual time served by those convicted. After a March 2014 case involving hundreds of disabled South Korean men exploited in salt farms, the government inspected over 800 salt farms and convicted 40 owners and brokers for various violations. However, more than half of those received suspended sentences, and employers subsequently began to evade inspection by having employees register as owner-operators of small plots of land. The Ministry of Justice and National Police Agency (NPA) held a series of training courses and seminars throughout the year for prosecutors, judges, and law enforcement officers on anti-trafficking issues, identification of victims, and victim protection. Prosecutors indicted two postal workers for running a prostitution ring and also indicted a police officer who attempted to assist them.

### PROTECTION

The government sustained efforts to protect and assist trafficking victims. In 2015, NPA created a new victim protection division responsible for guiding crime victims, including trafficking victims, from the initial point of contact with law enforcement to protection and support systems. The government identified and assisted 58 foreign sex trafficking victims, compared with 58 in 2014; statistics for South Korean or foreign labor trafficking victims were unavailable. Although the government established sex trafficking victim identification guidelines in 2013 and implementation remained ongoing, many law enforcement officers reported not knowing about them, and the government continued to lack labor trafficking victim identification guidelines. Ministry of Gender Equality and Family (MOGEF) continued to support 91 facilities that provide services specifically to sex trafficking victims, and 8,410 persons used those facilities or services in 2015. Ministry of Employment and Labor (MOEL) operated 39 foreign workers’ support centers and funded NGOs that offered similar services; hundreds of workers, some of whom were trafficking victims, received counseling, education, job training, and lodging. NPA continued to work with social workers when screening women involved in prostitution to identify and assist potential trafficking victims. Although the law provides that trafficking victims would not be punished, women in prostitution caught during police raids or arrested migrant workers were fined, required to attend training, or deported, without being screened for indicators of trafficking. Police reportedly forced some victims to recreate incidents in bars and clubs, and allowed club owners suspected of trafficking crimes to meet with victims held in detention where they may have threatened 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 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. In November 2015, the government ratified the UN Convention against Transnational Organized Crime and the 2000 UN TIP Protocol. In partnership with 16 city and provincial offices and over 200 agencies, MOGEF sponsored the first “Sex Trafficking Prevention Week” through the promotion of ROK anti-prostitution policies, online materials, public service announcements, and events to raise awareness of the dangers

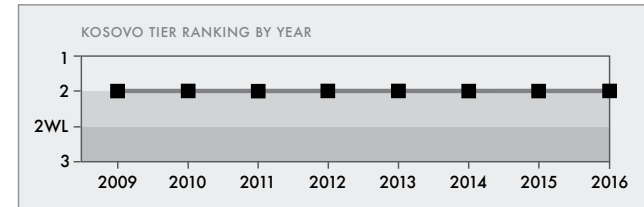
of sex trafficking. To mark the start of the campaign, MOGEF convened an international anti-sex trafficking symposium with participation from international experts. NPA conducted inspections to enforce laws prohibiting sex trafficking and labor trafficking in the fishing industry and sex trafficking and recruitment among tourists and tour groups. MOEL inspected 8,000 businesses employing minors, 506 businesses with at-risk female employees, and 3,000 businesses with foreign workers. 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. MOEL educated 4,552 persons on anti-labor trafficking laws and policies, and the government supported anti-sex trafficking programs in schools. The government lacked a trafficking-specific national plan of action, but included proposed anti-trafficking efforts in its human rights national action plan. To address demand for forced labor, the government continued to educate salt farm owners on labor rights and standards following the discovery of widespread abuses in 2014. To curb the demand for commercial sex acts, the government carried out awareness campaigns at airports, railroad stations, and with travel agencies. South Korean men remained a source of demand for child sex tourism in Southeast Asia and the Pacific Islands, traveling primarily on travel-agency-organized golf group tours or business trips. The government denied passport issuance to 15 South Koreans 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.

## KOSOVO: Tier 2

Kosovo is a source and destination country for men, women, and children subjected to sex trafficking and forced labor, including in the restaurant industry. Most sex trafficking victims in Kosovo are girls, though 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. Traffickers offer employment as dancers and singers in restaurants—and sometimes false marriage promises—but then force victims into sex trafficking. Traffickers increasingly use social media to recruit victims. Children from Kosovo and neighboring countries are forced to beg within the country. During the reporting period, authorities identified children exploited as dancers and escorts, who are also vulnerable to sex trafficking. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe. 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.

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 licensed two NGO shelters to exclusively serve trafficking victims, increased funding for the shelters, and offered shelter and services to all victims identified in 2015. It implemented procedures to screen for trafficking among vulnerable populations, appointed a coordinator for national anti-trafficking efforts, and began implementation of its national action plan, including disbursing funds to support the plan's activities. However, the government

identified fewer victims and prosecuted fewer suspects than the previous year, convictions decreased to a five-year low, and judges imposed lenient sentences on convicted traffickers. Furthermore, while complicit officials faced administrative action for involvement in trafficking crimes, courts formally acquitted them of trafficking charges. The government continued to lack a victim compensation fund required by law, and the national anti-trafficking agency was inactive for much of the reporting period.



### RECOMMENDATIONS FOR KOSOVO:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences, including imprisonment; fully implement the provisions of the 2015 Law on Crime Victims Compensation, including establishing a victim compensation fund and disbursing funds to trafficking victims; provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions; train officials on screening for trafficking among individuals in prostitution, migrants, and other at-risk populations, and uniformly implement such protocols; enhance efforts to identify and assist children subjected to forced begging; reduce the backlog of trafficking cases to ensure all cases of suspected trafficking are thoroughly investigated; establish shelters in the northern municipalities to assist trafficking victims in those regions; and allow trafficking victims freedom of movement in all shelters.

### PROSECUTION

The government decreased its anti-trafficking law enforcement efforts. While it initiated slightly more trafficking investigations, it significantly decreased prosecutions and convictions and continued to impose inadequate sentences on traffickers. Article 171 of Kosovo's criminal code prohibits all forms of trafficking and prescribes punishments of five to 12 years' imprisonment and a fine of up to 500,000 euros (\$544,069). 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 15-20 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; article 231 prohibits taking sexual services from a trafficking victim; article 241 prohibits facilitating or compelling prostitution; and article 242 prohibits the provision of facilities for prostitution.

Authorities investigated 165 possible cases of trafficking during the reporting period, an increase from 155 cases in 2014. The government initiated 53 trafficking prosecutions, a decrease from prosecutions of 93 suspects in 33 cases in 2014. Courts convicted 13 traffickers, a significant decrease from 41 convictions in 2014, and Kosovo's lowest number of trafficking convictions since 2010. Judges continued to issue sentences far below the minimum penalty of five years' imprisonment; all sentences issued for trafficking offenses in 2015 were for less



than three-and-a-half years' imprisonment. The government did not disaggregate law enforcement statistics to demonstrate action against both sex and labor trafficking. As in previous years, the backlog of trafficking cases grew during the reporting period; 88 trafficking cases remained in the court system from previous years, and 95 cases remained open at the end of 2015.

Official complicity in trafficking offenses remained a significant concern. Though the government fired and retired several officials during the year for malfeasance, including some for human trafficking crimes, these same persons were acquitted of criminal charges, as in previous years. The government initiated one prosecution against a municipal official for the misuse of an official position and sexual exploitation of trafficking victims; the suspect remained under arrest at the end of the reporting period—receiving half of his salary—while the case was pending. In July 2014, police arrested a municipal official for alleged sexual exploitation of a trafficking victim; the government fired the suspect due to the allegation, but the judge acquitted him of all trafficking charges during the reporting period. Citing a lack of evidence, prosecutors dismissed a case initiated in 2014 involving a police officer suspected of abuse of official position and sexual exploitation; he resumed his official duties. In 2014, courts convicted two labor ministry officials for abuse of official position for issuing work permits to 22 foreign workers, later identified as trafficking victims, and fined each official 3,000 euros (\$3,650); however, the officials were acquitted of trafficking in persons and organized crime charges and allowed to resume their official duties. Prosecutors appealed the sentences, alleging the officials had knowledge the foreign workers were trafficking victims. The officials are being retried for trafficking in persons and organized crime; the appeal was ongoing at the end of 2015. The government funded and conducted 11 anti-trafficking workshops for 15 members of the anti-trafficking special police force, compared with 24 trainings held in 2014. The government exchanged information with foreign countries on 30 trafficking cases, engaged in joint trafficking investigations with four countries, and signed law enforcement cooperation agreements with two countries that include collaboration on anti-trafficking law enforcement efforts.

## PROTECTION

The government identified fewer trafficking victims but modestly increased its victim protection efforts and its capacity to provide assistance. Specialized police units identified 28 trafficking victims in 2015, a continued decrease from 42 victims identified in 2014 and 51 in 2013. Of the 28 victims, 17 were adults and 11 were children; 17 were victims of sexual exploitation and 11 were subjected to forced labor, including one in forced begging, one in domestic servitude, and five children as dancers and escorts. The majority of victims identified were Kosovo citizens, and others came from Albania and Serbia.

The government provided 181,925 euros (\$197,959) to one government-run shelter and two NGO-run shelters for dedicated trafficking victim assistance in 2015, compared with 171,699 euros (\$186,832) in 2014. The government had provided an additional 344,994 euros (\$420,000) to NGO shelters in 2014 to assist victims of crime, including trafficking victims, but did not provide such funding in 2015. The government placed 18 of the 28 identified victims in government-run or NGO shelters. The remaining 10 victims declined government assistance and opted to return to their families. Victims had access to nine care facilities during the reporting period, though none were located in the country's four northern municipalities.

Authorities could place child trafficking victims in a shelter designated solely for child victims of violence, and foster care was available for long-term care. In May 2015, the government licensed two existing and government-funded NGO-run shelters serving victims of various crimes to provide services exclusively to trafficking victims; including the existing government-run trafficking shelter, this increased the total number of trafficking-specific victim shelters to three. The government maintained a high security shelter opened in 2013 that housed male and female victims separately. Victims determined to be at low risk of further exploitation typically stayed in NGO-run shelters, while those at medium or high risks were typically placed in the state-run shelter. Adult victims could not leave the high security shelter unchaperoned at will but could do so from the NGO-run shelters based on a risk assessment; one NGO shelter allowed victims to leave freely without assessment. The government had formal procedures to identify trafficking victims and refer them to government or NGO-run shelters for short-term and long-term care, and officials employed these procedures during the reporting period. The Ministry of Health and NGOs jointly funded NGO-conducted trainings for health-care professionals on identifying trafficking victims and the ministry's policies for the provision of services to trafficking victims and victims of domestic abuse.

The government encouraged victims to participate in investigative and judicial processes by providing protection at the high-security shelter, accommodation and care at other facilities, and participation in the witness protection program, if necessary. Victim advocates or social workers were present when police interviewed potential victims of trafficking, and they also informed victims of the rehabilitation services available and provided legal advice. All 28 victims provided statements to the police, prosecutors, and pre-trial judges. Kosovo law requires authorities to provide foreign victims a 30 to 90-day reflection period after identification in which victims can recover before deciding whether to cooperate with law enforcement. Victims who were witnesses in criminal proceedings could return to their countries of origin without waiting for the conclusion of the trial. The government was authorized to provide temporary residence permits to foreign victims for at least six months, but there are no reports any victims applied for a permit during the reporting period. A 2013 trafficking victim protection law required the government to establish and fund a victim compensation fund. The government adopted the Law on Crime Victims Compensation during the reporting period—which includes trafficking victims as beneficiaries—and allocated 500,000 euros (\$545,000) to the law's victim compensation fund. However, the law had not been implemented at the end of the reporting period; thus, payments could not be disbursed. During the reporting period, the Ministry of Interior implemented procedures for the proactive screening for trafficking among migrants, people in prostitution, and other vulnerable groups. The ministry trained law enforcement on such procedures, and they were employed in practice. There were no reports the government punished victims of trafficking for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

The government continued efforts to prevent trafficking. During the year, it formally adopted its 2015-2019 anti-trafficking national action plan, drafted with support from NGOs and international experts. The government began to implement the plan, including allocating resources and disbursing 288,000 euros (\$313,384) towards the plan's implementation. In

September, the government appointed a new national anti-trafficking coordinator, a position that had been vacant since December 2014. Because the coordinator was responsible for convening the national anti-trafficking agency, it was not until October 2015 that the agency held its first 2015 meeting and began to monitor member agencies' efforts to implement the national action plan. The government's awareness-raising efforts included a one-month campaign aimed at potential child trafficking victims, including artwork and essay contests in 12 schools on preventing trafficking; information sessions with school staff and parents on trafficking prevention; and the distribution of manuals to staff in 268 schools on combating trafficking. The government did not demonstrate efforts to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel and provided them a manual to aid in identifying trafficking victims.

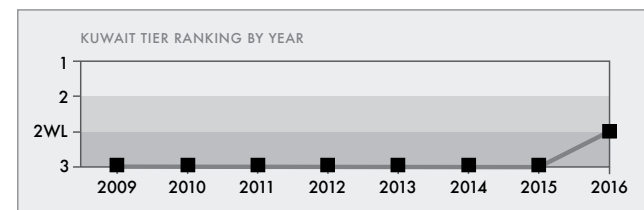
## KUWAIT: Tier 2 Watch List

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, mainly in the domestic service, construction, hospitality, and sanitation sectors. Reports indicate the Democratic People's Republic of Korea (DPRK) has sent over 4,000 North Korean laborers to Kuwait for forced labor on construction projects through 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 are in very poor health due to lack of adequate nutrition and health care. While Filipino, Indian, and Sri Lankan women continue to represent a significant percentage of Kuwait's domestic worker population, in the last few years there has been a continued increase in migrants from Ethiopia, Uganda, Kenya, Sierra Leone, Nigeria, Tanzania, The Gambia, Liberia, and Madagascar. Limitations imposed by Asian source-country governments on the recruitment of domestic workers led Kuwaiti labor agencies to recruit more migrant workers from Africa. Though most migrants enter Kuwait voluntarily, upon arrival some sponsors subject migrants to forced labor, including through non-payment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. 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 been complicit in trafficking with their use of deceptive recruiting techniques to bring in migrant workers on the basis of unenforceable contracts and nonexistent positions, while promising employers workers who are well-trained but turn out to be unskilled.

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.

The Government of Kuwait does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government investigated six cases and prosecuted 20 traffickers during the reporting period in comparison to none the previous year. For the first time, it convicted eight traffickers under the 2013 anti-trafficking law. In 2015, the government established the anti-human trafficking department under the Ministry of the Interior (MOI) as the national coordinating body on human trafficking issues. The anti-human trafficking department functions as a law enforcement agency and conducted several raids per week during the reporting period. Additionally, it maintained a hotline for trafficking-related concerns in Arabic and English during the reporting period. In June 2015, the National Assembly passed law no.69, which improved protections for domestic workers. The government also created a centralized, government-sponsored domestic labor recruiting company to act as a single center for recruiting and managing the domestic labor force, as well as overseeing the implementation of the new domestic labor law and all recruiting companies that hire domestic workers. Nonetheless, it was not implemented, as the by-laws were not approved and the law had not been published in the official gazette by the end of the reporting period. The government continued its efforts to prevent trafficking during the reporting period by conducting investigations into illegal recruitment agencies, including those allegedly involving government officials, leading to the arrest and referral of 336 violators for prosecution out of 1,386 investigations. Nonetheless, it remained unclear how many of these cases were investigated under the 2013 anti-trafficking legislation. Existing laws do not provide adequate prosecutorial power or punishments for those operating labor recruiting firms. The government implemented formal procedures to identify or refer trafficking victims; however, it did not apply them in many cases and victims of trafficking continued to be arrested, detained, and deported. Emerging efforts to issue exit and travel documents to abused workers whose passports had been confiscated continued, but were not accompanied by any enforcement activities against the employers from whom the workers had fled.



### RECOMMENDATIONS FOR KUWAIT:

Significantly increase law enforcement efforts to investigate, prosecute, and convict trafficking offenses, including those perpetrated by Kuwaiti citizens, under the 2013 anti-trafficking law; fully implement domestic labor law no.69 to ensure domestic workers receive appropriate rights and protections; prosecute and convict sponsors who subject domestic workers to involuntary servitude; enforce laws against sponsors and employers who illegally hold migrant workers' passports; establish standard operating procedures for investigations and prosecutions of trafficking crimes; coordinate with the

public prosecutor's office to amend current laws to allow for the prosecution of labor recruiting firms; establish formal procedures to proactively identify and refer to protection services all victims of human trafficking; train law enforcement officials and social workers to identify trafficking victims proactively 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; increase effective coordination between ministries through the inter-ministerial anti-trafficking committee; develop and implement an updated multi-year national anti-trafficking strategy and action plan; and increase efforts to raise awareness and prevent trafficking.

## PROSECUTION

The government improved its legal structure and increased its anti-trafficking law enforcement efforts during the reporting period. 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 government enacted a labor law for the protection of domestic workers' rights; however, the law was not fully implemented by the end of reporting period. Law no.69 guarantees domestic workers one day off per week, 30 days of annual paid leave, a 12-hour work day and a one-time end-of-service award of one month's salary per year worked.

In 2015, the government investigated six cases involving 20 traffickers. It prosecuted all 20 traffickers during the reporting period, in comparison with none the previous year. The government convicted eight traffickers under the 2013 anti-trafficking law, in comparison with none the previous reporting period; five traffickers were acquitted and seven prosecutions remained pending at the end of the reporting period. In June 2015, the government established the anti-human trafficking department under MOI, which began investigating and referring trafficking cases. It also released a human trafficking handbook for its employees as a manual providing guidance on implementation of the anti-trafficking law. In November 2015, for the first time, MOI's anti-trafficking and public morals department investigated and referred a suspected forced labor case to the public prosecutor's office. The case involved a Syrian national who detained, coerced, and sexually abused six Filipino domestic workers. The government investigated visa fraud rings, allegedly involving complicit officials, including in MOI, the Ministry of Social Affairs and Labor (MOSAL), and the Ministry of Commerce and Industry, as well as members of the ruling Al-Sabah family; however, it did not provide any information on its efforts to prosecute and convict officials complicit in trafficking or trafficking-related offenses. The government remained reluctant to prosecute Kuwaiti citizens for trafficking offenses. Kuwaiti law enforcement treated cases of forced domestic labor as administrative infractions, and punishment was limited to assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. 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. It remained common to find domestic workers who took refuge in their home-country embassy shelters without their passports in

their possession. In 2015, the anti-human trafficking unit, in partnership with an international organization, held an anti-trafficking train-the-trainer program. The judicial institute continued its mandatory human trafficking course for all newly hired judicial officials, including prosecutors and judges.

## PROTECTION

The government made notable efforts to protect victims of trafficking, though serious systemic issues continued to harm victims. It provided shelter to approximately 4,000 domestic workers, including a small percentage of potential forced labor victims, in its high-capacity shelter for runaway domestic workers, which opened in December 2014. The fully operational 700-bed facility served as a one-stop facility, providing medical and psychological care, assistance with repatriation, as well as access to officials from various ministries involved in filing cases against employers. The government allocated an annual budget of KD 260,000 (\$840,000) for shelter functions and resources. Victims were not permitted to leave the facility unescorted. While article 12 of the anti-trafficking law stipulates public prosecutors may refer a trafficking victim to an appropriate care facility during an ongoing trial until the time of repatriation, it was unclear whether government officials identified and referred any potential victims to the high-capacity shelter or other care providers. The government shelter received referrals from embassies, NGOs, international organizations, churches, private citizens, and migrant workers. The government did not conduct screenings to identify whether domestic and private sector workers were victims of trafficking. The anti-human trafficking unit published a manual to assist law enforcement officials in identifying sex trafficking, forced begging, and child trafficking crimes. Nonetheless, the government did not develop and implement formal procedures for all relevant officials to proactively identify trafficking victims among vulnerable populations, such as foreign migrants, domestic workers, and women in prostitution. During the government's migrant round-ups, the government did not have a systematic process in place to identify victims of trafficking among the thousands of foreign migrants who were arrested, detained, and deported.

There continued to be no shelter or other protective services for male trafficking victims. Domestic workers from the Philippines, Indonesia, Nepal, Sierra Leone, India, Sri Lanka, Ethiopia, and other countries continued to seek assistance at their embassies; some source-country embassies reported jointly providing shelter to more than 25 domestic workers who ran away from their employers. To assist embassies in repatriating trafficking victims, the government directly funded and coordinated with recruitment agencies to purchase airline tickets. MOI provided repatriation assistance to approximately 900 domestic workers; however, it was unclear whether authorities sought a refund of travel costs from the employers who sponsored the workers. The government did not offer foreign trafficking victims legal alternatives to removal to countries in which they may face hardship or retribution.

The 2013 anti-trafficking legislation does not stipulate providing protection from prosecution for victims who fled abusive employers. Workers who left their employer's residence without permission risked criminal penalties and arrest, detention, and deportation, even if they were fleeing from an abusive sponsor. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation. Embassy contacts reported that some personally motivated police officials helped to ensure trafficking victims



were not subjected to unwarranted incarceration. Trafficking victims rarely filed cases against their employers, as there were few incentives to report complaints and cooperate in investigations; however, some victims who alleged non-payment of wages received a monetary settlement for wages owed from their employers. If trafficking victims absconded and filed a grievance, it was common for their sponsors to file a counter-grievance against them, which often resulted in administrative deportation or detention of the employee. The government reported public prosecutors sometimes tried cases on victims' behalf if they were unable to afford legal counsel while pursuing cases against their employer or sponsor.

## PREVENTION

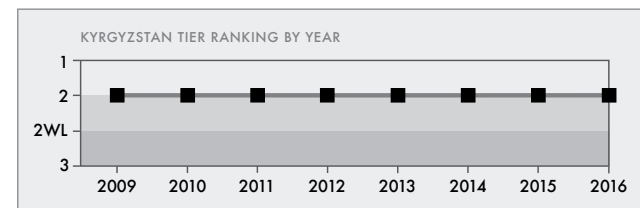
The government made increased efforts to prevent human trafficking. The government conducted awareness campaigns at Kuwait International Airport aimed at educating newly arriving domestic workers about the services offered at the domestic workers' shelter. In March 2015, MOI's public morals protection and anti-human trafficking department distributed brochures in English and Arabic informing workers of their rights and how to identify human trafficking to migrant workers at the airport, recruiting agencies, labor agencies, offices of the Public Authority for Manpower (PAM), and MOSAL. During the reporting period, media reports indicated that PAM referred over 3,900 files of companies that allegedly violated private sector employment law to the general administration of residence affairs for investigation. Allegations against these companies included: recruiting workers from abroad without giving them a job (831 cases); operating as a recruiting agency illegally (745 cases); violating the labor inspection law (1,191 cases); violating occupational safety and security conditions (1,133 cases); and violating or not ensuring appropriate worker accommodation conditions (36 cases). Most of the referred offenders would only be investigated and prosecuted under the general penal code and given inadequate sentences in the form of fines; of the thousands of people referred for investigation, it remained unclear how many would be considered for investigation and prosecution for violations under the anti-trafficking law. PAM continued to lack an adequate number of labor inspectors. The government reported efforts to reduce the demand for forced labor but did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

## KYRGYZSTAN: Tier 2

The Kyrgyz Republic (or Kyrgyzstan) 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 Kyrgyzstan, specifically in the agricultural, forestry, construction, and textile industries and in domestic service and forced childcare. Kyrgyz children are also subjected to forced labor in cotton, the selling and distribution of drugs within the country, and hauling cargo both in Kyrgyzstan 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 are increasingly subjected to sex trafficking in southern Kyrgyzstan. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, the UAE, and Turkey, where they may become victims of 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.

The Government of Kyrgyzstan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. A June 2015 parliamentary report provided the first evaluation of government anti-trafficking efforts in a decade and provided recommendations for improvements. As a result, ministries have formed an interagency platform to begin inter-ministerial communication on trafficking and initiated the development of victim identification guidelines for front-line officials. Additionally, in 2016, Parliament established a working group, which is focused on bringing anti-trafficking legislation in line with international standards. Further, the Ministry of Internal Affairs (MVD) has begun playing a significant role in publicly highlighting trafficking in persons problems and advocating government-wide changes to better address them. However, the government failed to address alleged complicity in trafficking and trafficking-related offenses, despite a 2013 report by the UN special rapporteur on the sale of children, child prostitution, and child pornography that concluded there was serious and endemic corruption of police officers, who allegedly participated themselves in the detention and rape of child sex trafficking victims. In addition, authorities reported fewer prosecutions and convictions of traffickers in 2015.



## RECOMMENDATIONS FOR KYRGYZSTAN:

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; increase efforts to identify trafficking victims proactively among vulnerable groups, particularly persons in prostitution, and refer victims to protection services; finalize guidelines on victim identification and train officials on their use; enact legislation consistent with international law to ensure prosecuting the prostitution of minors does not require proof of force, fraud, or coercion; develop and 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; amend the law to exempt identified trafficking victims 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 decreased law enforcement efforts and 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. 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 four trafficking investigations under Article 124 in 2015, three for sex trafficking and one for forced labor; authorities initiated 11 trafficking investigations in 2014. Authorities reported an additional 18 investigations under other articles that involved inducing minors into prostitution; the government did not report this number of investigations in 2014. The Prosecutor General's Office (PGO) reported initiating prosecutions of six criminal cases under article 124 involving an unknown number of suspects in 2015, compared with nine cases involving 21 suspects in 2014. The government convicted four offenders in two cases under article 124 in 2015, compared with 15 offenders convicted in 10 cases in 2014. The government did not report 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 will not pursue investigations unless victims make a specific, well-supported complaint, while many victims believed coming forward would be dangerous or futile. In 2015, the government elevated a criminal investigation unit specializing in trafficking and prostitution from the Bishkek city police to a national-level department in the MVD to oversee national anti-trafficking law enforcement efforts; the unit had six officers. Civil society actors reported the need for increased training for police, particularly in how to identify victims and work with them as witnesses. Authorities relied on civil society and foreign partners to provide training for police, prosecutors, and judges. An international organization reported that in 2016 the judges' training center and prosecutors' training

center signed memoranda of understanding calling for an introduction to trafficking issues to be integrated into training for these professionals.

Corruption is a systemic problem in Kyrgyzstan. NGOs and international organizations reported law enforcement officials often accepted bribes to drop cases and sometimes warned suspects prior to raids. Traffickers were reportedly also able to avoid punishment by offering victims small amounts of money to drop cases. The UN special rapporteur on the sale of children, child prostitution, 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 increased efforts to identify victims but maintained minimal efforts to protect and assist trafficking victims. In 2015 and 2016, parliamentarians highlighted the need for the government to increase assistance to trafficking victims. The newly-established Ministry of Labor and Social Development has included in its mandate the responsibility for developing policy on and provision of assistance to victims of trafficking. The government remained without formal written procedures to guide officials in proactive identification of trafficking victims among high-risk populations; however, during the reporting period, the government began development of guidelines for officials to identify victims and refer them to care providers. In reporting on cases pursued in 2015 under article 124, the PGO reported 62 victims were involved, including six children. The government did not report a comprehensive count of identified victims in 2014, but it did report identifying 21 Kyrgyz labor trafficking victims in Russia and 23 Kyrgyz sex trafficking victims in Turkey and UAE. International organizations and NGOs reported assisting 192 victims in 2015, 162 of whom were subjected to forced labor, 26 to sex trafficking, and four to both labor and sex trafficking; two of the victims were children and 105 were male. The government continued to provide rent-free facilities used by three NGO-run shelters (two for adults and one for children) that provided services for trafficking victims. MVD's witness protection unit estimated assisting seven trafficking victims, who received physical protection for themselves and family members and help obtaining a state attorney. Consular officials assisted an unknown number of victims abroad by providing no-cost travel documents.

In 2015 and 2016, MVD was receptive to training on improving procedures for interviewing and protecting victims, but further work was needed. 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. 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. A June 2015 parliamentary report highlighted the need to amend legislation to ensure trafficking victims are not punished for unlawful acts committed as a result of being subjected to

trafficking, and a new parliamentary working group focused on changes to legislation. According to the 2013 UN special rapporteur report, police officers allegedly detained child sex trafficking victims, releasing them only after they performed sexual acts. Police allegedly extorted bribes from child sex trafficking victims through threats of arrest for prostitution, even though prostitution was neither illegal nor an administrative offense. MVD conducted approximately 70 brothel raids in 2015. 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 June 2015, a parliamentary commission publicized an evaluation of the government's overall anti-trafficking efforts, marking the first analysis of implementation of the 2005 national anti-trafficking law. The parliamentary report has reinvigorated efforts and directed reforms. In 2015, the government formed an interagency platform to initiate an interagency dialogue on trafficking, which had been lacking; agencies began holding these discussions in 2015. In late 2015, the government dissolved the ministry responsible for coordinating national anti-trafficking efforts and assigned this duty to the newly established State Migration Service. Civil society representatives noted a 2013-2016 national action plan remained unimplemented. Parliament established a working group in 2016 to ensure further monitoring of the government's implementation of its anti-trafficking obligations, and civil society and international organization representatives report it is working productively. The government, with the support of an international organization, continued to operate two employment centers that provided 16,552 people in 2015 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 3,413 calls in 2015. In July 2015, the government passed a law to increase the penalties for private employment agencies found operating without a license. Officials lamented the law did not equip law enforcement to combat licensed but unscrupulous recruitment agencies that knowingly send Kyrgyz migrants to exploitative worksites abroad and began researching a legislative fix during the reporting period. MVD reported the government conducted 132 events and information campaigns aimed at raising awareness and preventing trafficking. The government provided anti-trafficking guidance for its diplomatic personnel. The government did not report efforts to reduce the demand for commercial sex acts or forced labor.

## LAOS: Tier 2 Watch List

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 after

arriving 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. Many victims, particularly women and girls, many younger than 18 years old, 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. The government reports 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 sent back to Laos in boats across the Mekong River. Vehicle drivers sometimes intercept these migrants when they arrive back in Laos and facilitate their re-trafficking. A small, possibly increasing, number of women and girls from Laos are sold as brides in China and subjected to sex trafficking. Some local officials may contribute to trafficking by accepting payments to facilitate the immigration or transportation of girls to Thailand.

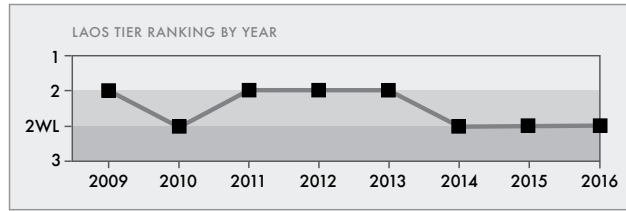
Laos is reportedly a transit country for some Vietnamese and Chinese women and girls who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Local organizations reported concerns that some of the Vietnamese men and women working in or near (often illegal) logging and construction areas along the Laos-Vietnam border may be victims of trafficking. They reported similar concerns about Burmese nationals working as manual laborers or involved in the sex trade near the "golden triangle" tri-border area with Burma and Thailand.

There is little data on the scope of trafficking within Laos. 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. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States travel to Laos intending to exploit child sex trafficking victims.

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. In December 2015, the Lao National Assembly approved the Law on Anti-Trafficking in Persons, which was promulgated in February 2016. The government completed its 2016-2020 national action plan. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Laos is placed on Tier 2 Watch List for a third consecutive year. Per the Trafficking Victims Protection Act, Laos was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The number of victims identified declined significantly, and prosecutions and convictions declined for a second consecutive year. The government investigated some



foreign tourists suspected of exploiting child sex trafficking victims, but did not initiate any prosecutions in these cases.



## RECOMMENDATIONS FOR LAOS:

Disseminate and implement formal victim identification procedures and train police and border officials to identify trafficking victims; differentiate between different types of trafficking (i.e. labor and sex), and refer them to care systematically, particularly among migrants “pushed back” from Thailand and domestic victims; increase efforts to identify and combat internal trafficking—including children subjected to sex trafficking and adults and children subjected to forced labor in the commercial agricultural sector—by identifying and assisting Lao citizens subjected to trafficking within the country and prosecuting their traffickers, including complicit officials; implement the new anti-trafficking law and train government officials on its provisions and victim identification guidelines; provide incentives for victims to participate in formal legal proceedings, including through restitution awards from the courts; increase expenditures from the government anti-trafficking budget on service provisions and assistance programs for victims; work with civil society organizations to deliver assistance to victims; in partnership with local and international organizations, increase resources and vocational trainings to support victims, including male victims, to reintegrate into their home communities; increase efforts to prosecute and punish child sex tourists and public officials complicit in trafficking; 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; and collaborate with civil society and across ministries to implement the 2016-2020 national action plan.

## PROSECUTION

The government promulgated new anti-trafficking legislation but made decreased law enforcement efforts. Under article 134 of the penal code, Lao 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 (\$1,230 to \$12,300), and confiscation of assets; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2015, the National Assembly approved Laos’ first trafficking-specific law, which was promulgated in February 2016. In 2015, authorities reported investigating 41 individuals and prosecuting nine for suspected trafficking offenses, and convicting 13 traffickers, a decrease from 31 prosecutions and 21 convictions in 2014 and 24 prosecutions and 35 convictions in 2013. Officials reported convicted traffickers received punishments from five to 15 years’ imprisonment and fines ranging from 10 to 100 million kip (\$1,230 to \$12,300). The government did not provide specific details about these cases, but reported all convictions were achieved under article 134 of its penal code. Foreign donors provided trainings that reached immigration officers, police, and justice officials. Many individuals still relied on out-of-court mediation due to a limited number of trained lawyers or investigative tools necessary to prosecute cases through the

courts. Anti-trafficking organizations reported some low-level local officials may have contributed to trafficking by accepting payments to facilitate the immigration or transportation of girls to Thailand. The government did not report any prosecutions or convictions of officials for complicity in human trafficking or trafficking-related activities during the year.

## PROTECTION

The government maintained inadequate victim identification efforts among those exploited within the country and deported from other countries, and it assisted fewer victims than the previous year. The government did not follow standard procedures for the identification of victims among vulnerable groups. During the reporting period, the government partnered with an international organization to complete nationwide victim identification guidelines for authorities, though these were not implemented. Authorities did not systematically screen deportees from Thailand, leaving some victims unidentified, and front-line officers’ lack of awareness often led to conflation between trafficking and involuntary migration, which may have resulted in victim penalization. Local experts reported provincial authorities did not employ victim identification procedures, leaving victims of internal trafficking largely unidentified. The government continued to provide modest support to some victims, primarily those identified by the Thai government and repatriated to Laos. It reported receiving 143 victims returned from abroad and identifying 46 victims within the country; of these, it provided assistance to all 189 victims, a decrease from 253 victims identified and assisted in 2014.

Victim assistance could include temporary accommodation, legal advice, health care, education, or job training, with most of these services provided and funded by NGOs and international organizations. 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 returned to their home communities, and a quasi-governmental women’s union operated a short-term shelter for victims of abuse; authorities conducted victim interviews to identify trafficking victims among those referred to these facilities, although an unknown number of victims received services from these centers. In addition, the government referred an unknown number of victims to non-governmental shelters or other providers of medical care, counseling services, and vocational training. The government reported training health professionals on providing assistance to human trafficking victims. A lack of adequate long-term support due to limited resources available made victims vulnerable to re-trafficking. A significant number of identified victims in 2015 were male, but the vast majority of services were only available for women. Several international organizations operate a male and female vocational training and rehabilitation center in southern Laos without support from the government. There are no shelters in northern Laos, where many victims originate.

Central government officials instructed provincial authorities they could not fine repatriated victims for immigration violations. However, a lack of proactive victim identification may have resulted in authorities treating some unidentified victims as law violators. Lawyers did not always have formal training and victims were not always made sufficiently aware of their legal rights. The government reported encouraging victims to cooperate with prosecutions, and the Lao Women’s Union made efforts to familiarize individual victims with the court process. However, an overall lack of incentives, resources, and lawyers

made it difficult to fully participate in formal legal proceedings, which can be lengthy and unlikely to include restitution awards. This situation led some victims to choose traditional out-of-court mediation for quicker and more lucrative redress. The government did not establish formal legal alternatives to the removal of foreign trafficking victims to countries where they may face retribution or hardship, but reported it would consider such options on a case-by-case basis.

## PREVENTION

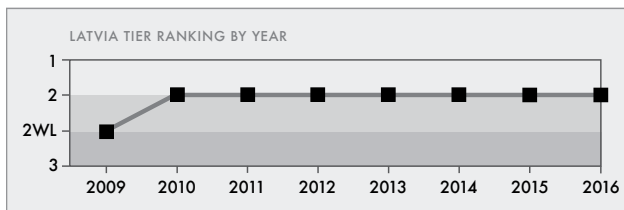
The government continued prevention efforts. Government-controlled print, television, and radio media continued to promote anti-trafficking awareness, and public officials distributed materials to provincial leaders and local community members on the dangers of human trafficking. The government continued implementation of its 2012-2015 national action plan. It completed an action plan for 2016-2020 to which it designated personnel resources and for which ministries will use their funding to support their required tasks. The government reported increasing funding for anti-trafficking activities. The government's national steering committee for anti-trafficking efforts continued to coordinate activities; however, the lack of transparency, active planning, and resources, made it difficult to coordinate activities with all ministries and international partners. Civil society organizations with trafficking expertise report a lack of transparency from the government; at times, authorities may have impeded the work of NGOs by requiring prior government approval of all anti-trafficking activities. The government organized training sessions to raise awareness of human trafficking for the tourism sector and investigated several cases, but did not prosecute or convict any sex tourists. The government did not provide anti-trafficking training for its diplomatic personnel. The government took no discernible measures to reduce the demand for forced labor or commercial sex acts.

## LATVIA: Tier 2

Latvia is a source and destination country for men, women, and children subjected to sex and labor trafficking. Latvian women and girls are subjected to sex trafficking within Latvia, as well as in other parts of Europe. Latvian men, women, and children are subjected to forced labor within Latvia, as well as in other parts of Europe, particularly in the construction and agricultural sectors. 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.

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. Latvia continued to be a regional leader in identifying and preventing sham marriages that put women in highly vulnerable situations, including some cases of trafficking. The government raised awareness of the dangers of sham marriages in Latvia and across Europe, and Latvian courts convicted organizers of these schemes. These robust efforts, however, were not matched in the government's fight against other forms of trafficking. Authorities have not initiated a labor trafficking investigation since 2009, and a Latvian court has never convicted a criminal defendant of labor trafficking. While prosecutors indicted significantly more sex trafficking suspects in 2015, there were no convictions under

the trafficking statute in 2015 versus one conviction in 2014. In victim protection, notably fewer victims received government-funded services in 2015.



## RECOMMENDATIONS FOR LATVIA:

Increase efforts to investigate and prosecute trafficking cases under the trafficking statute (section 154-1 of the Latvian criminal law); increase efforts to proactively identify victims, particularly Latvian and foreign victims exploited within the country; increase training for police, prosecutors, and judges on all forms of trafficking beyond those related to sham marriages; encourage more victims to assist law enforcement by training officials on how to provide appropriate protections to all victims, such as witness protection, and how to minimize the trauma victims face when testifying against their traffickers in courtrooms; provide police investigators sufficient resources to conduct investigations; improve collaboration between the state labor inspectorate and the police to ensure credible referrals result in police investigations; provide prosecutors and judges with clarity on the use of section 154-1 versus section 164, and consider amending section 164 if too much overlap exists; provide more victims with compensation from their traffickers and from the State Agency for Judicial Assistance; and fully fund and implement the 2014-2020 National Anti-Trafficking Program (national action plan).

## PROSECUTION

The government maintained weak law enforcement efforts. Latvia prohibits all forms of trafficking through sections 154-1 and 154-2 of its criminal law, which prescribe a maximum penalty of up to 15 years' imprisonment. These penalties are 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. For instance, 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.

Authorities have not initiated a labor trafficking investigation since 2009, despite the government certifying at least 25 labor trafficking victims in the last three years. The country's first labor trafficking investigation, which began in 2008, remained ongoing. A Latvian court has never convicted a criminal defendant of labor trafficking. Local media raised concerns that domestic and international labor exploitation was underreported. On sex trafficking, the government investigated nine suspects in three new cases under section 154-1 in 2015, compared with one new case involving 10 suspects in 2014 (which was finalized in 2015). The government initiated prosecutions of eight sex trafficking suspects under section 154-1 in 2015, which was more than the combined total of prosecutions in the five years preceding 2015. Courts, however, did not secure any convictions under section 154-1 in 2015. In the past five years, only three traffickers have been subject to final convictions under section 154-1.

In 2015, authorities began a trial process involving two Riga police representatives charged with facilitating pimping. In a second case, the prosecution of a former anti-trafficking police officer accused of extortion and other crimes was pending enforcement of an appeals trial ruling that provided for a four-year imprisonment term and a five-year bar from government employment. Authorities continued to prosecute a sworn attorney for withholding evidence in a trafficking-related prosecution.

A 19-officer unit of the state police specialized in investigating trafficking, sham marriages, money laundering, and related crimes. 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 had more capacity and was more inclined to investigate and charge suspected traffickers for crimes other than trafficking, such as money laundering, pimping, and transfer for sexual exploitation, rather than doing so under trafficking provisions. Charging traffickers with these lesser crimes, particularly those that often result in suspended sentences, permits traffickers to commit a serious crime with impunity, endangers the victims they exploited, diminishes the deterrence effect, and prevents policymakers from effectively evaluating the trafficking situation and calibrating policies and resources to fight this crime. The government partnered with international and non-governmental partners to provide training for police, prosecutors, and judges. The State Police College and State Border Guard College each developed a trafficking-specific training course during the reporting period.

## PROTECTION

The government demonstrated mixed victim protection efforts. The government's NGO-run rehabilitation program offered victims psychological assistance, medical aid, legal representation, housing, and reintegration services. The government certified victims for enrollment in the state-funded assistance program based on decisions by either law enforcement or an NGO-led commission of professionals. For victim certification, the commission had the authority to use Skype or other technology instead of an in-person interview with the victim in front of the commission. The welfare ministry's budget for this program was 162,562 euros (\$176,890) in 2015, which was sufficient to cover the number of victims enrolled in the program.

In 2015, the government enrolled eight new victims into its assistance program, a sharp decline from 27 victims in 2014; the decrease may be due in part to fewer outreach activities by the government and the state-contracted NGO. The government established a working group to improve the current referral mechanism based on NGOs' concerns about officials' inconsistent application. Seven of the newly enrolled victims were Latvian and had been exploited abroad. Two victims were children, including one foreign citizen exploited in Latvia. In one case, the NGO commission enrolled a minor who may have been trafficked to commit armed robbery; Latvian law enforcement and prosecutors later found the minor was a voluntary participant. The minor continued to receive state-funded assistance and remained in pre-trial imprisonment at the close of the reporting period. Only two of the eight registered victims cooperated with law enforcement in 2015, amid reports that officials did not gain victims' trust or take sufficient efforts to encourage victims to cooperate. Civil

society reported authorities pressured trafficking victims into serving as witnesses in criminal trials. Local victim advocates reported the number of victims certified by the state did not accurately reflect the scope of trafficking in Latvia because of victims' inability to report abuses or hesitation to do so given concerns noted above. All Latvian courts had video conference and audio recording capabilities; nevertheless, observers noted instances in which victims facing their traffickers during trial caused re-victimization. In the last six years, only three victims have received court-ordered restitution payments from their traffickers; the last was in 2013. In 2015, one trafficking victim received compensation from the State Agency for Judicial Assistance, which administers a crime victims' compensation program.

## PREVENTION

The government demonstrated strong prevention activities. Latvian 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 2015, the government began prosecutions of five defendants under section 165-1 and convicted nine suspects, although only two convicted offenders received a prison sentence. An anti-trafficking working group comprised of 33 representatives across government ministries and NGOs coordinated inter-ministerial activities and implemented the 2014 to 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. Various ministries contributed to a number of awareness-raising activities, including programs for schools and potential migrants. The government continued to maintain information and 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 acts or forced labor.

## LEBANON: Tier 2

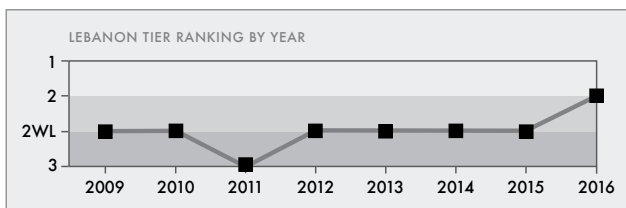
Lebanon is a source and destination country for women and children subjected to forced labor and sex trafficking, and it is a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women and girls from South and Southeast Asia and an increasing number from East and West Africa endure domestic servitude in Lebanon, facilitated by recruitment agencies that at times engage in fraudulent recruitment. Under Lebanon's sponsorship system, workers who leave their employers' houses without permission forfeit their legal status, putting them at risk of re-trafficking. Lebanese government officials and NGOs report most employers withhold their workers' passports, putting workers at risk of trafficking. Women from Eastern Europe, North Africa, and Dominican Republic 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; 5,120 women entered Lebanon under this program in 2015, a substantially higher number than in 2014. 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 endure sex trafficking in Lebanon. Lebanese children are



victims of forced labor in street begging and sex trafficking facilitated by male pimps, husbands, and boyfriends, and, at times, through early marriage. Small numbers of Lebanese girls may be subjected to sex trafficking in other Arab countries.

Men, women, and children among the 1.1 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. 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 fraudulently 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. In 2015, reports indicated a sharp increase in forced begging among Syrian children, some of whom are also 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 girls are brought to Lebanon for sex trafficking, sometimes through the guise of early marriage. Lebanese pimps may force or coerce some Syrian women and Syrian LGBTI refugees into prostitution. Syrian gangs force Syrian refugee men, women, and children to work in the agricultural sector in the Beqaa Valley.

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. Internal political instability, insufficient funding, and threats of violent extremism continued to limit the government's ability to effectively address trafficking. Moreover, Lebanon's sponsorship system, which places a significant amount of power in the hands of employers, remained a significant impediment to authorities identifying and protecting trafficking victims. Despite these challenges, the government investigated and prosecuted trafficking offenders, including breaking up an extensive sex trafficking ring that exploited women and girls, and it convicted 30 traffickers in 2015—a significantly higher number of convictions in comparison to the previous reporting period. The government continued to identify trafficking victims, including 45 primarily Syrian sex trafficking victims, and partnered with NGOs and international organizations to provide victims appropriate protection services; however, the government did not implement victim identification procedures or directly protect victims. Additionally, authorities continued to arrest, detain, deport, and—in some cases—prosecute trafficking victims among vulnerable groups, such as illegal foreign migrants, children, and women in prostitution, for crimes committed as a direct result of being subjected to trafficking. The government reinvigorated its anti-trafficking steering committee in 2015 and implemented anti-trafficking awareness campaigns.



## RECOMMENDATIONS FOR LEBANON:

Increase investigations, prosecutions, and convictions of

offenders under the anti-trafficking law, including officials complicit in human trafficking; investigate employers and recruitment agents who withhold workers' passports, travel documents, or wages for potential trafficking crimes; increase training for judges, prosecutors, law enforcement officials, and diplomatic personnel about the crime of trafficking and application of the anti-trafficking law; legally prohibit the withholding of workers' passports and travel documents, including for persons under the *artiste* visa program; reform the sponsorship system to ensure workers are not bound to abusive employers and to allow workers, including those under the *artiste* visa program, freedom of movement; enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers; ensure identified trafficking victims are not detained, deported, or prosecuted for unlawful acts committed as a direct result of being subjected to trafficking; implement standard procedures to identify 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 identify and provide protection services to victims; and increase efforts to coordinate inter-ministerial anti-trafficking activities effectively.

## PROSECUTION

The government demonstrated progress in its law enforcement efforts, but resource constraints, security challenges, and a lack of capacity continued to hinder prosecution efforts. Lebanon's 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 and NGO officials reported the law was applied unevenly, as most judges lacked understanding of the crime and knowledge of best practices to handle trafficking cases appropriately. Likewise, some judges gave convicted traffickers weak sentences. The continuing lack of a law to prohibit and punish employers or labor agents from confiscating workers' passports or travel documents remained a concern.

The Internal Security Forces (ISF) Anti-Trafficking Unit continued to conduct anti-trafficking investigations, although it suffered from inadequate staffing. In 2015, it investigated 14 suspected trafficking cases, while the Directorate of General Security (DGS) investigated 52 potential trafficking cases. In late March 2016, ISF investigated and broke up an extensive sex trafficking ring, which exploited primarily Syrian women and girls in Beirut, and arrested 16 perpetrators involved in the ring, including a doctor who performed over 200 abortions on the victims; authorities immediately revoked the doctor's license and closed his medical clinic. This investigation was ongoing at the end of the reporting period. After reports of complicity by some ISF officers regarding the trafficking ring, the Minister of Interior opened an investigation into the claims; however, the investigation began after the end of the reporting period. The Ministry of Justice (MOJ) reported investigating 93 suspected traffickers, of which the government charged and prosecuted 71 under the anti-trafficking law, on par with the 72 prosecutions in 2014. Thirty-three of these offenders were referred to the courts for trial; these cases involved forced labor, forced child street begging, and sex trafficking. The government obtained convictions for four of the 33 cases initiated in the reporting period; three offenders were convicted of child sex trafficking and sentenced to 10 years' imprisonment, a fine, and loss of civil rights, and the fourth offender was convicted of forced labor

and subject to the same penalties. 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. 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 any 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. The government provided some anti-trafficking training for officials, but the breadth and scope was inadequate to fully address the problem in Lebanon; the government encouraged officials to participate in trainings provided by NGOs. In 2015, DGS conducted weekly awareness-raising sessions on human trafficking for its staff, and the ISF included a trafficking component in human rights trainings for officers. The army continued to require anti-trafficking training for soldiers, while widely distributed military publications featured articles on human trafficking to raise awareness among military officers.

## PROTECTION

The government made some efforts to identify and protect trafficking victims, yet victims remained vulnerable to punishment for crimes committed as a direct result of being subjected to trafficking. The government did not have formal procedures for officials to identify trafficking victims appropriately, and the cabinet did not formally adopt draft procedures for the referral of victims to NGO services; in practice, officials continued to identify and refer trafficking victims to care on an ad hoc basis. The ISF anti-trafficking bureau identified 33 potential victims of sexual exploitation in cases officials referred to the judiciary in 2015. Additionally, in March 2016 ISF identified and referred to NGO protection services 30 to 45 women and child sex trafficking victims, who were rescued during an investigation of a sex trafficking ring in Beirut; at the end of the reporting period, the Ministry of Social Affairs (MOSA) continued to coordinate with an international organization to assist the victims, including providing them with resettlement to a third country. This demonstrated an increase in victims identified by officials, in comparison to the previous reporting period. The government did not directly provide protection services to trafficking victims, and it continued to rely on an NGO-run safe house to provide some services to female trafficking victims. A 2013 memorandum of understanding (MOU) between an NGO and the government required DGS to refer victims to the safe house and provide security for the location. In October 2015, the government renewed the MOU for another three years. In 2015, the safe house assisted 34 trafficking victims, six of whom the government referred. ISF also referred four victims to another NGO. The government punished 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, whom authorities often arrested, detained, and deported without screening for trafficking. Women holding *artiste* visas were subject to immediate deportation upon arrest for prostitution violations, while 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—some of whom may have been trafficking victims—faced arrest and prosecution. For example, MOJ reported in 2015 the investigation, prosecution,

and conviction of Syrian and Lebanese children for committing illicit activity; such cases involving Syrian children had notably increased. DGS maintained a 500-person detention center in Beirut for illegal foreign migrants, many of whom were unidentified trafficking victims. While DGS did not proactively identify victims within the detention center, an NGO permitted to screen for victims identified four trafficking victims in the detention center; the NGO also reported an increased level of professionalism and sensitivity among DGS officials and investigators. The government did not adopt the labor law amendment extending legal protections to foreign workers nor the law providing increased labor protections to domestic workers.

Government officials did not encourage victims to file criminal charges against their traffickers, although victims were permitted to file civil suits. 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 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.

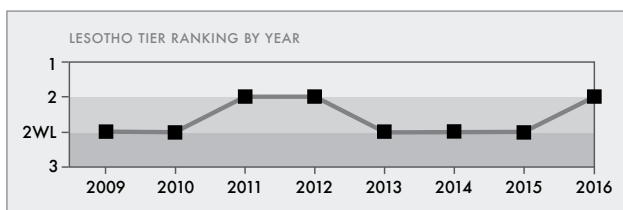
## PREVENTION

The government made modest efforts to prevent trafficking. The national anti-trafficking steering committee resumed its monthly meetings in 2015, after many years during which the committee did not meet. The government did not formally adopt a national anti-trafficking action plan, yet relevant ministries continued to take efforts to implement the draft plan. The Ministry of Labor (MOL) launched anti-trafficking public awareness campaigns focused on forced labor and exploitation of migrant workers, in cooperation with NGOs in July and October 2015. DGS officers at Beirut International Airport continued to return passports directly to migrant domestic workers upon their arrival. DGS and MOL continued to operate hotlines to receive complaints, including for trafficking crimes, but it was unclear how many trafficking victims were identified through these hotlines. 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; in 2015, DGS repatriated two foreign women upon their request. The government made efforts to reduce the demand for forced labor. DGS continued to periodically issue circulars calling on Lebanese employers to abide by guest worker regulations. MOL closed 18 employment agencies for employment violations against foreign workers in 2015, and maintained a blacklist of recruitment agencies for committing fraudulent recruitment practices; however, the government did not report prosecuting any recruitment or employment agencies for potential trafficking crimes, nor did MOL report the number of blacklisted recruitment agencies. Nevertheless, MOL and ISF continued to require Syrian nationals to hold work permits in specific sectors where they were not previously required, which increased Syrian refugees' vulnerability to trafficking by legally binding them to their employers under the sponsorship system. 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.

## LESOTHO: Tier 2

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.

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 made progress in prosecution and protection, including instituting new systems to build capacity for improvement in these areas. The government convicted a sex trafficker and sentenced him to 15 years' imprisonment (10 years suspended), identified more potential trafficking victims, issued implementing regulations for the 2011 anti-trafficking act, signed an agreement with South Africa aimed at increasing protections for Basotho workers employed there, and established a multi-agency taskforce to coordinate the investigation of trafficking cases. Despite these measures, the anti-trafficking law still does not comply with international law, and the government did not provide funding for the Victims of Trafficking Trust Fund or sufficient resources for anti-trafficking law enforcement and protection efforts. It continued to rely on NGOs to assist victims. Jurisdictional issues in the courts continued to impede trafficking prosecutions.



### 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; develop and implement guidelines for proactive victim identification and standard operating procedures 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; complete renovations and 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 increased anti-trafficking law enforcement efforts. The legal framework for addressing human trafficking, however, still includes definitions that are not in line with the 2000 UN TIP Protocol and penalties that are not sufficiently stringent to deter the crime. The 2011 Anti-Trafficking in Persons Act prohibits and punishes all forms of trafficking in persons; however, inconsistent with international law, the use of deception, threat, force, or other means of coercion is required for a child to be considered a trafficking victim. The law prescribes penalties of up to 25 years' imprisonment or a fine of one million maloti (\$64,284) under section 5(1) for the trafficking of adults and up to life imprisonment or a fine of two million maloti (\$128,568) under section 5(2) for the trafficking of children. While these penalties include provisions that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape, a provision allowing a sentence in which offenders pay a fine in lieu of serving prison time allows for a penalty that is not proportionate to the crime and does not provide an adequate deterrent to potential perpetrators of trafficking offenses. 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 one million maloti (\$64,284) 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 (\$1,929) 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. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as those who hold them in servitude. 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. In November 2015, the government issued implementing regulations for the 2011 anti-trafficking act that outline the roles and responsibilities of each ministry in combating trafficking in persons and provide guidelines for police interviews with potential victims and screening procedures.

The government convicted a Chinese national for the sex trafficking of a Chinese woman. The trafficker was sentenced to 15 years' imprisonment, with 10 years suspended; the conviction was under appeal and the trafficker remained in prison at the close of the reporting period. A prosecution for domestic servitude ended in acquittal. Five prosecutions were pending at the end of the reporting period; some of these were accepted for prosecution more than a year earlier and in some cases the accused remains in jail. In addition, two cases of alleged labor exploitation were under investigation at the end of the reporting period. In the previous year, the government investigated four cases but did not prosecute or convict any



offenders. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government provided trafficking-specific training for police recruits as part of their basic legal training and trained police, immigration officers, and judicial officials on the anti-trafficking law and implementing regulations in Maseru, rural townships, and at border posts during the reporting period. Nonetheless, many law enforcement officials reportedly had limited understanding of trafficking and how to protect victims from potential intimidation. Near the end of the reporting period, the government established an anti-trafficking taskforce under the Ministry of Home Affairs with investigative and logistical support from the Lesotho Mounted Police Service (LMPS). The taskforce, comprised of representatives from the Ministry of Home Affairs, Ministry of Police, Ministry of Justice, and Ministry of Social Development, coordinates the investigation of trafficking cases. 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.

## PROTECTION

The government made uneven efforts to protect victims. It identified more potential victims of human trafficking, but did not allocate funding for the Victims of Trafficking Trust Fund or provide financial support for protective services for victims. The Child and Gender Protection Unit (CGPU) within the LMPS identified 18 potential trafficking victims, compared with 11 the previous reporting period. CGPU referred six potential victims to an NGO that provided counseling and assistance to trafficking victims and referred one child victim to a local charity that specialized in rehabilitation for abused children, compared with five referrals during the previous period. The government continued to rely on NGOs to assist victims and did not provide financial support to the NGOs. In March 2016, the government signed an agreement with an NGO to facilitate the NGO's re-establishment of a crisis care shelter for female victims of trafficking. Under the agreement the government committed to provide a facility for the shelter and utilities, and to permit the NGO staff to operate the shelter and provide counseling and other rehabilitative services for female victims of trafficking and their children. The anti-trafficking act regulations issued during the reporting period outlined the roles and responsibilities of each ministry in combating trafficking in persons, defined the rights of victims of trafficking, and also established procedures and standardized forms for screening and identifying victims of trafficking and for applying for funds from the victims of trafficking trust fund. Government hospitals and clinics offered free medical, psychological, legal, and life skills services to victims of crime, including trafficking; it is unknown whether trafficking victims received such services in 2015. The anti-trafficking act and its implementing regulations protect victims from prosecution 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 increased its efforts to prevent trafficking through public awareness activities and measures to protect Basotho workers in South Africa. The multi-sectoral committee met three times, and its member ministries conducted public

awareness activities, including a national event to honor world anti-trafficking day, radio spots, public rallies, posting and distribution of printed material in public areas, presentations for primary school students, and outreach at border posts.

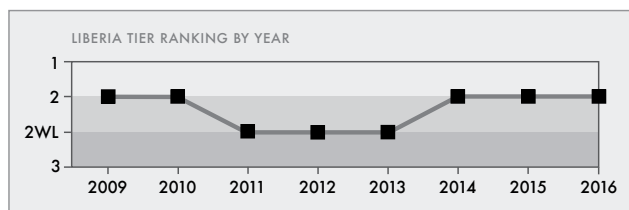
As of October 2015, the Ministry of Labor and Employment had conducted approximately 1,794 inspections of formal sector work sites; however, it did not inspect informal work settings, where forced labor is more prevalent. Only three of 38 labor inspectors received specialized training on child labor inspections; labor inspectors did not identify any child labor violations in 2015. In 2015, the government signed an agreement with the Government of South Africa that increases 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. During the reporting period, the government conducted a campaign to raise awareness of this program and thousands of Basotho registered in Lesotho, the first step in obtaining a long-term work permit in South Africa. The government also initiated a program to facilitate issuance of identity cards to more than 2,500 Basotho who transit informal border crossings frequently as day laborers or herders. The government made efforts to reduce the demand for commercial sex by posting flyers in public places. 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.

## LIBERIA: Tier 2

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. Children sent to work as domestic servants for their wealthier relatives are vulnerable to forced labor or, to a lesser extent, sexual exploitation. Orphaned children remain susceptible 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. During the previous reporting period, Liberian women were subjected to forced labor in Lebanon. Capacity constraints and generalized corruption within the judiciary continued to hamper efforts to investigate and prosecute crimes, including human trafficking.

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. During the reporting period, the Ebola outbreak and subsequent recovery efforts continued to severely affect the country and overwhelm the government's resources and capacity to address trafficking in persons effectively. Nevertheless, the government's trafficking in persons taskforce adopted a national referral mechanism and facilitated the repatriation of six Liberian women subjected to

trafficking in Lebanon during the previous reporting period. In total, 16 women were exploited in a trafficking ring first uncovered in September 2014. The government also provided \$50,000 for the care and protection of the 16 women. However, the government did not convict any trafficking offenders and continued to make insufficient efforts to investigate cases of internal trafficking, despite this being the predominant form of trafficking in the country. The government also did not implement fully its standard operating procedures for trafficking victim support.



### RECOMMENDATIONS FOR LIBERIA:

Increase efforts to investigate, prosecute, and convict trafficking offenses, with an increased focus on cases involving Liberian nationals; vigorously investigate, prosecute, and convict government officials complicit in trafficking offenses; finalize and implement the national referral mechanism adopted by the trafficking in persons taskforce and educate NGOs, law enforcement personnel, magistrates, and other relevant officials on the mechanism and on the "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures;" provide additional training to law enforcement officials and magistrates on the application of the anti-trafficking law and differentiation of trafficking crimes from cases of human smuggling or kidnapping; establish and adequately fund a shelter specifically for trafficking victims; and increase efforts to educate the public, particularly in Liberia's rural areas, about the dangers of human trafficking.

### PROSECUTION

The government maintained its minimal anti-trafficking law enforcement efforts during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons prohibits all forms of trafficking. It prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults. The prescribed penalties for the sex and labor trafficking of children are sufficiently stringent, but the prescribed penalties for sex and labor trafficking of adults are not, nor are they commensurate with those prescribed for other serious offenses, such as rape.

The government reported one investigation of a potential internal trafficking case, one prosecution, and no convictions during the reporting period, compared with three investigations and no prosecutions or convictions in the previous reporting period. The one prosecution initiated during the reporting period followed from an investigation during the previous reporting period involving an alleged trafficker residing in Liberia and responsible for the exploitation of 16 Liberian women in Lebanon. The trial began in September 2015 and resulted in a hung jury in January 2016; by March 2016, officials had begun a re-trial. The government also initiated an investigation of one suspect in a potential internal trafficking case. No Liberian trafficking offenders have been convicted under Liberia's anti-trafficking law. All section heads of the

Liberia National Police (LNP) received basic training on how to report suspected trafficking cases to the Women and Children Protection Section (WACPS), which had the lead in investigating such crimes; however, LNP staff did not receive specialized training in investigating human trafficking crimes. Anti-trafficking training is a component of WACPS' mandatory three-week orientation course for all of its new officers. WACPS was unable to provide an estimate of the number of officers trained on anti-trafficking 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 modest efforts to identify and protect victims of human trafficking. It identified two potential internal trafficking victims. The government also repatriated six additional forced labor victims identified in a 2014 case, building upon the repatriation of 10 victims from the same case discovered in the previous reporting period. The government provided \$50,000 to the Ministry of Gender, Children, and Social Protection for the care and protection of the 16 women. The 2013 "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures" were not fully implemented during the reporting period. The standard operating procedures provide guidance for the care and protection of victims and special considerations for child victims of trafficking. The trafficking in persons taskforce developed a national referral mechanism to accompany the standard operating procedures, which was sent to the Minister of Justice in December 2015 for approval necessary prior to its implementation; it remained pending approval at the conclusion of the reporting period. Government efforts largely focused on a few transnational human trafficking cases. There remained no government-run shelters or safe homes specifically for trafficking victims in Liberia, and the government continued to rely on NGOs and civil society groups to provide basic assistance and psychosocial support to victims. Government resources continued to be insufficient to provide specialized care for male victims or victims with disabilities. The government offers legal alternatives to removal to countries in which victims would face retribution or hardship, such as temporary residency, on a case-by-case basis. No victims were identified during the reporting period that were eligible to receive this type of benefit. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of being subjected to trafficking; there were no reports that victims were punished during the year.

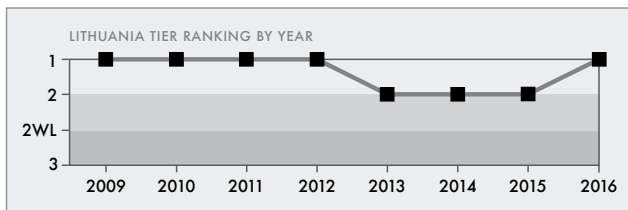
### PREVENTION

The government made minimal efforts to prevent trafficking in persons. The trafficking in persons taskforce did not hold regular meetings and remained without an operating budget. The country's five-year trafficking in persons national action plan, launched in March 2014, was only partially implemented during the reporting period. Nevertheless, there were sometimes greater coordination efforts amongst government ministries through the taskforce. The Ministry of Labor continued to support anti-trafficking awareness campaigns, mainly through existing billboards; however, the government did not sponsor 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 during the reporting period. The government provided anti-trafficking training for its diplomatic personnel.

## LITHUANIA: Tier 1

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 trafficking victims in Western Europe and Scandinavia. Lithuanian children and adults are increasingly forced to engage in criminal activities, such as shoplifting, theft, and drug selling, in Nordic countries and Western Europe. Some Lithuanian men are subjected to forced labor in Ireland, the United Kingdom, and the United States, including in agriculture. 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 90 orphanages are especially vulnerable to trafficking. In early 2015, the government initiated investigations into official complicity and negligence related to allegations of sex trafficking of girls and boys at state-run orphanages.

The Government of Lithuania fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government greatly increased the available training for police, prosecutors, and judges. Officials identified more victims, particularly among exploited children. A working group established by the General Prosecutor's Office completed recommendations for best practices for law enforcement and public officials on victim identification, investigations, and interagency coordination; the relevant government agencies endorsed those recommendations and began implementation in December 2015. The interior ministry drafted a government resolution in December 2015 to create an inter-ministerial body with NGO representation to coordinate national efforts. The national audit office published a self-critical review of its efforts as a means to guide future progress. The government began to phase out state-run orphanages, where children are vulnerable to exploitation, in favor of the foster care system; however, some police officers failed to recognize sex trafficking among women coerced into prostitution and children exploited for commercial sex. Additionally, public funding for care providers did not sufficiently cover victim assistance costs, and the government lacked a system to deliver specialized care to child victims.



### RECOMMENDATIONS FOR LITHUANIA:

Increase funding for NGOs to provide sustainable victim protection; provide systematic, effective training for all police officers on the identification, referral, and appropriate treatment of victims, including by integrating an anti-trafficking module into the basic training for the police; establish a formal inter-ministerial committee with NGO representation to coordinate whole-of-government anti-trafficking efforts; prevent the sex trafficking of children in state-run orphanages by prosecuting complicit or negligent orphanage authorities and ensuring ongoing reforms to the orphanage system to improve protection of vulnerable children; further improve training of investigators

and prosecutors on building trafficking cases, including developing evidence beyond victim testimony; further improve judicial understanding of trafficking and sensitivity toward victims of sex trafficking; equip courtrooms with the capacity to allow victims to provide testimony outside the presence of their alleged traffickers; intensify efforts to identify victims proactively, particularly children exploited for commercial sex and adults coerced to be in prostitution; and provide all victims access to shelter and trafficking-specific assistance, particularly adult male and child victims.

### PROSECUTION

The government demonstrated progress in law enforcement efforts. Lithuania prohibits all forms of trafficking through articles 147 and 157 of its criminal code, which prescribe penalties ranging from two to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Lithuanian authorities initiated investigations of 25 cases in 2015, compared with 24 in 2014. Authorities initiated prosecutions of 27 suspected traffickers, compared to 40 with 2014 and 18 in 2013. The government convicted 17 traffickers under articles 147 and 157, compared with 18 in 2014. All 17 traffickers convicted in 2015 were sentenced to time in prison, with terms ranging from three to eight years' imprisonment. The government collaborated with foreign counterparts in 17 international trafficking investigations, compared with two in 2014 and five in 2013. In March 2015, prosecutors announced an investigation into the director of an orphanage who had allegedly operated a sex trafficking ring inside the institution, offering young boys to pedophiles. 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. In the latter case, the orphanage's director defended her institution by saying such activity is common at all Lithuanian orphanages. The investigations remained ongoing at the close of the reporting period.

The government increased its training of personnel during this reporting period. Although the basic training for police cadets continued to exclude trafficking, the national police organized eight anti-trafficking sessions at the police academy, which were attended by 160 police officers. In April, the national police and an NGO jointly organized a seminar for police, prosecutors, and judges. In September, a Supreme Court judge conducted a specialized training for 40 judges. In October, 20 police officers participated in a trafficking-specific two-day course organized by the Criminal Police Bureau. In November and December, the state labor inspectorate organized trainings on victim identification guidelines approved during the reporting period; 34 labor inspectors participated. The national police force continued to designate eight officers to lead trafficking investigations, and the General Prosecutor's Office designated six prosecutors. A Supreme Court justice with specialized knowledge of trafficking crimes received most of the trafficking cases that reached the Supreme Court. Observers reported prosecutors were reliant on victims' testimony to prove a trafficking case.

### PROTECTION

The government demonstrated progress in efforts to assist victims, although funding for services remained insufficient. Lithuanian law enforcement identified 79 victims and potential victims in 2015, compared with 47 in 2014. Authorities identified more child victims: from three in 2014 to 18 in 2015. NGOs



receiving a mix of public and private funding provided support to 139 trafficking victims and at-risk individuals, including 39 victims of labor trafficking; NGOs assisted 133 victims in 2014. The central government provided NGOs approximately 43,000 euros (\$48,000) for victim assistance programs, compared to approximately 149,000 litas (\$52,600) in 2014. Experts reported the funding provided by the state was not sufficient to cover the actual expenses incurred by care providers for victim assistance. Five publicly funded men's crisis centers had the capacity to provide assistance, to include finding shelter, though not all police officers were aware of this service. Authorities placed child trafficking victims in foster homes and mixed-use shelters, which may not have provided specialized care needed by child victims. 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 victims of trafficking a 30-day reflection period to decide whether to cooperate with law enforcement. Foreign victims cooperating with law enforcement could receive temporary residency. Authorities did not identify any foreign victims in 2014 or 2015. The Lithuanian criminal code requires victims to testify. Lithuanian law permits authorities to use video conferencing and other technologies in the courtroom, which could prevent re-traumatization of trafficking victims, but courts continued to have limited technical capabilities. The government provided legal representation to victims; however, observers reported the attorneys were not trained on trafficking issues, so NGOs often hired private attorneys for victims. In most cases in 2015, victims received compensation. Observers reported shortcomings in police recognition of trafficking victimization among individuals in prostitution; as a result, authorities subjected sex trafficking victims to administrative sanctions for prostitution, and authorities treated child sex trafficking victims as criminals rather than victims.

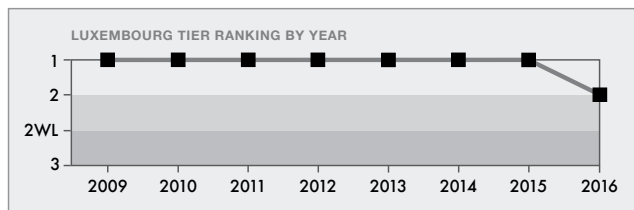
## PREVENTION

The government demonstrated progress in prevention efforts. In December 2015, the interior ministry drafted a government resolution to create a national inter-ministerial coordination commission with NGO representation. A working group established by the General Prosecutor's Office completed recommendations for law enforcement and public officials on best practices in victim identification, investigations, and interagency coordination; the relevant government agencies endorsed and began implementation of those recommendations in December 2015. The National Audit Office evaluated the government's anti-trafficking efforts and called for improvements in victim assistance, coordination, training for officials, and prevention activities, as well as the creation of an independent national rapporteur. The interior ministry continued to publish an annual report covering the government's anti-trafficking law efforts. Following concerns that many Lithuanian children were unnecessarily institutionalized and at an increased risk of sex trafficking, the government worked to phase out large institutions and increase support for foster care. Public officials participated in NGO-organized prevention activities, and law enforcement authorities raised awareness in the media. In addition, the police advertised and managed an e-mail account that the public could use to report potential human trafficking situations and ask for advice. The government provided anti-trafficking training for its diplomatic personnel. The Lithuanian government made efforts to reduce the demand for commercial sex, but not for forced labor.

## LUXEMBOURG: Tier 2

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.

The Government of Luxembourg does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government maintained the number of cases investigated and traffickers convicted, funded an anti-trafficking conference, allocated 100,000 euros (\$114,000) for an awareness campaign, and continued to provide strong protections to identified trafficking victims. However, the government only concluded two prosecutions, continued to issue short and suspended sentences, did not provide adequate resources to its anti-trafficking police unit, and failed to finalize a national referral mechanism for victim identification and protection or a national action plan.



## RECOMMENDATIONS FOR LUXEMBOURG:

Vigorously prosecute, convict, and sentence labor and sex traffickers, including complicit officials, with sufficiently stringent prison sentences; finalize the national referral mechanism to guide front-line responders on how to proactively identify all types of trafficking victims and refer them to available services and protection; 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; train law enforcement that subjecting a child to prostitution constitutes a trafficking crime; allow non-EU trafficking victims access to Luxembourg's labor market; increase resources available to law enforcement and government officials to proactively assist victims, identify and investigate labor and sex trafficking cases; continue to work collaboratively with, and increase resources available to, the national rapporteur to critically assess efforts and make recommendations to improve the government's response to human trafficking; and finalize a national action plan.

## PROSECUTION

The government demonstrated a slight decrease in 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 for trafficking offenses 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 10 investigations and two prosecutions, compared to 10 investigations and six prosecutions in the previous reporting period. The government convicted five traffickers for sex trafficking in 2015, the same number as in 2014. Unlike in 2014, when all traffickers received prison sentences, the courts suspended the majority of prison sentences in 2015. Three traffickers received fully suspended sentences and fines ranging from 1,000 to 2,000 euros (\$1,140 to \$2,280). Two traffickers were ordered to serve between 18 and 48 months in prison, plus fines, compared to maximum sentences of 12 and 36 months in 2014 and 2013 respectively. The reported statistics reveal that convicted traffickers continued to frequently avoid imprisonment, resulting in penalties that are insufficiently stringent, as well as weakening deterrence of trafficking offenses. The police unit responsible for investigating trafficking cases continued to lack resources. In November 2015, the government, in collaboration with a regional organization, organized and funded a conference on law enforcement challenges concerning trafficking activities by African organized crime groups; 50 government officials and NGO representatives attended. The government also funded five judges' participation in anti-trafficking training at a foreign magistrate's school. 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. Authorities identified two female sex trafficking victims, compared with 11 victims of labor and sex trafficking in the previous reporting period. Authorities did not finalize a written national referral mechanism for front-line responders; as a result, the management of victim referral and services occurred on an ad hoc basis. The government provided shelter and services to one of the victims identified during the reporting period, and it continued to provide assistance to five victims identified in the previous reporting period. The government increased funding for victim services generally by 500,000 euros (\$569,000); however, it is unclear how much of this funding was dedicated to victims of trafficking. The government had policies in place to encourage trafficking victims to assist in the prosecution of trafficking offenders, 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, depending upon the victim's willingness to cooperate with law enforcement and whether the victim was an EU national. The government provided four trafficking victims with permanent residence permits in 2015. Victims were also entitled to participation in a witness protection program to ensure their security before, during, and after a trial. There were no reports authorities penalized victims for unlawful acts committed as a direct result of being subjected to human trafficking.

## PREVENTION

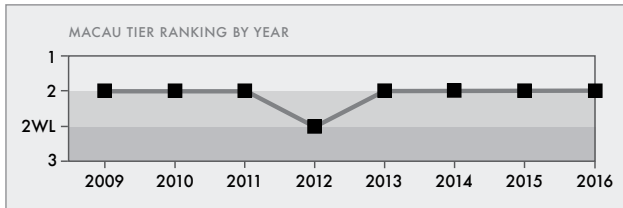
The government did not demonstrate an increase in anti-trafficking prevention efforts. The inter-ministerial committee

met three times and continued drafting a national action plan; the plan was not finalized at the close of the reporting period. The government did not conduct a national awareness campaign. The government allocated 100,000 euros (\$92,000) for a public awareness campaign in 2016, although the campaign had not been launched at the close of the reporting period. The government collaborated with regional partners to publish a brochure to raise awareness among first-responders, as well as a manual to strengthen cooperation among regional partners. The government also provided funding and technical support for an NGO-run website focused on the prevention of child sex tourism. The national rapporteur on trafficking in persons began the development of a centralized data collection system and began drafting the first bi-annual report; however, neither the database nor the report were finalized during the reporting period and the rapporteur lacked adequate resources. Authorities did not undertake any measures to reduce demand for commercial sex acts or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel; however, it distributed an anti-trafficking brochure to all diplomats prior to their deployment abroad.

## MACAU: Tier 2

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a 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 better 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. Children are reportedly subjected to sex trafficking in connection with the gambling and entertainment industry in Macau. 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.

The Government of Macau does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government set up a communication mechanism with hotel employees to report potential trafficking situations directly to police and conducted a two-day training on combating trafficking crimes and protection of trafficking victims for 170 front-line government officials. The government allocated 3.2 million patacas (\$400,000) for preventing and countering trafficking. Macau's Judicial Police set up a new anti-trafficking taskforce within the organized crime division. However, there were no trafficking convictions in 2015, and the government identified only six sex trafficking victims. While it investigated three cases of potential labor trafficking, the government concluded that the individuals in question were not trafficking victims.



## RECOMMENDATIONS FOR MACAU:

Increase efforts to investigate, prosecute, and convict sex and labor traffickers; institute a minimum wage for foreign domestic workers; continue to improve and consistently implement proactive victim identification methods, especially among vulnerable populations such as migrant workers and children exploited in commercial sex; 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 soliciting or engaging in prostitution with children is a crime; and conduct a survey of the migrant labor population to identify its vulnerabilities to trafficking.

## PROSECUTION

Authorities decreased anti-trafficking law enforcement efforts during the reporting period. The anti-trafficking law, Law Number 6/2008 within the penal code, prohibits 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 relatively small population of Macau (600,000) in comparison to its over 30 million yearly visitors exacerbated law enforcement and judicial capacity constraints, which continued to pose major challenges in addressing trafficking crimes.

Authorities conducted investigations of five sex trafficking cases and three labor trafficking cases, compared with five sex trafficking cases in 2014. Police found the cases of alleged labor trafficking did not reach the level of criminal labor trafficking and did not refer them for criminal prosecution. Of the five sex trafficking investigations, prosecutors dropped one case and initiated prosecution of the other four cases; however, three of those cases were tried under charges other than sex trafficking. One case, involving one defendant, was tried under the anti-trafficking law, but the defendant was found not guilty. The government obtained no trafficking convictions in 2015, compared with six in 2014. Prosecutors continued to use the "procuring of prostitution" provision for many cases with elements of trafficking. This crime has simpler evidentiary standards but carries lighter penalties than the trafficking law. Authorities reported screening for potential victims of labor trafficking and investigating three suspected cases, but did not report any prosecutions or convictions for labor trafficking.

In addition to providing standard trafficking awareness training to all judiciary police and public security police officers, authorities organized and attended numerous anti-trafficking trainings during the year. In January 2016, Macau's anti-trafficking committee co-hosted with another government a two-day workshop on combating trafficking crimes and protecting trafficking victims for 170 front-line government officials. 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 sustained efforts to protect trafficking victims. Authorities identified six victims of sex trafficking, an increase from five in 2014 but continuing the decline from 38 in 2013. Four victims were children; five were from mainland China and one was from South America. Authorities did not identify victims of forced labor in 2015, although three suspected cases were referred to police for investigation. The Social Welfare Bureau (SWB) reported assisting and offering shelter to all identified victims in cooperation with local NGOs. Authorities designated 21 beds for female trafficking victims at a shelter managed by SWB. An NGO-run home housed child victims. SWB continued to operate a shelter for male victims, although authorities did not identify any male victims during the reporting period. The government spent 1.5 million pataca (\$187,500) on victim protection services, including allocations to NGOs for service provision at shelters. Authorities had a formal victim identification process, operational referral process, and standardized screening questionnaire that guided law enforcement, immigration, and social services personnel. 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. Authorities had a policy of offering foreign crime victims legal alternatives to removal to countries in which they would face retribution or hardship; however, no trafficking victims were known to have sought this immigration relief during the reporting period. The legal system allows for civil remedies, but no victim was known to have pursued this option in 2015.

## PREVENTION

Authorities sustained efforts to prevent forced labor and sex trafficking. 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. LAB continued a trafficking awareness education project in high schools, and held four seminars on labor rights and obligations for domestic workers and employment agency workers. Authorities also inspected construction sites, employment agencies, and companies with gaming licenses for labor trafficking, but despite these efforts did not identify any labor trafficking victims. The government worked with local hotels to promote awareness of trafficking crimes to hotel staff and set up a mechanism that required hotel employees to report any suspected case of trafficking immediately to police; one trafficking victim was identified during the reporting period through this mechanism. In an attempt to reduce demand for commercial sex acts, law enforcement authorities continued to combat the distribution of prostitution-related advertisements and increased the number of inspections of illegal brothels. Despite the majority of identified trafficking victims being child sex trafficking victims (four of six), authorities did not report any investigations or prosecutions for child sex tourism.



## MACEDONIA: Tier 2

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. Children, primarily Roma, are subjected to forced begging and sex trafficking through forced marriages. 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. Migrants and refugees traveling through Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors. Traffickers frequently bribe police and labor inspectors. Police have been investigated and convicted for complicity in human trafficking.

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. While the influx of refugees and migrants to the country placed a significant strain on government resources, government efforts to protect victims and prevent trafficking declined markedly. Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. The government convicted more traffickers compared to 2014, but identified just four victims—the fewest ever reported—despite an increase in vulnerable populations due to increased migration. The government continued to screen children engaged in street selling and begging for trafficking, yet discontinued its partnership with NGOs to operate mobile outreach teams to identify all types of victims of trafficking proactively. Victims had difficulty accessing compensation, and the government did not offer specialized services for male victims. In contrast to previous years, the government did not fund or coordinate any public awareness campaigns.



### RECOMMENDATIONS FOR MACEDONIA:

Dedicate increased resources for the protection of victims; increase screening for trafficking among refugees and asylum-seekers; vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences; regularly train law enforcement officials, labor inspectors, diplomatic personnel, and other officials on proactive victim identification, particularly among child beggars, irregular migrants, and asylum-seekers; train law enforcement, judges, and prosecutors on a victim-centered approach; 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; adequately protect victims and witnesses to prevent intimidation and re-traumatization during court proceedings; develop a

comprehensive national action plan for implementation beyond 2016; make public government anti-trafficking efforts; and raise public awareness of all forms of trafficking.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts. The government prohibits all forms of trafficking, including forced begging and forced criminality, in articles 418(a) and (d) of its criminal code, which 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 could have enabled prosecutors to convict traffickers of a lesser offense rather than child sex trafficking, and amended article 418(d), explicitly criminalizing forced begging of minors and increasing the minimum sentence for child trafficking to 12 years' imprisonment. The government did not report any trafficking investigations in 2015, compared with three in 2014. Prosecutions were initiated against seven alleged traffickers, compared with five in 2014. In 2015, courts convicted and issued prison sentences to seven traffickers, compared with two convictions in 2014. Three were convicted for trafficking children for labor exploitation and four for trafficking children for sexual exploitation. In addition, courts convicted four traffickers for forced marriage involving domestic servitude, but issued the traffickers suspended sentences. Some police and labor inspectors allegedly accepted bribes related to trafficking crimes. Three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking during the reporting period. Police cadets received specialized training, and 13 judges and six prosecutors attended trafficking trainings during the reporting period.

### PROTECTION

The government decreased victim protection efforts. Police officers, labor inspectors, immigration officers, social workers, and NGOs used a national referral mechanism to refer potential victims and received training on victim identification. During the reporting period, the government discontinued its partnership with NGOs to operate six joint mobile units that identified and referred victims to services. The government formally identified four victims of sex and labor trafficking—including one adult and three children—in 2015, compared with seven in 2014. Authorities referred all four victims to a shelter for trafficking victims and later repatriated one foreign victim. In 2015, NGOs identified 94 potential victims of trafficking among the migrant and refugee population transiting Macedonia. Authorities did not investigate any of these cases further, and the anti-trafficking unit did not screen for trafficking victims. However, the government identified and provided assistance to three female migrants who were victims of trafficking prior to arriving in Macedonia. Social workers and police identified 78 potential forced labor victims among predominantly 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.

Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. Approximately 801,036 denars (\$15,000) went directly to victim assistance

and management of a shelter for trafficking victims, compared to 663,036 denars (\$13,500) in 2014. Unlike previous years, the government did not award NGOs any grants for the 2016 fiscal year, although NGOs reported their reliance on these grants to assist victims and thus must reduce their services. Foreign and domestic victims were entitled to accommodation, psychological and medical assistance, and legal representation. 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 government and NGOs jointly ran a shelter for trafficking victims, as well as a transit center for irregular migrants that offered separate facilities for foreign trafficking victims; both facilities could house male, female, and child victims. The shelter allowed victims freedom of movement, but the migrant facility did not permit foreign victims to leave without a temporary residence permit. Due to the lack of funding, the government's partnership with NGOs to run the shelter was discontinued in 2016. Victims who chose not to or were unable to stay in a shelter needed greater assistance with finding alternative lodging and follow-up care.

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; authorities granted one victim a residence permit in 2015, as in 2014. Foreign victims do not have the right to obtain employment in the country until granted a temporary residence permit. A court ordered compensation for one victim in a criminal trial in 2015. While victims can claim restitution through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the legal process. Although there were no reports of trafficking victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, police did not contact the anti-trafficking unit to screen for potential victims of trafficking among dancers and other individuals when conducting operations in nightclubs, where sex trafficking was prevalent.

## PREVENTION

The government decreased prevention efforts. Unlike previous years, the government did not fund or coordinate public awareness campaigns. The national anti-trafficking commission, comprised of government agencies, international organizations, and NGOs, met regularly to coordinate the government's anti-trafficking efforts and implement the 2013-2016 national action plan. Observers indicated the government did not provide sufficient funding to implement the plan and had not initiated development of a new action plan for implementation beyond 2016. The national commission worked with the local anti-trafficking commissions and provided training to improve local coordination. The government monitored its anti-trafficking efforts but did not make its assessment available to the public. In partnership with NGOs, the government conducted seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors. In 2015, a legal change allowed migrants and refugees who expressed intent to file for asylum to pass freely through the country, including access to public transportation and other services that reduced their vulnerability to exploitation. However, after the government restricted the asylum process in November 2015 to citizens of Syria, Iraq, and Afghanistan, authorities indicated an increase in migrant smuggling, which subsequently increased migrants' vulnerability to exploitation. The government partnered with a university in Skopje and an NGO to organize seminars focused on reducing

the demand for commercial sex, but did not report tangible efforts to reduce the demand for forced labor. The government provided diplomats basic training on human trafficking and distributed a handbook on preventing trafficking for domestic servitude in diplomatic households.

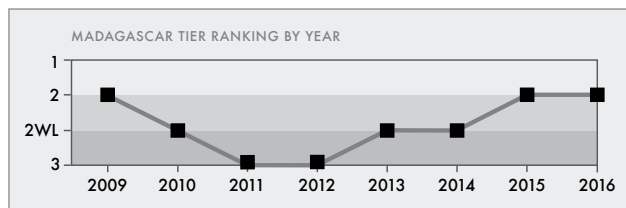
## MADAGASCAR: Tier 2

Madagascar is a source 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 prostitution, domestic servitude, and forced labor in mining, fishing, and agriculture across the country. Most child sex trafficking occurs with the involvement of family members, but tourist operators, taxi drivers, and local adults in prostitution also facilitate this crime. Informal employment agencies recruit child domestic workers who are subsequently subjected to forced labor. Some children are fraudulently recruited for work in Antananarivo as waitresses and masseuses before being exploited in prostitution. Reports suggest child sexual exploitation is most prevalent in tourist destinations and surrounding formal and informal mining sites. Previous reports indicated prostitution of boys was becoming more prevalent. Malagasy men exploit child sex trafficking victims, while most child sex tourists are French and Italian nationals, and to a lesser extent, other Westerners and Comorians.

It is estimated that thousands of Malagasy women are employed as domestic workers in Lebanon, Kuwait, and Saudi Arabia; these women circumvent a 2013 ban on work in Gulf countries by transiting Mauritius, Kenya, Comoros, and South Africa. Many of the women migrating are illiterate and vulnerable to fraud and abuse by recruitment agencies and employers. Reports suggest Malagasy men in the Middle East also endure forced labor in the service and construction sectors. 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. Malagasy men were subjected to forced labor aboard Chinese-flagged fishing vessels in South Africa's territorial waters in the previous reporting period, and increasingly are subjected to domestic servitude in China. NGOs previously reported government officials' complicity in obtaining falsified national identity cards, which facilitates the sexual exploitation of children for commercial sex in Madagascar and the domestic servitude of Malagasy women abroad. Past reports indicated public officials purchase sexual services from children in Antananarivo and Nosy Be, primary child sex tourism destinations. Police encourage financial arrangements between victims and their offenders, rather than pursuing charges; this perpetuates impunity.

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. It formally established the National Office to Combat Trafficking, and its members met several times during the reporting period. The government did not take adequate measures to operationalize its five-year national action plan, which came into effect in 2015, or allocate sufficient funding to support the effective work of the national office. Although the government reported 10 convictions in 2015, a slight increase from six in 2014, authorities reported only eight trafficking-related investigations, a significant decrease from 187 cases investigated the previous year. It continued to lack formal procedures to proactively identify trafficking victims

among vulnerable populations and did not systematically provide services. Although the government began to draft a bilateral agreement with Saudi Arabia in 2015, it did not make tangible progress with other destination country governments on protection and legal remedies for exploited Malagasy workers.



### RECOMMENDATIONS FOR MADAGASCAR:

Increase efforts to prosecute and convict suspected trafficking offenders, including allegedly complicit officials, using the updated anti-trafficking legislation; adequately fund the National Office to Combat Trafficking; develop formal procedures for, and provide training to officials on, proactive measures to identify victims, investigate cases, and refer victims to appropriate services; implement the five-year national action plan to combat trafficking; monitor and regulate recruitment agencies sending migrant workers to the Middle East; operationalize the training center for prospective migrant workers and recruiters; 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 to combat trafficking, including the number of victims identified, cases investigated and prosecuted, and the number of convictions of trafficking offenders.

### PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. 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 broadened the scope of the 2007 anti-trafficking law to cover sexual exploitation, labor trafficking, forced labor, forced begging, and debt bondage. The updated law imposes sufficiently stringent penalties for trafficking offenses, ranging from two to five years' imprisonment and a one to 10 million ariary (\$315-3,130) fine, and stiffer penalties of five to 10 years' imprisonment and fines ranging from two to 10 million ariary (\$625-3,130) for trafficking crimes committed against children. During the reporting year, justice officials facilitated workshops in Nosy Be and Toliary to familiarize law enforcement personnel with the 2014 anti-trafficking law.

National statistics on prosecutions and convictions remained difficult to obtain and verify, due to a lack of coordination between law enforcement and the courts and inadequate record keeping. During the reporting period, the national police's Morals and Minors Brigade investigated two potential trafficking cases and six trafficking-related cases, a stark decrease from the 187 cases of child sexual exploitation it investigated the year prior. Media reported the arrest of 14 alleged traffickers for the illicit recruitment of migrant workers; all 14 were referred for prosecution, a slight increase from the 11 prosecutions for illicit recruitment the year prior. Officials reported 10 trafficking convictions under the updated anti-trafficking law in 2015, compared with six in 2014. The government did not report

any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, there were widespread corruption and allegations of complicity.

### PROTECTION

The government sustained minimal efforts to protect victims. It continued to lack formal procedures to proactively identify trafficking victims among vulnerable populations and did not systematically provide services or refer victims for care. The Ministry of Population and Social Affairs, in collaboration with an international organization, continued to coordinate approximately 450 child protection networks across the country. These networks are mandated to protect children from various forms of abuse and exploitation, as well as ensure access to medical and psycho-social services for victims. However, the networks' protective services were at times inadequate, the standard of care was inconsistent across regions, and it was not clear whether any of the networks provided services to trafficking victims during the reporting year. The government continued to operate and fund the Manjary Soa Center in Antananarivo, which housed 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. There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The government remained without formal procedures to encourage victims to assist law enforcement in the prosecution of their traffickers; however, the police reported victims were generally willing participants in the investigations of their alleged traffickers. Under the 2014 anti-trafficking law, victims are entitled to compensation for reintegration and medical care; however, this provision was not implemented for the second consecutive year.

In 2015, officials assisted, through diplomatic facilitation, with the repatriation of 60 Malagasy citizens who were subjected to trafficking in China, Comoros, Kuwait, Saudi Arabia, and Thailand. The government did not engage with foreign governments regarding the protection of and legal remedies for exploited Malagasy workers; however, it did complete an initial draft of a bilateral agreement with Saudi Arabia during the reporting year. During the reporting period, many 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; however, the government did not provide victims with financial support or assistance but referred them to NGOs and international organizations for immediate care.

### PREVENTION

The government demonstrated modest efforts to prevent trafficking. During the reporting year, the government formally established the National Office to Combat Trafficking, as called for in its five-year national action plan, which came into effect in early 2015. Although members of the new national office convened seven meetings during the reporting year to draft staff duties and develop internal organizational structure, the government did not take additional steps to operationalize the national action plan and reduced funding for its implementation to eight million ariary (\$2,500); during the previous reporting year, the government allotted 38.95 million ariary (\$12,000). A 2013 ban on domestic worker travel to Gulf countries remained in place; however, illicit recruitment agencies circumvented the



ban by sending workers through Comoros, Kenya, Mauritius, and South Africa. In October 2015, the government signed an agreement with an international organization to commence construction of a training center for prospective migrant workers and recruitment agencies; however, progress on this effort was unknown.

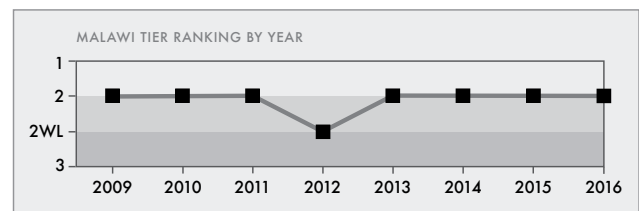
In November 2015, the government established a new tourist police branch in Ranohira Isalo to protect vulnerable populations against commercial sexual exploitation of children. However, officials did not disseminate the code of conduct to combat the commercial exploitation of children in the Nosy Be and Toliara tourism industry for the second consecutive year, although they did disseminate it in four additional regions with support from international organizations. Although authorities continued to operate the national hotline to document cases of child exploitation, no call statistics were available at the end of the reporting period. The prime minister launched an anti-trafficking awareness campaign, conducted and financially supported by an international organization, and justice ministers organized two national radio broadcasts to educate the public on the 2014 anti-trafficking law. During the reporting year, Malagasy officials, with donor funding, organized training on the identification and prevention of trafficking in the context of national disasters for an unknown number of humanitarian actors. The government did not make significant efforts to reduce the demand for forced labor during the reporting period. The government provided general guidance to diplomatic personnel on preventing trafficking based on respective local laws.

## MALAWI: Tier 2

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 also 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 also 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. Reports from previous years suggest 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.”

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. Authorities retained anti-trafficking training in the police academy curricula and worked with foreign governments to repatriate 23 trafficking victims during the year. The government enacted the anti-trafficking legislation passed in the previous reporting period but did not use it to prosecute traffickers in 2015. Delays in enacting and training officials on the new anti-trafficking law inhibited its full enforcement until late in the year, resulting in an ineffective deterrence. Although Malawian authorities reported more than twice as many trafficking convictions in 2015 (58) compared with 2014 (25), the administered punishments were uneven with some receiving weak and poorly deterring sentences. The government identified approximately 197 trafficking victims, a decrease from 242 the previous year, but it did refer approximately 150 potential victims for protective services in 2015; it referred 100 in 2014. It continued to lack standardized procedures to effectively identify victims and provide them adequate protection and to rely on international organizations and NGOs to fund and implement most anti-trafficking programs.



### RECOMMENDATIONS FOR MALAWI:

Raise public awareness of the key provisions and fully implement the prosecution and protection provisions in the 2015 anti-trafficking legislation; vigorously prosecute and sentence both sex and labor trafficking offenses under the new law; sentence convicted traffickers to sufficiently stringent punishments, including by increasing prison sentences; 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 to 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; increase awareness and monitoring of trafficking crimes, as well as efforts to identify traffickers and victims at border crossings and internal police checkpoints; adopt a national strategy to combat trafficking that focuses on improving national-level coordination of anti-trafficking efforts across all districts; and develop and launch anti-trafficking public awareness campaigns.

### PROSECUTION

The government demonstrated uneven anti-trafficking law enforcement efforts. Although Parliament enacted anti-trafficking legislation passed during the previous reporting period, it was not in official force until late in the year which, coupled with limited funding available for judicial and police training, partly prevented its use in prosecutions during the reporting period. The new anti-trafficking law, if fully implemented, would prohibit all forms of trafficking and prescribe punishments of up to life imprisonment, without the option of fines. During the year, the government punished traffickers with sentences of up to 16 years' imprisonment. Fines remained an alternative punishment and an ineffective deterrent against trafficking crimes. The penalties prescribed under the various statutes

that were in force prior to the November 2015 enactment of the Trafficking in Persons Act range from small fines to 14 years' imprisonment; because of the alternative of a fine, these penalties are insufficiently stringent and not commensurate with punishments prescribed for other serious crimes, such as rape. The Child Care, Protection, and Justice Act of 2010 prohibits child trafficking and prescribes sufficiently stringent penalties of up to life imprisonment for convicted traffickers.

In 2015, the Malawi Police Service (MPS) reported anti-trafficking law enforcement data from five of Malawi's 34 district-level police stations. Nonetheless, poor record management and a lack of government direction contributed to inadequate tracking of investigation, prosecution, and conviction statistics nationwide. MPS reported it arrested and prosecuted at least 68 alleged traffickers and convicted 58, an increase from 25 traffickers convicted during the previous reporting period. However, given the late 2015 enactment of the anti-trafficking law, judges were limited to the provisions of laws in effect at the time. 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; it did not provide complete information on prosecutions in 2015. Police from Phalombe district provided supplemental law enforcement data, including the arrest of 35 potential offenders, five of whom authorities released. Phalombe police also reported attaining five convictions, although they subsequently acquitted four of these traffickers, a reduction from 11 it achieved in total in 2014. Prison sentences in Phalombe district ranged from 18 to 24 months' imprisonment.

The MPS retained anti-trafficking training in its curricula for the Limbe Police Training School, Mtakata Police Training School, and Police College. During the year, Malawian officials worked with the South African and Mozambican governments to repatriate 23 labor trafficking victims to their countries of origin. Despite allegations of corruption and anecdotal reports of police abusing sex trafficking victims in previous years, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained inadequate efforts to protect victims and identified fewer victims than the previous reporting period. 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 and 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 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 197 trafficking victims, a decrease from 242 identified during the previous reporting period. 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 government reported referring more than 150 potential trafficking victims to the center in 2015 compared with 100 victims in 2014. Individuals familiar with the facility described the center as chronically underfunded and unsuitable for trafficking victims, especially children; conditions at the center were so dire some child sex trafficking victims reportedly

chose 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.

Around 300 police stations at the sub-district level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately and the quality of services remained variable throughout the country. Some foreign victims avoided these centers due to fear of deportation. There was no alternative of providing 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 2015, 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's efforts to prevent trafficking waned due in part to an ineffective interagency process. Malawi continued to lack an anti-trafficking national action plan, as the board established to provide nationwide guidance on such efforts under the anti-trafficking legislation, which came into force in November 2015, has not yet convened. During the reporting year, the Malawi Network Against Child Trafficking, comprised of government officials, NGOs, and international stakeholders, did not hold regional-area meetings and convened only one meeting at the national level, compared with eight total meetings it held during the previous year. Most public awareness campaigns continued to be spearheaded by NGOs. During the reporting year, officials did not report conducting any labor inspections; in 2014, however, the government facilitated at least 215 child labor inspections. Due to a withdrawal of most direct budget support from bilateral and multilateral donors and lack of government funding resulting in poorly paid staff, more than 60 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.

## MALAYSIA: Tier 2 Watch List

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 a small number of children subjected to sex trafficking. The majority of trafficking victims are among the estimated two million documented and an even greater number of undocumented migrant laborers in Malaysia. Foreign workers—primarily from Indonesia, Bangladesh, the Philippines, Nepal, India, Burma, and other Southeast Asian countries—typically migrate voluntarily to Malaysia to pursue 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

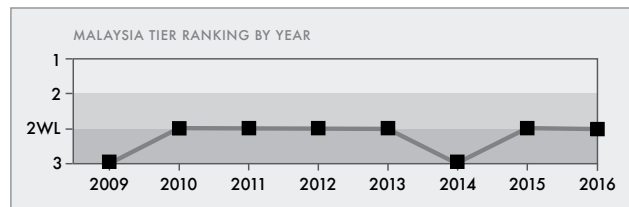
unable to pay the fees for recruitment and associated travel. Foreign workers employed by outsourcing or contract labor companies, which may or may not have oversight of personnel issues or day-to-day working conditions, have heightened vulnerabilities to exploitative labor conditions and a reduced ability 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 which employ them are subject to a range 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. Government regulations placed the burden of paying some immigration and employment authorization fees on foreign workers; this practice makes workers more susceptible to debt bondage. Authorities report organized crime syndicates are responsible for some instances of trafficking. Corruption among immigration and police officers remains a problem and impedes efforts to address trafficking.

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. 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. In previous years, some forced labor victims—such as Cambodian and Burmese men on Thai fishing boats in Malaysian waters—escaped their traffickers in Malaysian territory. After reports of abuse, the Cambodian government instituted a ban in 2011 on its citizens becoming maids in Malaysia. The ban was lifted in December 2015 after the signing of two memoranda of understanding between the Governments of Cambodia and Malaysia to improve regulation of foreign worker contracts and protect workers' rights; some Cambodian women remain subjected to domestic servitude. In efforts to circumvent anti-trafficking protections established by the Indonesian government, there are reports that 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, and to a much lesser extent Africa—are recruited ostensibly for legal work in Malaysian restaurants, hotels, and beauty salons, but are instead forced into prostitution. Some Vietnamese women and girls enter into brokered marriages in Malaysia and are forced into prostitution.

The more than 150,000 registered refugees and asylum-seekers in Malaysia lack formal status or 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Malaysia is placed on Tier 2 Watch List for the second consecutive year. In July 2015, Parliament passed amendments to the existing anti-trafficking law to reform its victim protection system; these amendments legally came into force in November. The government co-chaired, with an internationally recognized trafficking expert, a consultation session with civil society stakeholders to develop implementing regulations for the amendments, focusing on legal changes allowing trafficking victims to live and work outside of government facilities; it then hosted two subsequent consultation sessions with civil society. In unparalleled form, the government shared the full text of draft implementing regulations with more than 40 invited participants in advance of each consultation session and collaborated with NGOs and international organization representatives to make line by line edits to the drafts during the last two sessions. The regulations were completed in March 2016 but awaited formal adoption at the close of the reporting period. In an effort to allow victims to move freely and work outside government facilities, the government collaborated with an international hotel chain to identify employment opportunities, advertised the positions to more than 100 trafficking victims, issued work permits to four trafficking victims, and arranged medical screenings as part of the work permit approval process for an additional five victims during the year. However, two of the first four workers subsequently left their jobs, and many victims declined to participate in the program, citing a desire to return home instead. Malaysia initiated fewer trafficking investigations and prosecutions compared to last year, but increased convictions from three to seven. Sentences for convicted traffickers varied, but some were insufficiently stringent. The government questioned several officials after the discovery of mass graves on the Thai border, but did not prosecute any officials during the reporting period for complicity in trafficking crimes. The government maintained a dedicated anti-trafficking police force, doubled the number of specialized anti-trafficking labor inspectors, and increased the number of specialized trafficking prosecutors. The government did not convict any employers for unauthorized retention of passports, despite pervasive passport retention and the inherent difficulty in determining if an employee has willingly allowed his or her employer to safeguard the passport. This marks a decrease from one such conviction in 2014. Malaysia continued its government-sponsored trafficking prevention efforts, including public awareness campaigns and the signing of nine bilateral memoranda of understanding with labor source countries to improve regulation of foreign worker contracts and protect workers' rights.



#### RECOMMENDATIONS FOR MALAYSIA:

Adopt, publicly gazette, and fully implement the regulations for the 2015 amendments to the anti-trafficking law and allow trafficking victims to obtain employment and move freely in and out of government and NGO facilities; 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 officers and prosecutors, more effective investigations, reduced court delays, and increased judicial familiarity with the full range of trafficking crimes, particularly forced labor; increase the capacity of labor inspectors to identify trafficking victims among vulnerable groups, such as migrant workers, and to effectively investigate labor trafficking; readjust the foreign worker levy schedule to make employers, not employees, responsible for government-imposed 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; increase collaboration with and allocate additional funding to credible and effective NGOs that house and counsel victims, including in respective native languages; ensure that workers, including domestic workers, are fully informed 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 that 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 demonstrated uneven anti-trafficking law enforcement efforts. These efforts resulted in a decreased number of investigations and prosecutions, but an increase in trafficking convictions from three to seven. Malaysia's 2007 Anti-Trafficking in Persons Act—amended in 2010 and again in 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. In 2015, the government completed 158 investigations of potential trafficking cases—a decrease from 186 in 2014—and reported 247 arrests for suspected trafficking crimes, a figure that was unavailable in the previous year. Officials continued to rely on labor inspections and reports from workers to initiate labor trafficking investigations. The government initiated prosecutions against 38 alleged trafficking offenders—including 24 for sex trafficking and 14 for forced labor—down from 54 prosecutions initiated the previous year. The government convicted seven traffickers—five for sex trafficking and two for labor trafficking—marking an increase from three traffickers convicted in 2014. Sentences for convicted traffickers varied; the average was five years in prison. However, the majority of sentences were weak and incommensurate with those prescribed for other serious offenses, including a trafficker who was administered one day in prison plus a fine of RM 20,000 (\$5,000), and three others who given sentences of one to three and one-half years' imprisonment. The Attorney General's Chambers reported a majority of prosecutors were complying 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 process and duration of trials. However, the limited availability of certified interpreters and Malaysia's decentralized jurisdictions remained challenges.

The government continued to pursue cases that could not meet the evidentiary standard for the anti-trafficking law, re-classifying them under the Employment Act, the Immigration Act, and other related laws for prosecution. However, accountability for traffickers remained disproportionately low compared to the scale of the human trafficking problem in the country.

The Royal Malaysia Police maintained a specialized anti-trafficking unit, and the labor department doubled its specialized trafficking enforcement team to approximately 30 during the reporting period. The Attorney General's Chamber appointed 13 additional trafficking-specialist deputy public prosecutors throughout Malaysia, raising the total to 42, an increase from the 29 on staff in 2014. The government's enforcement of the prohibition on unauthorized passport retention by employers remained limited. The government did not prosecute any employers for this crime in 2015; in 2014, it convicted one defendant for unlawfully withholding 29 employees' passports and fined him RM 5,000 (\$1,400). The practice of 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 in order to preclude workers from changing jobs.

Each of Malaysia's five enforcement agencies continued to conduct anti-trafficking trainings for an unknown number of officials, focusing on victim protection, law enforcement, and prosecution, among other topics. The government facilitated 10 national briefing sessions at state levels to inform relevant agencies on critical aspects of the 2015 amendments to the anti-trafficking law. Government representatives organized a course for the judicial sector during which the Attorney General's Chamber briefed sitting judges on elements of human trafficking. During the year, Malaysian officials participated in a specialized course and bilateral meeting facilitated by the Philippine regional police on cross-border trafficking issues. 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. Although Malaysian authorities detained an unknown number of police and forestry officials for questioning, the government did not report any prosecutions or convictions of government officials complicit in trafficking.

## PROTECTION

The government made some efforts to protect victims. The government continued to reform its victim protection system, including some progress on a regulatory framework to allow victims' freedom of movement and right to work. In July 2015, Parliament passed amendments to the anti-trafficking law, which officially went into force in November 2015. The revised law allows victims to work and to move freely in and out of government facilities; allows the court to order convicted traffickers to pay restitution to trafficking victims and provides an avenue for trafficking victims to bring civil suits against their abusers; expands interim protection orders from 14 to 21 days to allow for more thorough investigations; allows NGOs to house victims legally as designated protection officers; and institutionalizes a high level anti-trafficking committee. With some international funding, the government and an internationally recognized trafficking expert co-chaired a consultation session with civil society stakeholders to solicit feedback and recommendations on the development of implementing regulations for the amendments to the anti-trafficking law, focusing on legal changes allowing trafficking

victims to live and work outside of government facilities. The government then hosted two subsequent consultation sessions with civil society. In an unprecedented effort, the government shared the full text of draft implementing regulations with more than 40 invited participants in advance of each consultation session and collaborated with NGOs and international organization representatives to make edits to the drafts during the last two sessions.

The Ministry of Home Affairs completed the implementing regulations in March 2016; however, they were not officially in effect at the close of the reporting period, as they awaited formal adoption and publication in the official gazette. The final version of the draft regulations reflected some international best practices and NGO input. Additional consultations with civil society stakeholders are required to address remaining operational issues, including limitations on certain nationalities working in specific sectors, accountability for providing medical screenings and risk assessments, and the role of NGO protection officers. If fully implemented, the 2015 amendments to the anti-trafficking law would allow all trafficking victims—including foreigners—who received a protection order to stay at a government facility in Malaysia, to work, and to come and go freely from government or NGO facilities, pending a medical screening and risk assessment.

During the reporting period, the government collaborated with an international hotel chain to identify employment opportunities for trafficking victims and advertised the positions to more than 100 trafficking victims in government facilities. Nine accepted the offer during the reporting period. Many who declined participation cited preferences to return to their respective countries of origin or dissatisfaction with the salary offered by the hotel chain, which was nearly double the Malaysian minimum wage. The government issued work permits for four trafficking victims and arranged medical screenings for the remaining five, who awaited the issuance of their work permits at the end of the reporting period. In these cases, the government identified and removed administrative obstacles that make hiring a foreign worker a complicated and protracted process. Two of the four newly employed trafficking victims left their jobs a few weeks after beginning work. The government presented this employment offer to newly identified trafficking victims and other shelter residents on a regular basis, yet many women continued to decline the opportunity.

The government reported independent law enforcement agencies followed standardized procedures to identify trafficking victims. Officials initiated labor trafficking investigations after labor inspections and workers' reports of non-payment of wages. In 2015, the government identified 1,386 potential trafficking victims, of which it confirmed 305 as trafficking victims, on par with 303 identified victims in 2014. The victims were mainly Vietnamese and Indonesian, followed by Filipino and Thai nationals. The government did not always proactively screen the vulnerable migrant worker population for indicators of trafficking, which left an unknown number of potential victims unidentified and without proper care. The anti-trafficking law provides trafficking victims immunity from immigration offenses. 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 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). The longest recorded stay during the year was seven months. Many victims preferred to immediately return to their home countries and, in a few cases, some foreign embassies sheltered victims in order to expedite their repatriation and provide an alternative to being housed in Malaysian government facilities. Although the law permits victims to testify remotely, authorities generally expected victims to remain in-country pending trial proceedings. In an effort to avoid protracted criminal proceedings and return home more quickly, many victims were unwilling to testify against their traffickers. Reports alleged traffickers threatened victims or bribed them with out-of-court settlements.

The Ministry of Women, Family, and Community Development maintained seven facilities to house trafficking victims—four for women, one for men, and two for child trafficking victims. The government provided basic services to those staying in its facilities, including food, medical care, social and religious activities, and security; NGOs provided some victim rehabilitation and counseling services in most shelters, typically without government-allocated funding. During the reporting period, Malaysian officials negotiated a cooperative agreement to provide a local NGO service provider with RM 44,000 (\$11,000) to conduct therapeutic activities at the government's trafficking shelter in Kuala Lumpur. Victims could make phone calls at least once per month and more often when shelter capacity was not maximized. The government maintained its allocation of RM 4,000,000 (\$1,000,000) to the Ministry of Home Affairs and RM 4,600,000 (\$1,150,000) to the Ministry of Women, Family, and Community Development to operate government facilities for trafficking victims in 2015.

## PREVENTION

The government modestly increased efforts to prevent trafficking. Malaysia's anti-trafficking council (MAPO) was headed by the home affairs ministry and included representation from five enforcement bodies, other government entities, and two NGO representatives. It met monthly and was active in coordinating interagency anti-trafficking efforts. The cabinet convened one meeting to discuss human trafficking issues during the reporting period and separately approved the implementing regulations for the anti-trafficking law; it held four meetings during the previous year. The government drafted a national action plan spanning 2016-2020 to supersede its 2010-2015 plan. The government's anti-trafficking awareness campaigns continued to highlight criminal penalties associated with commercial sexual exploitation. The government produced and aired 6,447 public service radio broadcasts and 1,347 television segments during the reporting period, an increase from 3,947 and 1,179 announcements, respectively, in 2014. It also disseminated 50,000 informational booklets on trafficking via 139 information centers around the country. Public statements on flights arriving from source countries warned of severe punishments under the anti-trafficking law. Media frequently covered trafficking-related news, although often conflating it with migrant smuggling. The home affairs ministry continued outreach to electronics companies and other Malaysian employers on trafficking issues, including at the Malaysian Employer's Federation Academy Symposium in October 2015; in 2014, it targeted 100 companies in the electronics industry in Penang, Shah Alam, and Johor to sensitize strategic public fora on forced labor indicators, such as passport retention. The government co-organized with international anti-trafficking organizations a regional workshop in Kuala Lumpur in December 2015, wherein participants from the

Association of Southeast Asian Nations member states and civil society worked together to develop common indicators for practitioners to more effectively identify trafficking victims.

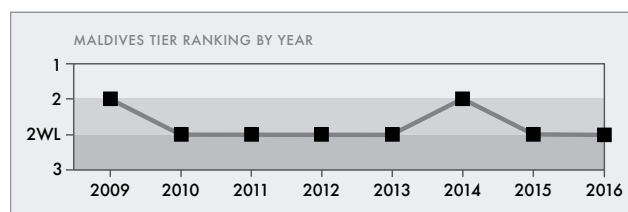
The government signed memoranda of understanding with the governments of Sri Lanka, Vietnam, Thailand, China, Pakistan, Bangladesh, India, Cambodia, and Indonesia to improve regulation of foreign worker contracts and rights. In December 2015, the government signed two memoranda of understanding to govern the employment of Cambodian domestic workers in Malaysia, which prompted the Cambodian government to rescind its 2011 ban on its nationals traveling to Malaysia to work as household maids; however, some women remained subjected to domestic servitude. Employment law continued to exclude domestic workers from a number of protections, including the country's minimum wage. Labor inspectorates conducted more than 47,000 labor inspections, issued 6,500 citations for contraventions of the Employment Act, and referred seven cases of exploitative labor for criminal proceedings, a relatively low number given the extent of labor trafficking in the country; results of the seven referrals were unavailable at the close of the reporting period. The Labor Court also resolved more than 16,000 cases of non-payment of wages and compelled employers to pay more than RM 35.4 million (\$8.85 million) in back pay and approximately RM 2.2 million (\$550,000) in fines. The government provided anti-trafficking training for its diplomatic personnel and its troops prior to their deployment abroad on international peacekeeping missions.

## MALDIVES: Tier 2 Watch List

Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking, and a source country for women and children subjected to labor and sex trafficking. An unknown number of the approximately 130,000 and 60,000 documented and undocumented foreign workers in Maldives, respectively—primarily Bangladeshi and Indian men in the construction and service sectors—experience indicators 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 \$400 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. NGOs allege officials may warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses and be involved in labor recruiting practices that can lead to trafficking. A small number of women from Asia, Eastern Europe, and former Soviet countries, 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.

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 launched its national action plan, a training curriculum on trafficking for new immigration officials, and a reporting hotline. Despite

these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Maldives is placed on Tier 2 Watch List for the second consecutive year. The government did not initiate any new prosecutions; police stated they lacked training on evidence gathering. Victim protection was inadequate and inconsistent—victims lacked regular access to medical and psycho-social support. At the end of the reporting period, the government formally adopted victim identification guidelines but had not yet adopted standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims.



### RECOMMENDATIONS FOR MALDIVES:

Increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process; formally adopt standard operating procedures 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 and government agencies; continue to raise public awareness of human trafficking through media campaigns; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions against their alleged traffickers; and accede to the 2000 UN TIP Protocol.

### PROSECUTION

The government maintained weak anti-trafficking law enforcement efforts. The Prevention of Human Trafficking Act (PHTA) prohibits many, but not all, forms of sex and labor trafficking under articles 12, 13, 14, and 16. The law prohibits internal and transnational trafficking. However, in a departure from the 2000 UN TIP Protocol definition, it generally requires the acts of exploitation be predicated on movement and does not criminalize child sex trafficking in the absence of coercion. The law does prohibit debt bondage and some forms of child trafficking without requiring movement. Article 13 is also beyond the scope of the 2000 UN TIP Protocol definition, in defining as a form of trafficking in persons the compelling of a person to undergo a medical test after being transported. The law prescribes penalties of up to 10 years' imprisonment, which are sufficiently stringent, but are not commensurate with those prescribed for other serious crimes, such as rape.

The government reported investigating six trafficking cases during the reporting period, compared with five in 2014; for the third consecutive year, authorities did not initiate any new prosecutions. The police referred two cases to the Prosecutor General's Office (PGO), but prosecution was not initiated due to lack of evidence. Police reported they lacked adequate training on gathering evidence for trafficking cases. The PGO



continued prosecuting one sex trafficking case against three foreign nationals from the previous reporting period. The government did not convict any trafficking offenders in 2014 and 2015, compared with one conviction in 2013. Government ministries and others frequently held the passports of foreign workers they employed, as well as those of foreign victims in trafficking cases, despite the PHTA defining the destruction or withholding of a person's passport or identity documents as an act of "exploitative conduct." The government reported Maldives immigration investigated 30 cases of withholding of passports; however it is unclear what action the government took to penalize the retention of migrant workers' passports.

Officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Despite reports of a need for trafficking-specific training—especially for investigators, prosecutors, and judges—the government did not provide such training to personnel. An international organization, supported with foreign funding, conducted training for 235 officials from various agencies. During the reporting period, Maldives immigration launched a mandatory training curriculum on trafficking for new recruits and conducted training for 150 police and immigration officials. Authorities did not report collaborating on transnational investigations with foreign counterparts, despite the identification of foreign victims who were referred to law enforcement by 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. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses. Despite these reports and others that 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 demonstrated limited progress in victim protection; while victim identification guidelines were formally adopted, victim care services remained limited. The anti-trafficking law stipulates a 90-day reflection period, during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection; however, in practice, victim care services are limited. Victims lacked regular access to medical and psycho-social support. Since the closure of the state-run shelter in 2014, the government rented apartments for identified victims and provided a monetary stipend on an as-needed basis. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. 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 identified nine victims during the reporting period, the same number identified in 2014. All nine of the victims were male foreign nationals and subjected to forced labor. The government provided eight of the victims with apartments and the ninth victim secured accommodation through his government's diplomatic representation in Maldives. Victim identification guidelines were endorsed by the anti-trafficking national steering committee (NSC) in December

2015 and formally adopted in February 2016. In January 2016, NSC finalized SOPs for victim identification, protection, and referral and sent the SOPs to the president's office; however, the procedures had not been formally adopted at the end of the reporting period. In the absence of SOPs, Maldives police reported officials used international victim identification guidelines but acknowledged these procedures were often ill-suited for the Maldivian context. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred three suspected cases to the police; however, officials also stated some potential victims may have been deported. Foreign victims assisting an investigation or prosecution could receive a renewable visa; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the repatriation of nine trafficking victims, five of whom were identified in a previous reporting period.

## PREVENTION

The government demonstrated limited progress in preventing trafficking. The government launched a national action plan in May 2015 but did not formally adopt it, thereby limiting its implementation; officials noted they had failed to meet several deadlines and would have to amend the plan. The Ministry of Economic Development remained in charge of coordinating government and NGO anti-trafficking efforts through NSC and, in November 2015, convened a new interagency advisory committee to advise this body and monitor the government's implementation of national anti-trafficking efforts. 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.

In March 2016, the government formally revised employment agency regulations to restrict, among other requirements for an operating license, recruitment of migrant workers only from registered and regulated employment agencies in source countries. Maldives immigration conducted 21 one-hour interactive radio programs focused on human trafficking and hosted other programs on television and radio where trafficking was discussed. Immigration officials reported blacklisting 157 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 launched 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; 400 foreign workers have utilized this program. The police launched a dedicated human trafficking reporting hotline and the government advertised the hotline in the media and informed foreign embassies. The government provided written guidance, but did not provide 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. Maldives is not a party to the 2000 UN TIP Protocol.

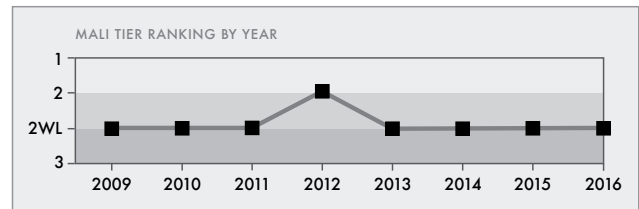
## MALI: Tier 2 Watch List

Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking; however, boys from Guinea and Burkina Faso are subjected to forced labor in artisanal gold mines, and women and girls from other West African countries,

particularly Nigeria, are exploited in prostitution throughout Mali. Women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines and subjected to sex trafficking. Boys are subjected to forced labor in agriculture, artisanal gold mines, domestic work, transportation, and the informal commercial sector. Men and boys, primarily of Songhai ethnicity, are subjected to debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude. Malian boys and other West African nationals are forced into begging by unscrupulous *marabouts* (religious teachers) in Mali and neighboring countries. NGO reports indicate Malian children endure forced begging in Senegal and Guinea and 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 Mauritania, are vulnerable to trafficking. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia. Reports allege corruption is pervasive throughout the security forces and judiciary, which impedes government efforts to prosecute crimes in general, including trafficking.

In early 2012, rebel and Islamic extremist groups invaded and 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. These armed groups purportedly forced some families to sell their children to the groups. Although the number of child soldiers continued to decrease during the reporting year, NGOs and international organizations reported some children remain involved with armed groups. 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 unstable security environment in and extremely restricted access to northern Mali, where the government exercises limited territorial control, limited the availability of comprehensive reporting.

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Mali is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Mali was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government, in partnership with NGOs, identified and referred 63 victims to protective services during the reporting year, and distributed 600 copies of its anti-trafficking law to the judiciary, it did not convict any trafficking offenders and did not conduct any national awareness campaigns.



## RECOMMENDATIONS FOR MALI:

Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers; train judicial personnel on how to effectively use the 2012 anti-trafficking law; develop standardized mechanisms to identify potential trafficking victims and refer them to care; train law enforcement on effective case investigation techniques and how to develop standardized identification and referral procedures; expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants; fully implement the 2015-2017 national action plan to combat trafficking; and increase efforts to raise public awareness about trafficking.

## PROSECUTION

The government slightly increased anti-trafficking law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices prohibits all forms of trafficking of adults and children. The law prescribes penalties of five to 10 years' imprisonment, and a maximum of 20 years' imprisonment for cases involving aggravating circumstances, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. In an unprecedented effort to apprise judicial personnel on the 2012 anti-trafficking law, the ministry of justice distributed 600 copies of the 2012 law to judges and magistrates for dissemination to all courts nationwide. The justice minister also issued a decree instructing all judicial personnel to prioritize prosecutions of cases under the anti-trafficking law. The government investigated three potential trafficking cases during the reporting period, compared to one case investigated during the previous period, which was dismissed for lack of evidence of trafficking indicators. It did not convict any traffickers. The government, in conjunction with an international organization, facilitated four trafficking-specific training workshops for 135 officials, including law enforcement personnel, labor inspectors, and prosecution and judicial officials. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government sustained minimal efforts to protect trafficking victims. Government officials and NGO partners identified 63 trafficking victims, compared with 48 during the previous reporting period. The government provided nominal assistance to victims, including familial reunification and travel documentation, but continued to rely solely on privately-funded NGOs and international organizations to provide victims with shelter, counseling, food, repatriation, and reintegration services. The government did not provide financial support to NGOs that assisted victims. The government did not report identifying or assisting any victims of traditional slavery in areas where these practices are prevalent. The government remained without standardized mechanisms to identify potential trafficking

victims and refer them to care. Mali offers legal alternatives to removal to countries in which victims would face retribution or hardship.

While reports of child soldiering declined during the reporting period, international organizations reported viewing children among the ranks of rebel militias and terrorist organizations in the north. According to an international organization, five children remained in government detention for suspected association with armed groups. The government referred two formerly-detained children to rehabilitation centers. The government adopted an inter-ministerial protocol in 2013 to require liberated child soldiers to be transferred to rehabilitation centers rather than prison, and continued to follow that procedure.

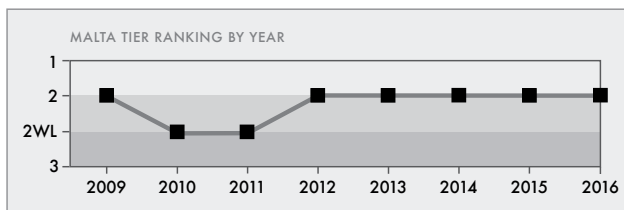
## PREVENTION

The government made modest efforts to prevent trafficking. Malian officials allocated 250 million FCFA (\$430,000) toward the three-year national action plan (2015-2017) to combat trafficking and took some steps to implement it in 2015. The national committee, charged with coordinating government anti-trafficking efforts, met infrequently during the reporting period. The government designed an awareness-raising theatrical piece for broadcast by television and radio, but it did not air the sketch by the end of the reporting period. During the year, the government trained 21 labor inspectors on forced labor indicators; however, the labor inspectors remained without sufficient capacity to regulate the informal sector, where most cases of forced labor occurred. The government made no efforts to decrease the demand for forced labor or commercial sex acts in Mali. It did not provide anti-trafficking training for its diplomatic personnel and peacekeepers deployed abroad.

## MALTA: Tier 2

Malta is a source and destination country for women and children subjected to sex trafficking and a destination for women and men subjected to labor trafficking. Female sex trafficking victims primarily originate from China, Hungary, Poland, Romania, Russia, and Ukraine. During the reporting period, a Tunisian woman was subjected to sex trafficking in Malta. Women and children from Malta have also been subjected to sex trafficking within the country. Forced labor victims largely originate from China, Indonesia, the Philippines, and Vietnam. Women from Southeast Asia working as domestic workers, Chinese nationals working in massage parlors, and women from Central and Eastern Europe 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.

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. During the reporting period, the government provided trafficking victims with shelter and services and funded training for police officers, community center employees, and diplomats; in addition, its inter-ministerial anti-trafficking committee continued to implement the national action plan. However, the government investigated and prosecuted fewer trafficking cases, identified fewer trafficking victims, did not adequately fund anti-trafficking efforts, and did not conduct national awareness campaigns.



## RECOMMENDATIONS FOR MALTA:

Vigorously investigate and prosecute trafficking offenses and pursue adequate sentencing for convicted trafficking offenders; increase anti-trafficking training for police officers and offer training to prosecutors and judges, with a focus on working with victims; increase funding to the inter-ministerial committee to implement the national action plan; strengthen efforts to proactively identify trafficking victims among vulnerable populations, particularly migrant workers, women in prostitution, and children exploited for commercial sex; train stakeholders on the use of the standard operating procedures for victim referral; implement the newly adopted guidelines to protect irregular migrants from arbitrary detention; and conduct an anti-trafficking national awareness campaign.

## PROSECUTION

The government demonstrated a slight decrease in law enforcement efforts. Malta prohibits both sex and labor trafficking through article 248A-G of the criminal code, which 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 conducted two investigations and initiated two prosecutions during the reporting period, demonstrating a decrease from the previous reporting period, when the government conducted five investigations and initiated seven prosecutions. Both prosecutions remained pending at the close of the reporting period. The government has not obtained a conviction since early 2012. The three labor trafficking prosecutions initiated in 2014 were still pending at the close of the reporting period. The appeal of a 2012 conviction of a police officer for alleged involvement with the trafficker remained pending. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking offences.

The slow pace of court proceedings hampered prosecutions relying on foreign victims to provide testimony in court. The government, in collaboration with an international organization, provided training for 10 police officers and 35 community center employees on victim identification; however, it did not offer training for prosecutors or judges. 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 two trafficking victims, a decrease from 18 victims identified in the previous reporting period. Both victims were foreign women; one was a victim of sex trafficking and one was a victim of both labor and sex trafficking. Although there are no shelters specifically for trafficking victims in Malta, the government, in partnership with NGOs, provided both victims with emergency shelter and services, as well as legal support. 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. The government has never formally identified a child trafficking victim.

The government had standard operating procedures in place that allowed a range of entities to refer victims to the government's social welfare agency for care, including emergency shelter. The government encouraged 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 conference. Maltese law offered 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 both 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. Maltese courts, however, have convicted some children for prostitution in recent years, and these may have been unidentified victims of sex trafficking. 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; implementation of the new procedures remained pending at the close of the reporting period.

## PREVENTION

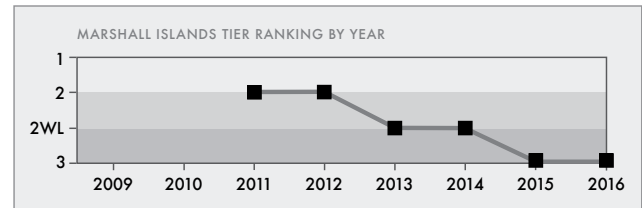
The government demonstrated modest anti-trafficking prevention efforts. For a second consecutive year, the government maintained an anti-trafficking budget of 20,000 euros (\$21,760), a decrease from previous years. The government did not conduct any anti-trafficking awareness campaigns. The inter-ministerial anti-trafficking committee was charged with implementing the national action plan; however, implementation was hindered due to a lack of funding. Although authorities conducted 19 labor inspections, the government did not make efforts to reduce the demand for commercial sex acts or forced labor. The committee publicly released two semi-annual reports monitoring the government's anti-trafficking efforts in 2015. The social welfare agency continued to run a hotline for individuals in need of social services, including trafficking victims. The government funded anti-trafficking training for its diplomatic personnel; the training was provided by an international organization.

## MARSHALL ISLANDS: Tier 3

The Republic of the Marshall Islands (RMI) is a source and destination country for RMI women and children and women from East Asia subjected to sex trafficking. RMI girls are recruited by foreign business owners to engage in prostitution with crew members of foreign fishing and transshipping vessels that dock in Majuro. Some of these foreign fishermen may themselves be subject 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 legitimate 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.

The Government of the Republic of the Marshall Islands does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government's National Task Force on Human Trafficking (NTHT) drafted and submitted for cabinet approval a national action plan developed from its monthly meetings between law enforcement, NGOs, and other government representatives and has begun implementing part of the plan while awaiting endorsement from the cabinet. The NTHT's awareness-raising efforts to combat trafficking in persons reached more than 1,500 people during the reporting period and focused on at-risk young, economically disadvantaged Marshallese. In 2015, the government passed and enacted the Child Rights Protection Act, which addressed the gap in criminalization of domestic child trafficking in RMI's legislation. However, the government failed to effectively implement its anti-trafficking law; and government officials have not reported any trafficking prosecutions for five consecutive years. The government made no efforts to proactively identify victims, especially among vulnerable populations, such as foreign and local women in prostitution and foreign men working on fishing vessels in Marshallese waters.



## RECOMMENDATIONS FOR THE MARSHALL ISLANDS:

Increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers; amend the criminal code to prohibit all forms of trafficking; adopt proactive procedures to identify trafficking victims among vulnerable groups, such as foreign workers and women in prostitution; approve a national plan of action that outlines RMI's plan to combat trafficking and has dedicated resources for implementation; train law enforcement and prosecution officials to implement the anti-trafficking laws; adopt comprehensive labor codes to govern workers' rights and employers' responsibilities; prosecute public officials when they are complicit in trafficking activities; fund and administer, in cooperation with NGOs and international organizations, protective services for victims; 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 anti-trafficking law enforcement efforts. Article 251 of the criminal code prohibits only transnational forms of human trafficking and prescribes penalties of up to 35 months' imprisonment for the trafficking of adults and up to 10 years' imprisonment for the trafficking of children. The penalties for subjecting children to trafficking

are sufficiently stringent, but the penalties for adult trafficking are not, and only the penalties for the trafficking of children are commensurate with those prescribed for other serious crimes, such as rape. In addition to trafficking, article 251 also criminalizes other activities, including labor violations and the promotion of prostitution. In October 2015, the government passed and enacted the Child Rights Protection Act to prohibit the domestic and transnational trafficking of children.

The government did not initiate any new trafficking investigations, compared to one initiated in 2013. The investigation initiated in 2013 involving foreign women in forced prostitution remained ongoing and did not result in prosecutions for trafficking offenses or convictions. The government facilitated two anti-trafficking trainings conducted by an international organization through the free provision of venues. Seventeen victim service providers received victim protection and identification training in January 2016, and 75 law enforcement officials and lawyers received anti-trafficking law enforcement training in March 2016. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government made no efforts to identify trafficking victims or ensure their access to protective services. The government has not identified any trafficking victims for five consecutive years. Law enforcement and social services personnel did not employ systematic procedures to proactively identify trafficking victims among high-risk populations, such as women in prostitution and foreign migrant workers onboard fishing vessels. The government reportedly made available free medical, legal, and police protection for trafficking victims, but no formal mechanism existed to verify this assistance was provided to any victims. The government did not provide or allocate funding specifically for the provision of services to victims. The government did not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution and did not provide victims long-term residence visas or legal employment opportunities. There were no reports of potential trafficking victims being punished for crimes committed as a result of being subjected to trafficking; however, the government identified no victims.

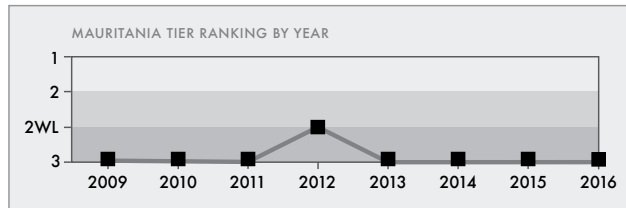
## PREVENTION

The government increased efforts to prevent trafficking. The NTHT, a cabinet-based advisory board, held monthly meetings with participation from the director of immigration, assistant attorney general, law enforcement authorities, NGOs, and faith-based organizations. The NTHT drafted a national plan of action and has presented it to the cabinet for approval. To educate the vulnerable population of young Marshallese looking to emigrate for employment, the NTHT proactively conducted anti-trafficking awareness-raising outreach to over 1,500 high school students, college students, government officials, and the general public in RMI's two major cities. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not 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.

## MAURITANIA: Tier 3

Mauritania is a source 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-related practices rooted in ancestral master-slave relationships. 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. Held for generations by slave-holding families, persons subjected to hereditary slavery are forced to work without pay as cattle herders and domestic servants. Separately, some boys from Mauritania and other West African countries who study at Koranic 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*. 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 sex trafficking in Mauritania. Mauritanian women and girls are subjected to forced labor and sex trafficking abroad. During the reporting period, over 200 Mauritanian women—the majority of whom are members of traditional slave castes—were exploited in domestic servitude in Saudi Arabia after having been fraudulently recruited for nursing and teaching jobs by Mauritanian middlemen working for Saudi recruitment agencies. Men from Middle Eastern and North African countries use legally contracted temporary marriages to sexually exploit Mauritanian women and girls. 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. Law enforcement and judicial officials failed to appropriately investigate and prosecute cases of hereditary slavery brought to their attention.

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. In 2015, the government created courts exclusively to try slavery cases and enacted an anti-slavery law that allows some NGOs to bring forward slavery cases on behalf of victims. However, these courts were underfunded, the judges did not receive specific training on how to try human trafficking cases, and the government did not prosecute any traffickers. It did not provide adequate protective services to victims or establish procedures to identify victims among persons arrested for prostitution and individuals detained and deported for immigration violations. The government continued to imprison anti-slavery activists and repress civil society advocacy for an increase in anti-trafficking law enforcement efforts.



### RECOMMENDATIONS FOR MAURITANIA:

Increase efforts to investigate and prosecute all types of trafficking offenses and convict and punish offenders using the 2003 anti-trafficking law and the 2015 anti-slavery law; hold government officials accountable for trafficking-related complicity, including the failure to investigate alleged trafficking offenses and efforts to interfere with ongoing investigations; sufficiently fund the anti-slavery courts, and train prosecutors and judicial officials on the 2003 trafficking in persons and 2015 anti-slavery laws; develop standard procedures to identify and refer trafficking victims to services, and train law enforcement on such measures; increase efforts, in coordination with NGOs, to provide protective services and vocational training to trafficking victims; investigate and prosecute individuals accused of fraudulently recruiting Mauritians abroad for exploitation; protect victims who participate in legal investigations from intimidation and threats from their alleged traffickers or slaveholders; provide victims with easier access to legal assistance, and enhance *Tadamoun's* efforts to submit criminal claims on behalf of victims; with input from civil society, develop and implement a plan to provide economic resources—through monetary or property allotment—to provide former slaves and members of traditional slave castes the opportunity to leave their communities of enslavement, should they choose to do so; legally recognize all legitimate anti-trafficking and anti-slavery NGOs, including the Initiative for the Resurgence of the Abolitionist Movement; raise public awareness of trafficking, including hereditary slavery; and devote staff towards and implement the national anti-trafficking strategy.

### PROSECUTION

The government made minimal anti-trafficking law enforcement efforts. The 2003 Law Against Trafficking in Persons prohibits all forms of trafficking in persons except hereditary slavery 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 government, with assistance from civil society and international donors, drafted and enacted a new anti-slavery law in August 2015 that criminalizes slavery and prescribes sufficiently stringent penalties of five to 20 years' imprisonment, which exceed the penalties for other serious crimes. The law is overly broad in that it includes all forced marriage as slavery, which is not in line with the international definition of slavery. The law also mandated the creation of specialized anti-slavery courts to exercise exclusive jurisdiction over slavery cases. The government nominated three judges to the aforementioned courts—notably, none of the judges are from the traditional slave-holding caste—but the courts lacked funding, and none of the appointed judges were specifically trained in how to deal with the unique challenges of investigating human trafficking cases, including how to prevent traffickers from intimidating victims and victims from withdrawing their cases. The courts' limited funding and lack of resources—especially the lack of vehicles for courts that cover large geographic areas—hampered their effectiveness. The anti-slavery law authorizes human rights associations that have

been legally established and operating for at least five years to bring forward slavery lawsuits on behalf of victims; however, this authorization still does not empower one of the country's leading anti-slavery NGOs—which the government has not legally recognized—to bring forward such claims.

The government reported two investigations for forced labor involving three suspected traffickers and six victims, compared with one investigation the previous reporting period; as in the previous reporting period, it did not report any prosecutions or convictions for trafficking offenses. According to NGOs, the government received approximately 2,500 reports of child labor during the reporting period, but there is no evidence the government investigated these cases or any other cases of forced child labor. Between January 2014 and September 2015, an international organization identified 2,035 children working for former slaveholders—some of whom may have been the children's former slaveholders—and 674 children begging in Koranic schools. The National Agency to Fight against the Vestiges of Slavery, Integration, and the Fight against Poverty, or *Tadamoun*, submitted one criminal claim on behalf of a victim during the reporting period; however, the court later reclassified the violation as child exploitation, a crime that carries lesser penalties; in addition, against the criminal code, the court delivered the verdict without the victim or her lawyer present. The government made minimal efforts to investigate a few of the middlemen who facilitated the movement of more than 200 Mauritanian women to Saudi Arabia for labor exploitation, but it did not file any charges.

Efforts to address hereditary slavery remained especially weak. With assistance from an NGO, the government arrested a suspected slaveholder and freed three slaves he was allegedly holding; the suspect was released on bail pending trial. In December 2015, an NGO filed a complaint on behalf of three family members allegedly held in debt bondage. The prosecutor invoked the new 2015 anti-slavery law to appeal a settlement offer from the judge. In a positive contrast with previous years, the court of appeals rejected the settlement offer and ordered the two defendants to remain in prison; the case was pending at the end of the reporting period. The government reported that 17 other cases were pending among the three anti-slavery courts; however, it is unclear if the courts had initiated any prosecutions and how they had charged the defendants in these cases. NGOs reported law enforcement and judicial officials often used lesser statutes to prosecute hereditary slavery offenses, issuing charges such as unpaid labor.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, serious complicity concerns remained, including reports of police, prosecutors, and judges who refused to investigate and try cases of hereditary slavery. NGOs reported that in the majority of the 29 cases of hereditary slavery in Mauritania they studied between 2010 and 2015, either police closed the case without investigation or prosecutors refused to prosecute the defendants. Government agencies charged with combating trafficking lacked sufficient resources, personnel, and the political will to prosecute offenders. Despite the government's recognition that law enforcement and judicial officials lacked training on trafficking investigations and the 2015 anti-slavery law, it did not provide such training during the reporting period.

In an attempt to suppress civil society representatives advocating against hereditary slavery and systematic discrimination in Mauritania, the government continued to detain several anti-



slavery activists that it had convicted during the previous reporting period. After the court rejected the activists' first appeal in August 2015, they filed an appeal with the Supreme Court the following month that was pending at the end of the reporting period. One activist received parole in June 2015 on medical grounds, and the other two remained in prison. In September 2015, approximately 50 people peacefully protested the domestic servitude of Haratine women in Saudi Arabia outside the Saudi Arabian Embassy in Nouakchott. Local law enforcement used tear gas to break up the demonstration and arrested nine participants, who were eventually released.

## PROTECTION

The government maintained limited efforts to protect victims of human trafficking, including those exploited in hereditary slavery. The Ministry of Social Affairs, Childhood, and the Family opened a new public center for the protection and social integration of children, bringing the national total to seven such centers; 373 children received services from these centers, but it is unclear how many were trafficking victims. The government allocated 76.9 million ouguiya (\$233,000) to these facilities to fund staff and psycho-social assistance—a significant increase from 35 million ouguiya (\$107,000) allocated the previous reporting period. The facilities provided only short-term protections and generally returned children to their families or the *imams* who had facilitated their exploitation. These facilities also referred victims to NGO care providers. The government did not provide financial or in-kind support to NGOs, which continued to provide the majority of protective services to trafficking victims. An NGO repatriated 26 female Mauritanian trafficking victims from among over 200 identified in Saudi Arabia, with assistance from the Mauritanian Embassy in 16 of these cases. NGOs provided legal assistance and reintegration services to some of the victims upon return. One NGO provided psycho-social care and legal assistance to three alleged slaves during the reporting period; a second NGO reported assisting at least five female trafficking victims who had returned from Saudi Arabia, including one who had suffered both labor and sexual exploitation. There are no shelters dedicated specifically to trafficking victims, nor are there shelters available for adult trafficking victims. Lack of available long-term rehabilitative care in Mauritania made many victims vulnerable to additional trafficking after identification and repatriation.

The 2015 anti-slavery law provides for comprehensive legal assistance for victims of hereditary slavery, providing information on their rights and exempting 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 had been established by the end of the reporting period. The law increased victim compensation significantly, from 250,000 to 5 million ouguiya (\$758 to \$15,150), but no victims received compensation during the reporting period. While victims may seek restitution from their traffickers, the complex and opaque legal system makes such efforts extremely difficult. The absence of measures to identify trafficking victims among vulnerable populations may have led to victims being punished for acts committed as a result of being subjected to trafficking. For example, officials often jailed women suspected of prostitution and held illegal migrants in detention until their refugee status had been resolved. In 2015, the Ministry of Interior returned 6,000 migrant workers to their countries of origin and did not screen the majority 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

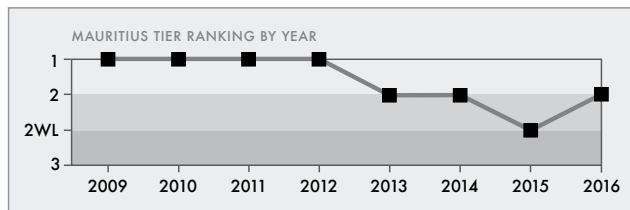
The government sustained modest efforts to prevent human trafficking. It partnered with an international organization, local NGOs, and civil society organizations to plan implementation of its 2014 national anti-trafficking strategy and committed to providing staff to implement the plan. However, it is unclear if the government made progress towards addressing any of the plan's objectives in 2015. No single government agency was responsible for leading anti-trafficking efforts, which hampered the effectiveness of such efforts; the inter-ministerial anti-trafficking committee, formed under the prime minister in 2014 and responsible for the implementation of the national anti-trafficking strategy, met twice during the reporting period. *Tadamoun*, the government agency to combat the vestiges of slavery and poverty, outlined plans to open and fund schools in *adwabas*—communities comprised of former slaves and slave descendants—to increase educational opportunities for youth at risk, including for trafficking; however, it is unclear how many of these schools were operational during the reporting period. The government did not make efforts to reduce the demand for forced labor or commercial sex acts. The government investigated one middleman allegedly involved in the fraudulent recruitment of Mauritanian women to Saudi Arabia but did not pursue a legal case. The government canceled the work exchange program and recalled the Mauritanian domestic workers from Saudi Arabia; some workers did not report being victims of trafficking and chose to stay in the country. The government did not provide anti-trafficking training for its diplomatic personnel or for 140 *gendarmes* before their deployment on an international peacekeeping mission.

## MAURITIUS: Tier 2

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 introduce child sex traffickers to 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 UK, 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. In previous reporting periods, Cambodian fishermen were subjected to forced labor on foreign fishing boats in Mauritius' territorial waters. Mauritius' manufacturing and construction sectors employ approximately 37,000 foreign migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar, some of whom are subjected to forced labor.

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. During the reporting period, the government increased efforts to investigate potential trafficking crimes, including launching its first potential labor trafficking investigation. The government increased efforts to identify and provide protective services for adult and child trafficking victims, including adult migrant workers. The government established an inter-ministerial committee on human trafficking,

under the attorney general, and the police reestablished a steering committee on human trafficking. The government also continued to conduct public awareness campaigns and train front-line officers. However, coordination between law enforcement and prosecutors remained weak and the judicial process was slow. Law enforcement officers and prosecutors generally did not screen adult women in prostitution for trafficking indicators. Although the government increased the number of inspectors within the Ministry of Labor's (MOL) Special Migrant Workers Unit, the number of inspections remained severely inadequate. There were no specialized shelters for adult trafficking victims, nor was there systematic provision of medical, psychological, or financial assistance for adult victims.



### RECOMMENDATIONS FOR MAURITIUS:

Vigorously investigate and prosecute trafficking offenses, and convict and punish traffickers under the anti-trafficking law, including in cases involving labor trafficking or forced prostitution of adults; provide specific anti-trafficking training to law enforcement officials, magistrates, prosecutors, social workers, and labor inspectors 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; increase the number of labor inspectors responsible for monitoring the employment of migrant workers and the corresponding number of inspections; conduct a national awareness campaign on all forms of trafficking; establish procedures to guide officials in proactive victim identification among at-risk populations, including women in prostitution and migrant workers; and increase coordination among law enforcement entities, NGOs, and international organizations on cases involving foreign victims.

### PROSECUTION

The government increased anti-trafficking law enforcement efforts during the reporting period. The Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children, prescribing penalties of up to 15 years' imprisonment for convicted offenders. 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. During the reporting period, law enforcement launched six trafficking investigations but there were no prosecutions or convictions, compared with nine investigations and no prosecutions or convictions during the previous reporting period. Five of the investigations involved suspected child sex trafficking, and one involved adult sex trafficking; all remained pending at the close of the reporting period. The government has never reported any prosecutions for sex trafficking of adults. An investigation of adult sex trafficking case initiated in 2014 remained ongoing

at the close of the reporting period.

One of the investigations launched during the reporting period included the government's first investigation of a potential labor trafficking crime in Mauritius, which involved a recruitment agency suspected of fraudulent recruitment and forced labor of two Bangladeshi men in the agricultural sector. The investigation remained ongoing at the close of the reporting period. While law enforcement supported the rescue of one adult female Bangladeshi victim of domestic servitude, the government did not initiate an investigation against her alleged traffickers and permitted the traffickers to buy the victim a return ticket to Bangladesh. Historically, the 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. The government has never convicted any suspected labor traffickers. The government made no efforts to investigate or prosecute any employers for passport withholding during the reporting period, although the practice is illegal; an NGO reported employers routinely confiscated migrant workers' passports.

In January 2016, the police, in collaboration with the Office of the Director of Public Prosecutions, trained senior police officers on the difference between trafficking and sexual assault. During this half-day workshop, 41 sub-divisional commanders and station commanders received a refresher course on trafficking in persons and the commercial sexual exploitation of children. The training included provisions under the law and interviewing skills. In January 2016, the government, in partnership with an international organization, conducted a two-day seminar for 27 senior government representatives, prosecutors, judges, and law enforcement officers on investigating and prosecuting trafficking crimes. During the reporting period, the police continued in-house training of mid-management level police officers on human trafficking, as well as for new recruits. Coordination between law enforcement and prosecutors remained weak. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period.

### PROTECTION

The government increased efforts to identify and protect victims of sex and labor trafficking, including adult trafficking victims. The government identified 10 child sex trafficking victims during the reporting period, an increase from two victims identified in 2014. The Minors Brigade systematically referred all identified child sex trafficking victims to the Child Development Unit of the Ministry of Gender Equality, Child Development, and Family Welfare for assistance. The government provided the 10 victims with medical and psychological assistance in public clinics and child welfare officers accompanied them to these clinics; police worked in conjunction with these officers to obtain statements from the children.

The government identified and provided protective services to two adult labor trafficking victims. The MOL provided shelter, food, and medical assistance for two male forced labor victims who remained under police custody. The government provided medical care to one female victim of domestic servitude and placed her in a domestic violence shelter for three months in advance of her repatriation. There was no specialized shelter for adult trafficking victims, nor was there systematic provision of medical, psychological, or financial assistance for adult victims. Due to the lack of 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 regularly turned back single Malagasy women, traveling on their own, with less than 4,200 rupees (\$132) who attempted to enter the country on tourist visas on the grounds that they might be coming to Mauritius to engage in prostitution; officials did not screen these women, some of whom might have been trafficking victims. The 2009 anti-trafficking law provides legal alternatives, including temporary residency, to removal to countries in which trafficking victims would face retribution or hardship.

## PREVENTION

The government increased prevention efforts. The government established an inter-ministerial committee on human trafficking under the attorney general, which met twice during the reporting period, and the police re-established a steering committee on human trafficking, with a “trafficking in persons desk” serving as a focal point to coordinate the investigation of all potential trafficking cases. 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. The Ministry of Tourism and External Communication distributed 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.

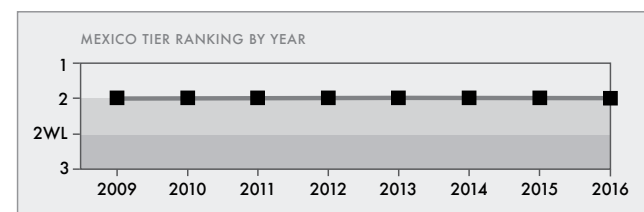
In December 2015, the government suspended the permit of a recruitment agency under investigation for potential trafficking. The government increased the number of inspectors within the MOL’s Special Migrant Workers Unit—responsible for monitoring and protecting all migrant workers and conducting routine inspections of their employment sites—from four to six during the reporting period; however, this number of inspectors remained severely inadequate relative to the approximately 37,000 migrant workers employed in Mauritius. The unit conducted 72 inspections, compared with 403 in the previous reporting period. Although the MOL is required to approve all employment contracts before migrant laborers enter the country, many migrant laborers reportedly entered the country with contracts that were incomplete or had not been translated into languages the workers understood. The government provided anti-trafficking training for its diplomatic personnel.

## MEXICO: Tier 2

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 service, manufacturing, food processing, construction, forced begging, the informal economy, and street vending in Mexico and the United States. They are

typically lured by fraudulent labor recruiters, deceptive offers of romantic relationships, or extortion, including through the retention of identity documents, threats to notify immigration officials of victims’ immigration status, or threats to harm family members. NGOs report transgender Mexicans in prostitution are vulnerable to sex trafficking. Press reports state some Mexican citizens have wages systematically withheld, are held in debt bondage in agriculture, and are indebted to recruiters or to company stores. 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. 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, especially in tourist areas and in northern border cities. Many child sex tourists are from the United States, Canada, and Western Europe, though Mexican citizens are among those exploiting 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. 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 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 reported convicting 86 traffickers, including some for forced labor. Data on victim identification and law enforcement efforts were sometimes unreliable, and it was unclear how many of these convictions were for trafficking as defined by international law; however, data collection improved in 2015. Official complicity continued to be a serious and largely unaddressed problem. The government provided funding for services for crime victims, including trafficking victims, and opened the country’s first public-private shelter funded by a state government and private entities. Shelters remained inadequate compared to the scale of the problem, and victim services were virtually nonexistent in much of the country, leaving many reported victims vulnerable to re-trafficking. Federal and state authorities engaged in a range of anti-trafficking prevention efforts, including new initiatives to prevent forced labor.



## RECOMMENDATIONS FOR MEXICO:

Increase government funding for the provision of specialized victim services and shelters; 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 prosecutions and convictions; develop a standardized process for use by all officials to identify and refer victims for protection and assistance, and train officials on the process; amend anti-trafficking laws at the federal and state levels to mirror the international anti-trafficking law; increase the capacity of regional and state coalitions and specialized 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 treated 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 continued uneven law enforcement efforts. While authorities reported an increase in federal and state trafficking convictions, it was unclear how many of these convictions were for trafficking as defined by international law. 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, 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. Cases involving individuals who may have been forced by criminal groups to engage in illicit activities were not handled as potential trafficking cases, despite indicators of force or coercion. Federal officials have jurisdiction over all international trafficking cases and all cases that take place on federally administered territory involving organized crime or involving allegations against government officials. States investigate other internal trafficking cases. Fourteen states, out of 31, have aligned their trafficking laws with the federal law, which may address inconsistencies among those states' laws and improve interstate investigations and prosecutions. During the reporting period, the legislature of Chihuahua approved a victim protection law, which provides for legal, medical, and psychological services to victims of crimes and human rights violations, including trafficking. The legislature of Baja California introduced a bill, intended to identify victims, to require law enforcement to inspect suspicious commercial establishments.

Data based on the broad definition of trafficking in the 2012 law indicated authorities initiated 250 federal and 415 state investigations and detained 674 individuals, compared with 253 federal and 196 state investigations for trafficking in 2014. Notable cases included the arrest of five alleged traffickers for the forced labor of a woman in a dry cleaning business; the arrest of five alleged traffickers from an agricultural company for forced labor of 228 adults and 78 children; the arrest of several managers of a coffee plantation involved in the forced labor of indigenous Guatemalan children; and multiple sex trafficking crimes allegedly committed by family members and criminal organizations. Authorities reported prosecuting 578 individuals in 2015—414 men and 157 women. Mexican authorities

reported convicting 86 traffickers involved in 36 cases in 2015. The government did not report the number of trafficking prosecutions or convictions in 2014. According to the press, sentences ranged from 15 years' to 58 years' imprisonment. However, it was unclear how many of these convictions were for trafficking crimes as defined by international law, and officials did not report the lengths of sentences. Approximately two percent of trafficking cases resulted in conviction, a rate consistent with conviction rates for other crimes in Mexico. NGOs reported police conducted anti-trafficking raids for the purpose of detaining people in prostitution and irregular migrants rather than identifying victims of sex trafficking or forced labor. Some public officials conflated trafficking with migrant smuggling and prostitution. Investigations and prosecutions were sometimes delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country, to the detriment of both the criminal case and the victims. The 2012 law obligated states to have a dedicated human trafficking prosecutor, but many states lacked funding to employ one. Some officials' lack of understanding of trafficking led to their trial of cases as more minor offenses or to the acquittal of traffickers. Authorities maintained strong law enforcement cooperation with U.S. officials, partnering on six joint law enforcement operations, one of which resulted in the identification of nearly 60 victims and the arrest of 18 alleged traffickers. Mexican authorities also enhanced law enforcement cooperation with the United States and 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 prosecutions or convictions of government employees complicit in trafficking in 2015; the government has not convicted a complicit official since 2010. Authorities apprehended a municipal employee wanted for trafficking in Oaxaca in 2014, but did not report progress on such cases or new investigations of complicit officials in 2015. The government did not report the status of the 2013 investigation of two Tijuana police officers for exploiting a sex trafficking victim or the status of the 2012 investigation of a Chihuahua state employee charged with forced labor.

## PROTECTION

The government continued to provide limited specialized services for identified trafficking victims. The government reported identifying 1,814 trafficking victims in 2015—784 for commercial sex, 470 for forced labor, 382 for forced begging, and 17 for forced criminality, and 161 were unspecified—compared with 1,842 trafficking victims in 2014. 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. NGOs questioned the government's ability to accurately identify trafficking victims among vulnerable populations, such as migrant workers and persons in prostitution. Anti-trafficking experts and people in prostitution reported officials often did not differentiate between sex trafficking victims and women in prostitution—due in part to the overly broad anti-trafficking law—making victim identification statistics unreliable. 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.

In 2015, the CEAV spent 47 million pesos (almost \$2.7 million) for assistance to crime victims, including trafficking victims. 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, and legal services. It was unclear 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. A federal victim assistance protocol was drafted in 2014 but remained pending; some states also drafted victim care protocols. 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 2015. 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 shelter housed an unspecified number of trafficking victims for up to three months. Women were allowed to have their children with them at the shelter. Women were not allowed to leave the shelter alone, reportedly due to safety concerns; NGOs expressed concern that this arrangement re-traumatized some victims. FEVIMTRA received 93,376,000 pesos (\$5,492,000) in 2015, compared with 10 million pesos (\$680,000) in 2014, to provide assistance to female victims of extreme violence, including trafficking. The State of Puebla opened and operated the country's first public-private shelter, funded by the state government and private entities. NGOs, many receiving 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 creates incentive to hold victims pending the conclusion of a case and may compromise the shelter's independence and sustainability of operations. Coordination between federal, state, and local officials on victim services and case management was weak. The Mexican consular network in the United States provided support to 31 labor trafficking victims and an unknown number of sex trafficking victims in 2014.

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. Mexican 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. Some officials transferred victims to the National Institute of Migration (INM) for detention and deportation due to their immigration status and lack of formal identification as trafficking victims. Women in prostitution in Mexico City alleged officials used violence during anti-trafficking operations, and also forced them to sign declarations accusing detained individuals of trafficking, which raised serious concerns about law enforcement tactics to secure witnesses. NGOs also reported officials often re-victimized 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 this legal alternative to deportation was often not provided 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 29 foreign trafficking victims in 2014 and issued authorization to 21 victims to remain in the country on a humanitarian basis—which could be renewable on a yearly basis depending on the victims' specific circumstances—compared with 47 victims assisted in 2013. 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 it was unclear if the courts awarded any trafficking victims restitution. However, a court awarded reparations of 800,000 pesos (\$45,600) to a victim in a human rights case in January 2016, which may help to set a precedent for such remedies in future human rights and trafficking cases.

## PREVENTION

Federal and state authorities engaged in a range of anti-trafficking prevention efforts. The interagency anti-trafficking commission met twice a year to coordinate federal government efforts and released a report on 2014 national anti-trafficking efforts. The government published a national action plan for 2014-2018, but did not dedicate additional funds to implement the plan. The UN Office on Drugs and Crime in Mexico published a report—which was funded by the government—analyzing the impact of Mexico's anti-trafficking efforts, and made recommendations for improving efforts, including strengthening the national anti-trafficking law, invigorating the interagency anti-trafficking commission, providing comprehensive assistance to victims, and strengthening civil society participation in anti-trafficking efforts, among other recommendations.

Twenty-four out of 31 states had state-level anti-trafficking committees, of which 12 were launched or reconfigured in 2014, and which varied in effectiveness. Federal and state governments engaged in a variety of awareness-raising activities, such as the distribution of educational materials—including in indigenous languages and sign language. They also publicized phone numbers to report trafficking crimes anonymously, reaching almost 350,000 people. Experts reported uneven interagency coordination at the federal and state levels. The National Human Rights Commission conducted extensive anti-trafficking training and awareness sessions for a range of audiences. The federal district government provided funding to an anti-trafficking hotline for the capital that provided referrals to appropriate Mexican agencies for victim assistance. Authorities eliminated fees for worker and visitor permits allowing Guatemalan and Belizean citizens to work along the southern border and established a center in Guatemala to register people for visitor permits. Authorities did not report efforts to regulate or hold fraudulent labor recruiters responsible. They did, however, report other efforts to prevent forced labor, including training offered to Mexican migrant workers employed by a potentially fraudulent recruiter, 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. Officials continued efforts to prevent child sex tourism through training sessions, and distributed awareness materials to reduce the demand for sexual exploitation of children in tourism destinations. While the government investigated some child sex tourism cases, it did not report prosecuting or convicting any 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 reported that it provided anti-trafficking training for its diplomatic personnel.

## MICRONESIA, FEDERATED STATES OF: Tier 2

The Federated States of Micronesia (FSM) is a source, transit, and, to a limited 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 and Micronesian women in prostitution. Girls are allegedly exploited in prostitution by crew members of docked Asian fishing vessels. 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 victims' fear of embarrassment in FSM's insular 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.

The Government of the Federated States of Micronesia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the FSM government convicted one Micronesian trafficker who victimized eight Micronesian victims in 2009 and initiated three new prosecutions against suspected traffickers. It also continued to coordinate efforts across four states to implement the national plan of action. The government did not, however, identify any trafficking victims, despite evidence of trafficking uncovered during investigations involving minors in commercial sexual activity. It continued to lack a formal system to identify or refer victims to appropriate services. The government did not allocate specific budgetary funding for victim protection, although it provided assistance for eight Chuukese women who testified in court.



### RECOMMENDATIONS FOR THE FEDERATED STATES OF MICRONESIA:

Develop and implement procedures for the proactive identification of trafficking victims among vulnerable populations; increase efforts to investigate and prosecute trafficking offenses that lead to the conviction and punishment of traffickers; impose adequate sentences on convicted traffickers; develop and implement a victim referral system and establish specialized protective services for trafficking victims; continue to implement the national plan of action; and continue to collaborate with traditional leaders to raise awareness of trafficking and to break away from customary practices that exacerbate vulnerabilities to trafficking.

### PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts. The national anti-trafficking law prohibits all forms of trafficking, and the four states have laws that implement the national law. National and state laws allow for sufficiently stringent prison sentences but allow convicted offenders to pay a fine in lieu of prison time—a penalty that is not proportionate to the severity of the crime committed and not sufficiently stringent. The national law prescribes penalties of up to 15 years' imprisonment for adult trafficking and 30 years' imprisonment for child trafficking, or fines up to \$50,000. Pohnpei State's law prohibits sex trafficking of children and forced labor of adults, but not sex trafficking of adults; it prescribes penalties for these crimes of up to 10 years' imprisonment or fines up to \$10,000, or both. 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 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 form of trafficking and prescribes penalties of up to 15 years' imprisonment or fines up to \$1,000,000, or both.

The government convicted a Micronesian man for the sexual exploitation of eight Chuukese females in a case that originated in 2009. He was convicted under criminal civil rights provisions, as the crimes occurred before passage of the national anti-trafficking law, and was sentenced to 10 years' imprisonment to be served under probationary house arrest, due to the trafficker's need for special accommodations not available in the correctional facility. The government initiated five new investigations of suspected child sex trafficking, compared with two in 2014. Three of those investigations, involving a total of seven suspected sex traffickers, were filed with the FSM Supreme Court and are pending a trial date. The government conducted anti-trafficking training for 30 law enforcement officials and executive and legislative branch officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government demonstrated inadequate efforts to identify and protect trafficking victims. It did not identify any trafficking victims during the year, even in cases under investigation for child sex trafficking, and did not develop or implement a system to identify trafficking victims among vulnerable groups. The government made no efforts to refer potential trafficking victims to specialized services or allocate resources to provide such services. The government continued to provide hotel accommodation, food, security, and flights between Chuuk and Pohnpei for the eight Chuukese victims identified in a 2009 trafficking case. The government reported any identified trafficking victims would have access to limited social services, such as the mental health program at a hospital in Kosrae state and legal assistance provided to victims of general crime through the public defenders offices at the national and state level. FSM officials did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution or incentives to participate in trials. There were no reports of potential trafficking victims being punished for crimes committed as victims of trafficking; however, due to a lack of formal victim identification procedures in use during the reporting period, some victims went unidentified in the law enforcement system.



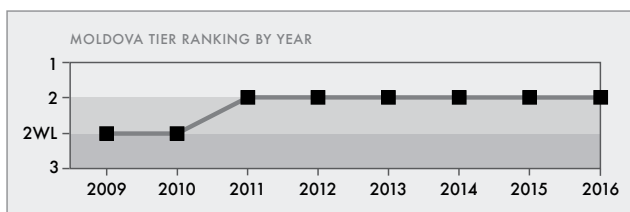
**PREVENTION**

The government maintained efforts to prevent trafficking. As part of its National Trafficking Day in January 2016, the government carried out a trafficking awareness campaign in all four states, including remarks by the Pohnpei lieutenant governor, members of civil society, and youth groups. The government spent \$75,000 for its anti-trafficking efforts in 2015, a decrease from \$92,500 in 2014. With part of these resources, the government continued to fund two migrant resource centers in Pohnpei and Chuuk, which provided pre-departure training, including anti-trafficking awareness training, to Micronesians who intend to emigrate. The government did not develop campaigns or disseminate informational materials aimed at reducing the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomatic personnel.

**MOLDOVA: Tier 2**

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, 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 is a significant problem in Moldova.

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. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. The judiciary often imposed sentences on convicted traffickers that did not correspond with the severity of the crime, including fines alone, and at times reversed convictions on appeal. Legal and organizational obstacles, including changes in the national anti-trafficking investigative body, hampered law enforcement efforts. Authorities identified and assisted more victims, but victims continued to suffer from intimidation. Prosecutors charged some victims with crimes committed as a direct result of their trafficking.



**RECOMMENDATIONS FOR MOLDOVA:**

Vigorously investigate, prosecute, and convict traffickers and impose sufficiently stringent sentences; increase efforts to convict government officials complicit in human trafficking; 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; pass legal amendments to exempt victims from prosecution for crimes committed as a direct result of being subjected to human trafficking; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; amend the criminal procedure code to permit wiretapping of suspected traffickers without prior notification and investigation of suspected traffickers' finances to avoid an overreliance on victim testimony as evidence; train police, judges, and prosecutors on a victim-centered approach to investigations prosecutions; facilitate compensation for damages suffered by victims; 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 demonstrated mixed law enforcement efforts during the reporting period. 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. Corruption in the judicial system posed an acute challenge for bringing traffickers to justice. Courts have frequently reversed convictions on appeal, sometimes without any explanation or on weak grounds, although comprehensive statistics on the rate of appeal were not available. Criminal cases against public officials for complicity have rarely resulted in conviction, likely due to corruption and weaknesses in the judicial system; all such cases initiated in 2014 were dismissed or remain pending. 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 at the close of the reporting period. 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 applied a 3,000 lei (\$164) 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. In January 2015, however, a court sentenced a police officer to seven years' imprisonment for trafficking. There were allegations of corruption by officers assigned to the interior affairs ministry's investigatory Center for Combating Trafficking in Persons (CCTIP).

Law enforcement efforts also faced institutional obstacles in 2015. CCTIP did not have a director for six months in 2015 following a delay in the appointment of a new director; the unit was again without a director at the close of the reporting period following this director's transfer in early 2016. Cooperation between CCTIP and some civil society actors and international partners deteriorated in 2015 hampering the center's ability to cement previous gains or improve their operations. Observers reported CCTIP switched its focus from complex cases of international sex and labor trafficking to simpler cases related to domestic prostitution, potentially in order to boost the center's statistics. This focus on statistics moved CCTIP away from its traditional strength of victim-centered investigations. CCTIP continued to lack sufficient resources, particularly

investigative staff, although the government assigned two additional prosecutors to CCTIP. Prosecutors' heavy reliance on victims' testimony hindered successful prosecutions and often resulted in acquittals; victim testimony is an unreliable foundation for prosecution as victims may decide not to testify in open court due to intimidation or be too traumatized to give consistent testimony. Investigators cannot legally wiretap trafficking suspects without notifying them they are under investigation. Starting in 2014, prosecutors began charging traffickers and defense attorneys with obstruction of justice when victims were threatened or intimidated. 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 may allow suspected traffickers to be released before trials conclude, enabling them to flee the country, return to crime, or take retribution against witnesses. Beginning in 2015, the National Investigative Inspectorate (INI) required 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 increased investigations in 2015, carrying out 189 trafficking cases, compared to 175 in 2014. The government increased prosecutions, completing 76 cases in 2015, compared to 49 in 2014. The government obtained fewer convictions in 2015, convicting 39 traffickers in 2015, compared to 43 in 2014. Of the 39 convicted traffickers, 36 were sentenced in 2015, and all received prison terms. The average jail sentence was 7.3 years for trafficking in persons and 16.3 years for trafficking of children. Moldovan authorities cooperated with foreign counterparts on multiple trafficking investigations. Mostly using donor funding, the government trained police, border guards, prosecutors, and judges in 2015. Candidates for judges and prosecutors were required to complete a 40-hour course on trafficking.

## PROTECTION

The government demonstrated mixed efforts in victim protection. The government identified 310 trafficking victims in 2015, compared with 264 in 2014. Of these identified victims, 68 were children, an increase from 26 in 2014. Inaction by some law enforcement officials reportedly led to some potential investigations not being pursued and potential victims being left undiscovered. 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 provided approximately 8.38 million lei (\$446,000) to seven shelters for victims of crime and family violence, an increase from 7.26 million lei (\$385,970) provided in 2014. One of these shelters, the Chisinau Assistance and Protection Center, specialized in receiving trafficking victims and individuals at high risk of trafficking; the government provided approximately 2.0 million lei (\$106,000), a decrease from 2.9 million lei (\$154,000) in 2014. The government allocated 600,000 lei (\$31,914) for the repatriation of victims in 2015; the government did not disburse all of the funds, in part due to bureaucratic obstacles to accessing the funds. The government assisted 132 victims with public repatriation assistance or shelter care, compared with 85 in 2014. Teams of local officials and NGOs in all regions of Moldova coordinated

victim identification and assistance; observers noted some teams were less effective 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. 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 being re-trafficked. Authorities placed child victims with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Victims 14 years old or younger were interviewed in specialized hearing rooms with recording equipment with the assistance of a psychologist. Although shelters were designed for female victims, adult male victims were entitled to all forms of assistance. 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. Shelters had little security and corruption undermined police protection. Prosecutors did not maintain regular contact with victims or adequately prepare them for trial. Some victims experienced intimidation in the courtroom and were pressured by traffickers 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 actions against traffickers in 2015, despite prosecutors freezing suspected traffickers' assets in seven cases. While it is possible for a prosecutor to request restitution on behalf of the victims, such awards were rare. The criminal code exempts trafficking victims of criminal liability for committing offenses related to their exploitation. In 2015, there were cases of trafficking victims who acted as recruiters and were exempted from liability based on this provision. 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. The courts finalized a conviction against a trafficking victim for theft, despite the victim being forced to commit the crime. 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; at least two victims were charged with making false statements in 2015. Observers reported some cases of authorities charging child sex trafficking victims with prostitution offenses, in violation of Moldovan and international law.

## PREVENTION

The government maintained efforts to prevent human trafficking. The national anti-trafficking committee (NCCTIP) and its secretariat coordinated the government's anti-trafficking response. As prescribed in the national action plan for 2014-2016, NCCITIP implemented programs to raise awareness among students and Moldovan citizens abroad, as well as the general public through radio broadcasts, a website, and a national anti-trafficking week. In 2015, the government temporarily

ceased state funding to the specialists running a hotline on child abuse and exploitation. The government provided anti-trafficking 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.

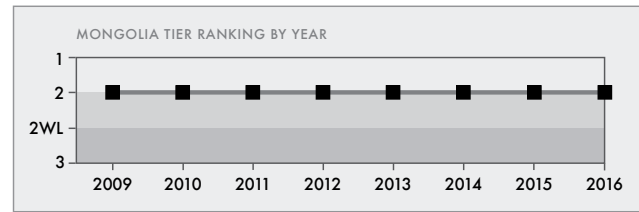
## MONGOLIA: Tier 2

Mongolia is a source and, to a lesser extent, a 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, and Israel and to sex trafficking in South Korea, Japan, China, Hong Kong, Malaysia, Germany, Sweden, and the United States. 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.

Women and girls are subjected to sex trafficking in Mongolia in massage parlors, hotels, bars, and karaoke clubs. Traffickers sometimes use drugs, fraudulent social networking, online job opportunities, or English language programs to lure Mongolian victims into sex trafficking. NGOs report a significant number of Mongolian victims from rural and poor economic areas are subjected to sexual exploitation in Ulaanbaatar and border areas. Reports in past years alleged Japanese tourists engage in child sex tourism in Mongolia, but police authorities state such instances no longer occur. 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.

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. During the reporting period, the government prosecuted nine cases and convicted eight traffickers, an increase from the one prosecution and one conviction it achieved in 2014. It funded and facilitated numerous anti-trafficking trainings for various government entities and key stakeholders. Government authorities referred 13 potential trafficking victims to an anti-trafficking NGO for assistance and continued dissemination of anti-trafficking awareness messaging on social media and television networks. The government adopted the last of six required implementing regulations for the Law on Victim and Witness Protection, although one of six required implementing regulations for the 2012 anti-trafficking law remained outstanding. The government reduced its already limited victim protection efforts in 2015. It did not report funding victim shelters during the year and remained without formal identification or referral procedures for officials’ use.

Although the government revised its national action plan to combat trafficking, the plan remained unimplemented for the third consecutive year.



### RECOMMENDATIONS FOR MONGOLIA:

Establish formal procedures to guide government officials 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; monitor working conditions and investigate claims of labor exploitation of foreign contractors employed in Mongolia; enact the remaining regulation needed to fully implement the 2012 anti-trafficking law and train officials on effective implementation; increase efforts to investigate and prosecute all trafficking offenses using article 113 of the criminal code; implement the national action plans to combat trafficking and protect victims; and reduce demand for commercial sex acts, particularly throughout major transportation hubs.

### PROSECUTION

The government increased its anti-trafficking law enforcement efforts. In December 2015, Parliament adopted a revised criminal code that reportedly incorporated amendments stipulated by the Law on Combating Trafficking in Persons; the revised code awaited pro forma publication at the close of the reporting period. 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 for trafficking offenses—sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 124—inducing others into and organizing prostitution—is a more commonly used statute to prosecute suspected sex trafficking cases, although it does not require the element of force, fraud, or coercion; it prescribes less severe penalties of up to five years’ imprisonment. Due to the misconception among many government officials that only girls can be sex trafficking victims, authorities rarely use article 113 or article 124 to prosecute cases in which boys are the victims, but instead use provisions with less stringent penalties. Jurisdiction for anti-trafficking law enforcement remained unclear due to ongoing political tumult and institutional reforms, which strained government capacity and impeded interagency coordination.

In 2015, the National Police Agency (NPA) investigated 14 potential trafficking cases under article 113, one of which it dismissed, compared with eight investigated in 2014. Under article 124, the NPA investigated 16 suspected trafficking cases, two of which it dismissed and 14 of which it recommended for prosecution. The government initiated nine prosecutions and convicted eight traffickers under article 113, an increase from one prosecution and one conviction obtained in 2014; three perpetrators were sentenced to up to 10 years in prison. Under article 124, the government initiated 27 prosecutions and



convicted nine defendants, compared with seven prosecutions and four convictions in 2014. During the reporting period, justice officials funded the Gender Equality Center (GEC) to conduct anti-trafficking training courses for 252 law enforcement officers in five provinces; the government also funded and facilitated training for an unknown number of law enforcement, security, and prosecutorial personnel across the country. Justice officials provided a venue and in-kind support for an externally funded training for approximately 55 investigators, prosecutors, judges, and other stakeholders to improve their general understanding of trafficking and their capacity to effectively investigate and prosecute trafficking crimes. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking.

## PROTECTION

The government reduced efforts to protect victims, further weakening its institutional capacity to provide adequate services to trafficking victims. Victims' services continued to be available principally at two ordinarily government-funded shelters run by the GEC—the only two trafficking-specific shelters in the country. However, during the reporting period, the government did not report funding the GEC facilities, thereby continuing its downward trend in financial support for victim services; it provided 7.90 million tugrik (\$4,000) in 2013 and 5 million tugrik (\$2,500) in 2014. NGOs provided the vast majority of protection services for victims, including long-term resources, without support from the government. In 2015, the GEC assisted a total of 36 potential sex and labor trafficking victims, compared with 49 potential sex trafficking victims the previous year; 13 referrals originated from law enforcement agencies, while others came from family or friends. In cooperation with the GEC, investigators from the NPA's Organized Crime Division utilized an 11-question trafficking risk assessment checklist to identify victims proactively among vulnerable populations. However, most government entities remained without systematic procedures for proactive victim identification or referral, which left many victims unidentified and some vulnerable to being punished.

Justice officials adopted the last of six required implementing regulations for the Law on Victim and Witness Protection during the reporting period to provide incentives for victims and witnesses to assist in criminal proceedings against traffickers. However, one of six required implementing regulations for the 2012 anti-trafficking law remained outstanding. Of the 36 potential victims assisted by the GEC, 16 chose to refer their cases for prosecution; some victims were reluctant to do so due to fear of being punished for unlawful acts committed as a direct result of being subjected to trafficking, including immigration and prostitution violations. Mongolian officials maintained operation of a private victim and witness room at the First District First Instance Criminal Court in Ulaanbaatar; the impact of this feature on prosecutions in 2015 requires further evaluation. Although the government did not identify foreign victims during the reporting period, Mongolian law does not provide legal alternatives to their removal to countries in which they could face retribution or hardship.

## PREVENTION

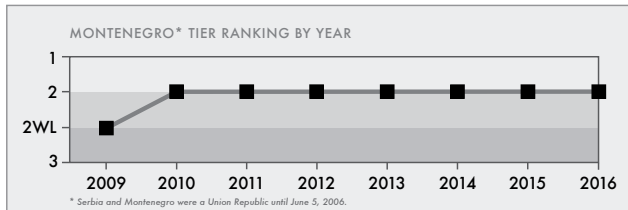
The government maintained modest efforts to prevent trafficking. In 2015, the Anti-Trafficking Sub-Council—the official coordinating body for anti-trafficking efforts—expanded its civil society representation and held periodic meetings. During the year, justice officials drafted a new

national action plan to span 2016-2021 and supersede the draft plan that remained under review the previous two years. The government approved a separate national action plan for the protection and assistance of victims and witnesses for 2016-2024, although the degree to which authorities implemented it during the reporting period was unknown. For the second consecutive year, the government continued work with an international organization to establish an integrated statistical database. Officials continued to disseminate on social media and television networks a daily public service announcement (PSA) on labor trafficking, 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. Although the government had in place an intergovernmental agreement with North Korea to regulate the annual number of imported North Korean workers and their salaries, the government made no tangible efforts to investigate the labor conditions of foreign contract laborers in Mongolia. The government did not take measures to reduce the demand for forced labor or commercial sex acts. In 2015, 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.

## MONTENEGRO: Tier 2

Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, 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, 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.

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 maintained strong prevention efforts, enacting a 2015 action plan for the implementation of its 2012-2018 anti-trafficking strategy. Law enforcement efforts were limited; the government initiated four new investigations, and continued to prosecute and convict traffickers for the lesser crime of brokering in prostitution. The government provided victim services and identified an increased number of victims. The 2014 Foreigners Act went into effect in April 2015, allowing foreign trafficking victims to obtain three- to 12-month residence permits, and requiring police to work with NGOs and social workers to determine if a minor is a trafficking victim and eligible to receive healthcare, education, and social services.



## RECOMMENDATIONS FOR MONTENEGRO:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, under article 444 of the criminal code; increase proactive screening of potential victims, especially for children in forced begging and women in forced prostitution; develop a multi-disciplinary approach to proactive victim identification and include NGOs in the national referral mechanism; continue to train law enforcement, border police, judiciary, and public officials working with vulnerable populations on victim identification and referral procedures and prosecution of traffickers; make efforts to ensure raids to free trafficking victims minimize harm to victims and include arrangements to segregate traffickers from victims, conduct victim-centered interviews, cross-reference victims' accounts, and quickly transition identified victims to post-rescue care and shelter; and encourage trafficking victims' participation in prosecutions in a manner that protects victims.

## PROSECUTION

The government continued to make inadequate law enforcement efforts to address human trafficking. 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 the trafficking of minors, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2015, the government launched four investigations of suspected trafficking cases, compared with five in 2014. The investigations led to the arrests and prosecution of six suspects for brokering in prostitution, not trafficking, for the sexual exploitation of 16 female victims, some of whom were minors. The government did not initiate any new prosecutions under article 444 in 2015, compared with one prosecution in 2014. However, in one case involving brokering in prostitution, the defendant faces a two- to 10-year sentence, similar to the sentence he would have faced under article 444, and the government has recognized and treated the victims as trafficking victims. The government did not secure any new convictions under article 444 in 2015, the same as in 2014. It did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government established a specialized trafficking in persons police unit within the organized crime division to focus on investigations and prosecutions in trafficking cases. The government also established a new office of the special state prosecutor to expand its capacity to prosecute cases of organized crime, including trafficking. Authorities increased efforts to train officials and offered specialized training for 489 police officers, prosecutors, border officers, labor inspectors, municipal employees, and other officials on victim identification and protection.

## PROTECTION

The government made mixed efforts on protection. Although it continued to fund victim services, efforts to proactively identify victims were lacking, particularly among children in forced

begging, and the government did not report providing care to any victims in 2015. The government identified 16 possible sex trafficking victims, some of whom were minors, compared to two in 2014. The government referred these victims to care, although none elected to use government-run shelter services. The government did not identify any labor trafficking victims, despite its acknowledgment of the need for greater efforts to prevent and protect child victims of forced labor, especially child victims of forced begging. Police identified 156 child beggars in 2014 and 122 in 2015, but did not identify any of them as trafficking victims. No victims participated in the prosecution of their traffickers in 2015. The police's organized crime unit responsible for investigating trafficking cases regularly conducted raids in commercial sex sites, escort agencies, and bars; however, police did not identify any victims through raids in 2015. In cooperation with international organizations, the government disseminated a victim identification checklist containing trafficking indicators in the form of business cards to all law enforcement agencies, including border police and prosecutors, health and social workers, and school directors.

The government allocated 151,185 euros (\$139,000) to the anti-trafficking coordinator's office, compared to 152,422 euros (\$184,000) allocated in 2014. A portion of this budget funded a shelter for trafficking victims that the government jointly operated with a Montenegrin NGO. The amount allocated to the shelter in 2015 decreased by 14 percent compared to 2014, due to the reduction of one staff member at this shelter, with funds reallocated to other anti-trafficking efforts. The shelter was open to both domestic and foreign victims; male victims were accommodated in separate living quarters in the shelter, as were children from adults. Victims could leave the shelter after an assessment made by police, or by the social welfare centers in the cases of children. Authorities offered victims medical, psychological, legal, and social assistance.

In June 2015, the government adopted a Law on Compensation of Victims, which is intended to provide financial assistance to victims of intentional violent crimes leading to severe physical injuries or emotional distress, for the purpose of obtaining treatment prior to court proceedings. However, the law will not go into effect until Montenegro becomes a member of the EU. Montenegrin law provides for the possibility for victim restitution, although there were no cases in which a victim requested or obtained restitution. In December 2014, Parliament passed the new Foreigners Act, which took effect in April 2015, providing foreign trafficking victims additional protections and clarifying their right to receive a temporary residence permit, lasting from three months to one year, and work authorization. No victims applied for residency in 2015. The act also requires police to work with NGOs and social workers to determine if a minor is a trafficking victim and therefore eligible to receive healthcare, education, and social services. The Foreigners Act also provides that child victims will receive witness protection, if necessary, and will not be returned to their country of origin if doing so would endanger their well-being. 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

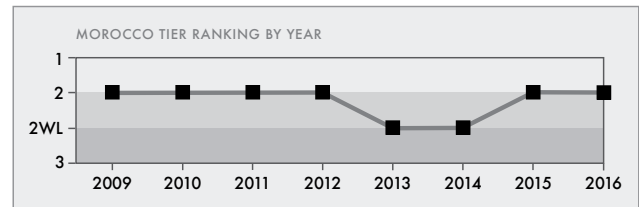
The government maintained strong prevention efforts. The government adopted a 2015 action plan to implement its 2012-2018 anti-trafficking strategy, and drafted an action plan for 2016. The government produced semiannual reports of the progress made on the strategy and action plan. The anti-trafficking office had the overall lead on anti-trafficking efforts, and the office's head was the national coordinator for the anti-trafficking taskforce, comprised of government officials, a government-funded NGO, and the international community. The taskforce continued to consult NGOs during the planning process. Taskforce members met six times for regular meetings and to coordinate assistance to potential trafficking victims. The government organized workshops in primary and secondary schools and continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims; neither hotline reported receiving trafficking-related reports during the reporting period. In addition, the government conducted a national awareness campaign that included a video shown on television stations; and increased cooperation with media outlets, advertising the SOS hotline, and placing posters at all border crossings. Authorities provided specialized training to labor inspectors; however, 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 government did not provide anti-trafficking training for its diplomatic personnel.

## MOROCCO: Tier 2

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 prostitution. 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 South Asia, are coerced into prostitution. 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 and local NGOs report unaccompanied children and women from Cote d'Ivoire, Democratic Republic of the Congo, Senegal, 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 abroad are exploited in forced labor and sex trafficking, primarily in Europe and the Middle East. Moroccan women who are forced into prostitution abroad experience restrictions on movement, threats, and emotional and physical abuse. Recruiters reportedly offer Moroccan men jobs in the Persian Gulf, but seize the victims' passports and subject them to debt bondage after arrival. Some Moroccan men and boys, initially lured to Europe by fraudulent job offers, are forced to sell drugs. Some foreigners, primarily from France and Spain, engage in child sex tourism in major Moroccan cities.

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 continued efforts to prevent human trafficking, including child sexual exploitation. Moroccan law does not prohibit all forms of human trafficking and its lack of clarity frequently led officials to conflate human trafficking, human smuggling, and illegal migration. To address this challenge, the government provided anti-trafficking training to prosecutors and judges. The government reported minimal efforts to investigate potential trafficking crimes under existing laws and did not provide the details of such cases to determine if they included trafficking offenses. The lack of prosecutions and convictions for trafficking crimes was not commensurate with the scope of the known problem. The government did not proactively identify trafficking victims among vulnerable populations, especially among migrants. As a result, unidentified victims among vulnerable populations remained at risk of penalization and re-trafficking. The government, however, funded protective services, particularly for migrants, and maintained cooperation with NGOs and international organizations in referring vulnerable populations, including potential unidentified trafficking victims, to social services on a limited ad-hoc basis.



## RECOMMENDATIONS FOR MOROCCO:

Enact and implement legislation, in line with international standards, that prohibits all forms of trafficking, distinct from human smuggling, and prescribes sufficiently stringent penalties; significantly increase investigations, prosecutions, and convictions of traffickers, and ensure stringent sentencing; proactively identify trafficking victims, especially among the foreign migrant community; develop and implement formal procedures for victim identification and referral to care using a victim-centered approach; ensure victims are not punished for crimes, such as immigration violations, committed as a direct result of being subjected to human trafficking; increase funding or in-kind support to NGOs that provide specialized services for trafficking victims, including foreign victims; significantly improve law enforcement data collection and reporting, including the disaggregation of data between human trafficking and human smuggling crimes; enact and implement legislation that provides protection for foreign and Moroccan domestic workers, including victims of domestic servitude; and enhance public awareness campaigns addressing all forms of trafficking of men, women, and children.



## PROSECUTION

The government made negligible anti-trafficking law enforcement efforts. Morocco lacks an anti-trafficking law, which remained a serious obstacle to prosecuting human trafficking crimes and contributed to confusion among officials in differentiating human trafficking, human smuggling, and illegal migration. Existing laws prohibit some, but not all, forms of trafficking; penalties under these laws are generally not sufficiently stringent. Morocco's penal code prohibits forced child labor through article 467-2, which prescribes punishments 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 punishments 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.

In 2015, the government reported 34 cases involving suspects allegedly engaged in the abduction and illegal confinement of children; however, the status of these cases was unclear, and it was unknown whether they included trafficking offenses. The government also reported disbanding 105 human smuggling and trafficking networks in 2014, but it did not provide statistics for 2015 nor details about efforts to investigate and prosecute criminal actions by such groups. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The media and an international organization reported allegations that a Moroccan peacekeeper deployed in the Central African Republic (CAR) was involved in sexual exploitation of a woman in February 2016; although the media reported the government would initiate an investigation of these allegations, the outcome of this case was unclear at the end of the reporting period. Additionally, the media reported some Moroccan troops were allegedly involved in a child sex trafficking ring in CAR during the reporting period; the government and an international organization investigated these claims and found them to be unsubstantiated. The government, in partnership with international organizations, provided regular anti-trafficking trainings to judicial and law enforcement officials on distinguishing trafficking from human smuggling. In September 2015, the government cooperated with international organizations to establish standard procedures for identifying and assisting trafficking victims; it also created training materials for national and local law enforcement officials to identify trafficking victims.

## PROTECTION

The government sustained minimal efforts to identify and protect trafficking victims. As in past years, the government did not report proactively identifying trafficking victims, including those within vulnerable populations, such as irregular migrants and refugees, that officials encountered through the government's migrant regularization program. International organizations and NGOs reported some local law enforcement officials referred cases of vulnerable women, children, and migrants to them for social services; NGO service providers identified potential trafficking victims among these referrals in 2015. The government did not provide protection services to trafficking victims in 2015, and there were no other government 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, including shelter, for trafficking victims; the government provided limited funding or in-kind support. Although the government drastically decreased forced deportations of migrants in 2015, it occasionally conducted forced internal relocations of foreign migrants, particularly in Oujda, Nador, and Tangier. The government did not make efforts to identify potential trafficking victims among this vulnerable 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 violations. Despite these actions, international organizations and NGOs reported authorities were more sensitive to the plight of migrants and have shown greater willingness to allow civil society organizations to protect these populations. In October 2015, the government officially broadened its criteria to regularize migrants, which may include the regularization of potential trafficking victims and provision of benefits to victims under this program. The government did not make efforts to identify trafficking victims among those whose stay was regularized through the migrant regularization program.

The government provided repatriation assistance to an unknown number of female Moroccan trafficking victims exploited in the Middle East, sub-Saharan Africa, and Asia, but it did not provide specialized care to these victims once they returned home. While the government provided some services, including medical and housing services, to foreign and Moroccan women and child victims of violence through the Ministries of Justice and Solidarity and its child reception centers, it did not report if trafficking victims received such services in 2015. In 2015, the Ministry of Moroccans Resident Abroad and Migration Affairs expanded a partnership program, signed with 70 civil society organizations, to provide urgent humanitarian services, as well as education and vocational training to vulnerable migrant populations, including potential trafficking victims. The government reportedly encouraged victims to cooperate in the investigations against their traffickers, yet the government did not provide evidence that any victims testified in 2015. Decree No. 1-11-164 provides 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

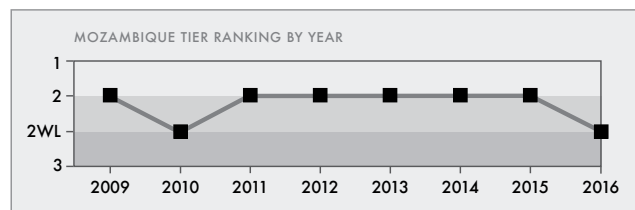
The government continued to make efforts to prevent human trafficking. In November 2015, with support of an international organization, the government published a study on the trafficking of women and children in Morocco. In 2015, with assistance from an intergovernmental organization, the government supported local NGOs' efforts to implement informational campaigns to prevent child labor and promote the rights of migrants and refugees, populations vulnerable to trafficking. The government continued to take some measures to reduce the demand for commercial sex acts and child sex tourism. In June 2015, the government formally adopted its Integrated Public Policy for the Protection of Children. The policy aims to improve the legal framework on child protection to include implementing criminal penalties for the sexual solicitation of children online and sex tourism, as well as advocating for involvement of the private sector to fight against child sex tourism, coordinating with internet providers to prevent sexual exploitation of children online, and developing awareness campaigns on children's rights. In addition, the

government continued to work with the tourism industry to prevent sexual exploitation of children. The government took efforts to reduce the demand for forced labor. In the first half of 2015, the Ministry of Employment and Social Affairs conducted 247 labor inspections, identified 292 child laborers, and removed more than 180 children from work sites; however, inspectors did not identify 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 reported it continued to conduct an unknown number of inspections of private employment agencies that failed to follow employment regulations, and in December 2015, it blocked six Moroccan employment agencies from granting work contracts to foreign domestic workers who were considered to be at risk of trafficking. 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 of human trafficking, to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.

## MOZAMBIQUE: Tier 2 Watch List

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. 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, in addition to voluntary migrants from neighboring countries. Mozambican girls are exploited in prostitution in bars, roadside clubs, overnight stopping points, and restaurants along the southern transport corridor that links Maputo with Swaziland and South Africa. Children exploited in prostitution 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 prostitution. Mozambican men and boys are subjected to forced labor on South African farms and mines, or as street vendors, 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 (PWA), 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, and prison officials force women to provide sex acts in exchange for provisions.

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 launched a national reference group to coordinate inter-ministerial anti-trafficking efforts with civil society stakeholders and sustained nationwide coverage of its regional “reference groups.” It also published four guides to assist police officers in the identification of potential trafficking victims and disseminated trafficking awareness materials across social media channels. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Mozambique is placed on Tier 2 Watch List. Although the government increased investigations of potential trafficking cases, it prosecuted 35 suspected traffickers and convicted 11 offenders compared with 44 prosecutions and 32 convictions in 2014. It did not finalize its national action plan or the implementing regulations for the 2008 anti-trafficking law. The government did not report identifying or protecting victims during the year, and the government’s funding for and provision of protective services remained inadequate.



### RECOMMENDATIONS FOR MOZAMBIQUE:

Increase efforts to prosecute and convict suspected trafficking offenders; finalize and implement the national action plan, and issue regulations necessary to implement the protection and prevention provisions of the 2008 anti-trafficking law; build the capacity of the police anti-trafficking unit, 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 identify proactively trafficking victims among vulnerable populations; institute a unified system for collecting trafficking case data; investigate reports of official complicity in trafficking crimes and vigorously prosecute cases against those implicated in trafficking offenses; monitor the reported growth of commercial sex and train officials to investigate and prosecute those facilitating child or forced prostitution; expand the availability of protective services for victims via increased funding to relevant partners in the National Group to Protect Children and Combat Trafficking in Persons; continue training law enforcement officers in victim identification, particularly at border points; and expand anti-trafficking awareness campaigns.

### PROSECUTION

The government decreased its 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 2015, the

government initiated investigations of 95 suspected trafficking cases, a three-fold increase from 2014, and prosecutions of 35, compared with 44 prosecutions initiated the previous year. It convicted 11 offenders under the 2008 anti-trafficking law, all of whom received prison terms, ranging from one to 22 years' imprisonment; the number of convictions represents a decrease from 32 offenders convicted in 2014 and 24 in 2013. As the 2008 anti-trafficking law criminalizes trafficking for the purpose of organ removal, law enforcement statistics likely included those cases, in addition to sex and labor trafficking cases. The government arrested 50 people nationwide for engaging in trafficking PWA for the purpose of removing their organs and other body parts and courts applied substantial prison sentences to the convicted defendants. In one such case, a court in Cabo Delgado province sentenced two individuals convicted of trafficking in persons for the purpose of organ removal to 35 years in prison for murdering a child with albinism to sell his body parts.

The government, in partnership with international organizations, sponsored trafficking-related trainings for an unknown number of immigration officers posted at heavily traversed border crossings with Swaziland and South Africa. It also sponsored, in conjunction with an international organization, anti-trafficking legislation training for 30 magistrates and published four guides to assist police officers in identifying trafficking victims. During the year, Mozambican and South African authorities cooperated on one case, originating from the previous year, involving five children subjected to trafficking in South Africa. NGO reports allege traffickers commonly bribe police and immigration officials to facilitate trafficking crimes both domestically and across international borders. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government's efforts to protect trafficking victims remained inadequate. Although the government lacked formal victim identification procedures and did not report the number of victims identified and assisted during the year, an international organization stated that it assisted four trafficking victims in 2015. Officials continued to rely on technical and financial support from NGOs and international organizations to provide the majority of protection and rehabilitation services for victims and offered limited shelter, medical, and psychological assistance, which was sporadic nationwide. During the previous reporting period, the government assumed direct budget responsibility for the country's only permanent shelter for child trafficking victims and staffed psychologists to coordinate family reunification; however, officials did not disclose details of its funding allocation for victim protection measures over the current 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 2015. The anti-trafficking law requires police protection for victims who participate as witnesses in criminal proceedings against trafficking offenders; however, no such provisions were utilized during the year. The Ministry of Justice's 2013 draft action plan to guide victim protection efforts and outline implementation of the 2012 witness protection law—including trafficking victims who cooperate with law enforcement—remained unfinished and

unimplemented for the third consecutive year. The multi-sectoral care mechanism, which coordinates referrals and protective provisions for female victims of violence, remained inadequate and inoperative in 2015. Although the 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. The government did not repatriate the five Mozambican children subjected to trafficking in South Africa, during the previous year, due to an ongoing investigation of the vulnerabilities to their being re-victimized in Mozambique. During the year, the government summarily detained and deported 36 foreign nationals who arrived in Maputo with forged visas; the lack of proactive screening procedures precluded the government from ensuring these potential trafficking victims were not inadvertently penalized for unlawful acts committed as a result of potentially being subjected to trafficking.

## PREVENTION

The government made uneven efforts to prevent trafficking. It did not demonstrate progress toward implementation of the national anti-trafficking action plan or finalize implementing regulations for the second consecutive year. In 2015, the attorney general's office continued to demonstrate leadership in overseeing anti-trafficking efforts by launching a national reference group for the protection of children and sustaining provincial-level "reference groups" throughout the country. Consisting of local officials, police, border guards, social workers, NGOs, and faith-based organizations, the "reference groups" served to coordinate regional efforts to address trafficking and other crimes. In 2015, the government, in conjunction with local NGOs and an international organization, proactively launched an unknown number of educational media campaigns using celebrities and former high-ranking government officials to target the trafficking of PWA for the purpose of organ removal and emphasize the importance of protection by local communities. In 2014, the government hosted seven anti-trafficking lectures and facilitated an awareness campaign for approximately 750 government and civil sector personnel. 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 during the year. It did not provide anti-trafficking training for its diplomatic personnel.

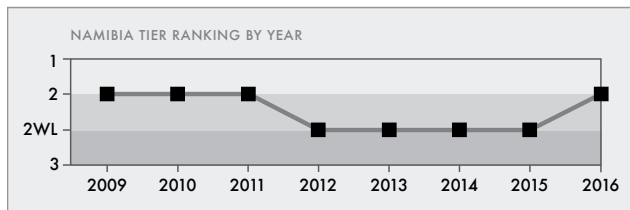
## NAMIBIA: Tier 2

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. Domestically, Namibian children are subjected to forced labor in agriculture, cattle herding, and domestic service, and to sex trafficking in Windhoek and Walvis Bay. A media report alleged that 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. NGOs reported persons in prostitution being taken aboard foreign vessels off the Namibian coast, some of whom may be trafficking victims. Children from Angola, Zambia, and Zimbabwe may be subjected to sex trafficking and forced labor in the fishing sector and in organized street vending in Windhoek and other cities. 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.

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 investigated seven trafficking cases and prosecuted two suspected traffickers during the reporting period, in comparison with none in 2014, and obtained its first trafficking conviction in June 2015. The government continued its efforts to finalize and enact anti-trafficking legislation, which included frequent consultation with NGOs and experts during the year. The government identified and provided shelter to five trafficking victims, although it did not institute formal victim identification and referral processes. The government established a national committee, chaired by the deputy prime minister, in February 2016. The government also appointed the permanent secretary of the Ministry of International Relations and Cooperation (MIRCO) as the formal lead for anti-trafficking efforts and convened the first meeting of the technical committee to combat trafficking in November 2015. The government increased prevention efforts and conducted anti-trafficking trainings and awareness activities during the reporting period.



**RECOMMENDATIONS FOR NAMIBIA:**

Finalize and enact comprehensive anti-trafficking legislation; increase efforts under existing law to investigate, prosecute, and convict traffickers, including for forced labor violations; develop and implement formal systematic procedures to identify victims and refer them to care; train officials on relevant legislation; allocate resources for shelter services, including to develop a plan to fully operationalize renovated safe houses specifically for trafficking victims; implement the new national action plan to guide anti-trafficking efforts; strengthen coordination among government ministries, at both the ministerial and working level; institute a unified system for collecting trafficking case data for use by all stakeholders; and increase efforts to raise awareness, specifically in rural areas.

**PROSECUTION**

The government increased anti-trafficking law enforcement efforts. The 2009 Prevention of Organized Crime Act (POCA) criminalizes all forms of trafficking. Under POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be imprisoned for up to 50 years and fined,

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 Bill, which includes a provision explicitly criminalizing child trafficking; however, the bill will not enter into force until regulations related to other parts of the law have been promulgated. The government consulted with an international organization to review the National Human Trafficking Bill during the reporting period; however, it was pending enactment at the end of the reporting period.

In 2015, the government conducted seven trafficking investigations, five for sex trafficking and two for forced labor. The government prosecuted two suspected trafficking cases, one of which led to Namibia’s first trafficking conviction. The court sentenced the trafficker to 13 years in prison under section 15 of POCA. In partnership with an international organization, the police established a curriculum for new recruits and immigration officials that included training on identifying and assisting trafficking victims. The government provided anti-trafficking training to 126 police officers during the reporting period. The Ministry of Gender Equality and Child Welfare (MGECW) trained 300 police and other government officials with its curriculum on gender-based violence, including trafficking. The government received no reports of complicity during the reporting period and did not investigate or initiate prosecutions or convictions of government officials complicit in human trafficking crimes.

**PROTECTION**

The government made modest efforts to protect trafficking victims. It identified and provided shelter to five trafficking victims during the reporting period. In one case, the government assisted in the repatriation of a Namibian domestic worker from Dubai and provided her temporary shelter. Generally, upon identification of a woman or child victim of crime, including trafficking, police transferred the victim to the Gender-Based Violation Protection Units (GBVPU), which have responsibility for referring victims of all crimes to temporary shelter and medical assistance. GBVPU facilities offered initial psycho-social, legal, and medical support to victims of crime, in cooperation with the police, MGECW, the Ministry of Health, and NGOs; however, it was unclear if trafficking victims received such services during the reporting period. The government has at least one gender-based violence shelter, open to trafficking victims, in each of Namibia’s 14 regions; however, only six were operational and there are no dedicated shelters for trafficking victims. MGECW began developing standard operating procedures for shelters. The Ministry of Home Affairs and Immigration (MHAI) provided immigration officials a printed manual to guide identification of trafficking victims; however, the government did not have formal written procedures for use by all officials on victim identification and referral to care.

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 the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking. Police and immigration officials, however, reportedly detained foreign street children, including potential trafficking victims, without screening for indicators of trafficking. The police and prosecutor general began implementing a formal policy to screen deportees for trafficking. While the government did not identify any foreign

victims during the reporting period, it remained without the ability to provide them temporary or permanent residency.

## PREVENTION

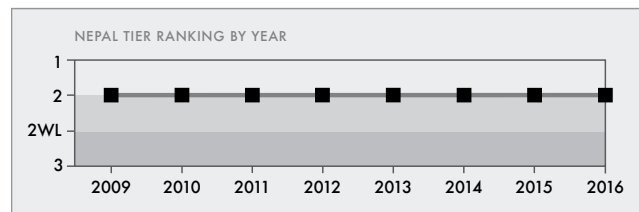
The government increased efforts to prevent human trafficking. The government established a national committee to combat trafficking, chaired by the deputy prime minister, in February 2016. The government designated the MIRCO permanent secretary to chair the technical committee to combat trafficking, responsible for anti-trafficking activities and planning. The technical committee, which first convened in November 2015, included representatives from the police, Office of the Prosecutor General, Ministry of Labor, Ministry of Health and Social Services, MGECCW, MIRCO, and MHAI. The technical committee drafted a national action plan to combat trafficking in persons to replace the plan that expires at the end of 2016. In partnership with an international donor, the government created a multi-sector steering committee and signed a memorandum of understanding in preparation for a project to strengthen inter-ministerial coordination to respond to trafficking cases and to launch a public awareness campaign to inform Nepalis about trafficking and how to identify it; the project began shortly after the end of the reporting period. The government conducted activities to raise awareness about trafficking, including holding workshops on child trafficking, distributing awareness material in several dialects, and training on identifying trafficking victims, reaching more than 1,700 Nepalis. The Ministry of Labor and Social Welfare employed 73 labor inspectors and 24 occupational health and safety inspectors during the reporting period, 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.

## NEPAL: Tier 2

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, Asia, and the United States in construction, factories, mines, domestic work, begging, and the adult entertainment industry. In many cases, the imposition of high fees facilitates forced labor, and recruitment agencies engage in fraudulent recruitment. 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 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. 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. Bonded labor exists in agriculture, brick kilns, the stone-breaking industry, and domestic work. Many Nepalis living in areas affected by an earthquake that struck Nepal in April 2015 are vulnerable to trafficking. Traffickers utilize social media and mobile technologies to exploit their victims. Some government officials are reportedly bribed to include false information in genuine Nepali passports, including of age documents for child sex trafficking victims, or

to provide fraudulent documents to prospective labor migrants, a tactic used by unscrupulous recruiters to evade recruitment regulations.

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 continued to prosecute suspected traffickers in 2015; however, the law did not define the prostitution of children as human trafficking absent force, fraud, or coercion. The government took steps to address the increased vulnerability of women and children in areas affected by the April 2015 earthquake, including awareness-raising programs. The government adopted labor migration guidelines in April 2015, including a policy to reduce the financial burden on Nepali migrant workers at risk of being subjected to trafficking. Nonetheless, the government's victim identification and protection efforts remained inadequate, and the government did not track the total number of victims identified. The government inconsistently implemented anti-trafficking laws, as many government officials continued to employ a narrow definition of human trafficking. The impact of the April 2015 earthquake placed a significant strain on government resources.



## RECOMMENDATIONS FOR NEPAL:

Increase law enforcement efforts against all forms of trafficking, including sex trafficking of Nepali females within Nepal and against officials complicit in trafficking-related crimes; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking; revise the Human Trafficking and Transportation (Control) Act (HTTCA) to bring the definition of human trafficking in line with international law; institute formal procedures for proactive identification and referral of trafficking victims to protection services; respecting due process, prosecute suspected labor trafficking offenders and labor recruiters accused of charging excessive fees or engaging in fraudulent recruitment; eliminate all recruitment fees; lift current bans on migration for domestic work to discourage migration through undocumented channels; enforce newly adopted labor migration guidelines; ensure victim services are available to victims of trafficking of all genders; implement HTTCA victim protection provisions; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government made modest 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. Forced child labor and transnational labor trafficking may be prosecuted under the Child Labor Act and the Foreign Employment Act (FEA). The National Committee for Controlling Human Trafficking (NCCHT) drafted prospective revisions to the HTTCA to bring the definition of human trafficking closer in line with international law; however, the government did not adopt the revisions by the end of the reporting period.

The Nepal Police Women's Cell conducted 181 sex and labor trafficking investigations under the HTTCA during the Nepali fiscal year, compared with 185 cases in the previous fiscal year. These investigations involved crimes in which women and girls were the primary victims; crimes involving male victims are handled by other police investigative units. In one of these investigations, police arrested members of a transnational crime network involved in trafficking Nepali women and children in the Middle East and Africa. The government prosecuted alleged traffickers in 341 cases in the fiscal year; of these, 227 remained pending. This data was not disaggregated to distinguish between sex and labor trafficking cases, or new cases versus those initiated in the previous fiscal year. At the district level, courts convicted 260 traffickers during the fiscal year, compared with 203 traffickers in the previous year, and acquitted the accused in 107 cases. 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 and because the potential to be awarded compensation was higher.

The Nepal Police launched an initiative to combat human trafficking, resulting in the establishment of a working group with civil society and international organizations. Twenty senior police officials attended a course on trafficking investigations and victim protection. The women's cell continued conducting a course on psycho-social, victim-centered training during the reporting period. Approximately 35 police officers received extensive crime scene training on investigating trafficking and gender-based violence by an NGO, in partnership with the government. Despite this training, police officers' lack of awareness of the anti-trafficking law, challenges in evidence collection, and poor investigative techniques impeded prosecution efforts. In 2013, the anti-corruption commission indicted 46 officials from the Departments of Foreign Employment and Immigration for issuing fraudulent documents; criminal proceedings were ongoing at the close of the reporting period. The government did not report any newly initiated investigations, prosecutions, or convictions of government officials complicit in human trafficking or related offenses.

## PROTECTION

The government maintained modest efforts to protect victims. Authorities remained without formal victim identification procedures and did not track the number of victims identified; however, the Ministry of Women, Children, and Social Welfare (MWCSW) began developing a mechanism to record this information. NGOs reported increased vigilance by authorities following the April 2015 earthquake, which led to improved identification of potential trafficking victims. Police identified 196 potential victims by the end of June 2015; however, it is unclear how many suffered or imminently faced exploitation. Immigration officials received anti-trafficking training, resulting

in an increase in identification and referral of potential labor trafficking victims to police. Nonetheless, many law enforcement officials did not recognize that returning labor migrants who reported exploitation could be victims of trafficking, and the government did not utilize proactive screening measures among this population. Department of Foreign Employment officials frequently urged abused migrant workers returning to Nepal to register complaints under the FEA rather than notify police. Observers reported that government efforts to identify victims of sex trafficking remained inadequate. Police reduced the number of raids conducted on adult entertainment establishments in Kathmandu, resulting in a decrease in arrests of potential sex trafficking victims; this also resulted in decreased identification of victims. When properly identified, victims were not detained, fined, or jailed for crimes committed as a result of being subjected to human trafficking. Local officials reportedly facilitated the falsification of age documents for child sex trafficking victims.

The national minimum standards for victim care set forth procedures for referring identified victims to services. Referral efforts remained ad hoc and inadequate, although the government began drafting standard procedures for the identification and referral for both domestic and foreign victims of trafficking, as well as repatriation procedures. In the aftermath of the April 2015 earthquake, the government and several NGOs focused on providing services to victims in the earthquake-affected areas, increasing services and access to vulnerable populations. MWCSW maintained partial funding of eight rehabilitation homes and emergency shelters for female victims of gender-based violence, including trafficking. During the reporting period, the government opened the first long-term shelter for women referred from emergency shelters. MWCSW revised guidelines to increase funding for victim services, including legal assistance, psychological support, transportation, reunification with families, medical expenses, and other forms of support. The government allocated funds for the protection of adult male trafficking victims but did not fund shelter services. There was one NGO-run shelter for men in Kathmandu. Emergency shelters for vulnerable female workers—some of whom were likely trafficking victims—in Nepali embassies in Kuwait, Oman, Saudi Arabia, Qatar, Bahrain, and United Arab Emirates were inadequate to support the high demand for assistance. The government does not have established procedures for alternatives to the deportation of foreign victims. During the reporting period, the Nepali embassy in India assisted in repatriating two Nepali women who were promised jobs in Saudi Arabia, but were instead forcibly held and raped by a Saudi Arabian diplomat posted in India; two of their alleged traffickers were arrested by police in Nepal.

The Foreign Employment Promotion Board 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 was used to repatriate 216 migrant workers and provide financial support to the families of 181 injured and 1,002 deceased workers. A revision to the HTTCA adopted in a gender equality bill in October 2015 ensures victim compensation when the government is unable to collect fines from traffickers. Victim-witness protection mechanisms remained insufficient legally and in practice, and 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 trained prosecutors on victim



protection needs during legal proceedings. Although victim confidentiality improved, identifying information—such as phone numbers and names of relatives—periodically appeared in public documents, increasing victims’ risks of reprisals.

## PREVENTION

The government demonstrated increased efforts to prevent human trafficking. NCCHT met regularly and issued a third annual report on the government’s anti-trafficking efforts. The government conducted coordination sessions with local officials from all 75 districts to clarify responsibilities in the implementation of the national action plan. NCCHT allocated approximately 250,400 Nepali rupees (NPR) (\$2,504) to each of the 75 district committees to support awareness campaigns, meeting expenses, and emergency victim services; this was similar to the 233,000-380,000 NPR (\$2,300-\$3,750) allocated last fiscal year. Observers reported that while interagency coordination improved, it was still insufficient. The government conducted and participated in public awareness campaigns throughout the country; however, they did not often reach those most vulnerable to trafficking. Following the April 2015 earthquake, the Nepal Police Women’s Cell ran awareness programs in eight districts on the increased risks of trafficking. Following increased reports of parents permitting children to move from earthquake affected areas to the capital for educational opportunities, MWCSW banned the transport of children younger than 16 years of age unaccompanied by a legal guardian to another district without approval from the child welfare board. To prevent sex trafficking in the adult entertainment industry, NCCHT reinstated monitoring committees in nine districts.

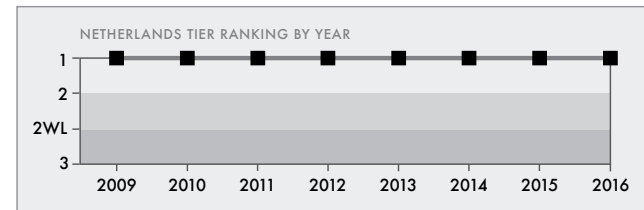
The government finalized labor migration guidelines in April 2015, including a policy requiring foreign employers to cover visa and transportation costs for Nepali migrant workers to reduce the financial burden that can make them more susceptible to trafficking. This policy restricts service fees recruitment agencies can charge workers to 10,000 NPR (\$100), which is only allowed when employers are unwilling to bear all recruitment costs. Advocates supported the policy but assessed implementation as insufficient and employment agencies remained unwilling to adhere to the policy at the close of the reporting period. The government suspension on all exit permits for domestic work was lifted and the age limit for the ban on migration of females to the Gulf States for domestic work was decreased from 30 years to 24 years. In addition, the new guidelines require domestic worker recruitment to go through licensed 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 for all Nepali peacekeeping forces before deployment and for its diplomatic personnel. Nepal is not a party to the 2000 UN TIP Protocol.

## NETHERLANDS: Tier 1

The Netherlands is a source, destination, and transit country for men, women, and children from the Netherlands, Eastern Europe, Africa, and South and East Asia subjected to sex trafficking and forced labor, such as inland shipping, offshore oil exploration, agriculture, horticulture, catering, food processing, domestic servitude, and forced criminal activity. Vulnerable populations include Dutch girls enticed by young male traffickers (“loverboys,” who establish sham love

relationships with vulnerable girls before intimidating them into sexual exploitation), unaccompanied children seeking asylum, women dependent on residency status obtained through fraudulent or forced marriages, domestic workers of foreign diplomats, Roma, and vulnerable women and men recruited in Eastern Europe, Africa, and Asia. There were reports of Dutch citizens engaging in child sex tourism abroad. In January 2016, media reported police and social workers found concrete signs of human traffickers recruiting in asylum centers, allegedly targeting women for prostitution and men for forced labor.

The Government of the Netherlands fully meets the minimum standards for the elimination of trafficking. The government investigated, prosecuted, and convicted a significant number of traffickers, and authorities identified a significant number of victims. The government has continued implementing the national referral mechanism plan created in 2014, including creating guidelines and training for identifying and referring victims to care, and setting standard operating procedures for key ministries. There is a government-wide taskforce that coordinates policy. National legislation requires law enforcement officers to refer victims to protection services. The government continued awareness campaigns aimed at educating vulnerable populations and businesses, and the independent anti-trafficking rapporteur monitored government efforts.



## RECOMMENDATIONS FOR THE NETHERLANDS:

Vigorously investigate, prosecute, convict, and sentence traffickers to penalties commensurate with the seriousness of the crime; screen for trafficking among those detained for crimes that may be a direct result of being subjected to trafficking; provide adequate funding to NGOs to provide victim services; continue outreach to potential victims in the labor sectors and identify forced labor; improve mentoring of officials in Bonaire, St. Eustatius, and Saba to increase identification of victims and prosecution of traffickers; and reduce the risk of human trafficking in supply chains by following through on the 2014 commitment to develop covenants with companies in 13 sectors.

## PROSECUTION

The Dutch government sustained its anti-trafficking law enforcement efforts. The Netherlands prohibits all forms of trafficking, including forced begging and forced criminality, through article 273f of the criminal code. The maximum prison sentence for a single offense of human trafficking is 12 years; it 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 investigated 215 individuals for trafficking in 2015, compared with 280 in 2014. In 2015, the government prosecuted 189 trafficking defendants and convicted 139, compared with 192 prosecuted and 134 convicted in 2014. Between 2014 and 2015, the conviction rate rose from 70 percent to 74 percent. The average sentence for

traffickers was not available for 2015 but will become available upon publication of the “Dutch National Rapporteur’s Annual Trafficking Statistics Update” later in 2016. However, judges continued to sentence some convicted traffickers to prison: one trafficker who forced four young women into prostitution over a period of 10 years was sentenced to nine years in prison; a man who forced five Hungarian women into prostitution was sentenced to five years in prison; and a former police officer was sentenced to five years in prison for child sex trafficking. Judges with trafficking-specific training heard all trafficking cases in 2015. Prosecutorial statistics did not disaggregate labor and sex trafficking cases, but statistics on victims indicated that approximately 20 percent of all victims identified in 2015 were forced labor victims. Judges, prosecutors, and defense attorneys received specialized training in applying the anti-trafficking law and dealing with traumatized victims. In 2015, labor inspectors referred 10 cases for prosecution, down from 16 in 2014. Authorities reported no new investigations, prosecutions, or convictions of government employees complicit in trafficking in 2015. Police officers’ basic training included anti-trafficking courses. Anti-trafficking police officers were required to pass examinations in a training course focused on policing the sex industry; police officers also had to sign a code of conduct before working in this sector. Dutch officials’ joint investigations with Hungarian officials resulted in the 2015 sentencing of five Hungarians for sex trafficking, with prison sentences of 19 to 38 months’ imprisonment, and the arrest of three men in northern Hungary for sex trafficking in The Hague; the suspects from northern Hungary were extradited, and the investigation was ongoing at the end of the reporting period.

## PROTECTION

The Government of the Netherlands sustained efforts to protect victims. In the first 11 months of 2015, the government-funded national victim registration center and assistance coordinator registered 944 possible trafficking victims, compared with 1,080 in the first 11 months of 2014. Of the 944, there were 623 in sex trafficking, 172 in labor trafficking and forced crime, and 149 where the kind of trafficking was not established. The top countries of origin during the first 11 months were the Netherlands (almost one-third of the victims), Bulgaria, Romania, Hungary, and Nigeria. The government referred 146 victims to care facilities in 2015, compared with 160 in 2014; 54 percent of human trafficking victims were identified by police, 12 percent by border security, nine percent by labor inspectors, and 25 percent by other organizations. The government continued to fund an extensive network of facilities providing specialized services for child, female, and male victims. However, government funding for civil society organizations was reduced in 2015. In June 2015, the website “Road Map Human Trafficking” went live, providing victims, professionals, and citizens an overview of organizations that assist victims of human trafficking, by region and specialization.

In 2014, the most recent year data was available, 174 victims made use of the three-month reflection period, compared with 223 victims in 2013. During this time, victims received services and time to consider assisting law enforcement in prosecuting the trafficker. During a reflection period, non-EU victims were not allowed to work. If authorities decided to prosecute a suspected trafficker, victims received a B-8 permit, a temporary residence permit for trafficking victims; there is some concern among NGOs that provide shelter services that police did not always immediately advise victims of their B-8 eligibility. In 2014, the most recent year data was available,

251 victims applied for B-8 status, compared with 268 in 2013 and 406 in 2012. Victims were granted regular residency when the trafficker in their case was convicted or when they maintained B-8 status for three or more years. If a trafficker was not prosecuted or was acquitted, a potential victim could apply for human rights asylum. A 2012 pilot program to shorten authorities’ decision time to launch a criminal investigation was being implemented nationally. Some experts contended this program forced victims in a vulnerable state to decide whether or not 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 sustained efforts to prevent trafficking. The national rapporteur published three reports addressing human trafficking trends and the government’s response. 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 focused on sectors with an elevated risk of exploitation. Local government officials conducted brothel inspections, which included close observation for any signs of trafficking. Authorities trained immigration, hotel, aviation, customs, and labor inspection staff. A law enacted in 2015, the Tackling Fake Firms Act, enables the government to prosecute fraudulent companies used by traffickers and recruiters to circumvent labor laws, especially in the construction and transportation sectors; contractors are held accountable for any labor exploitation of their subcontractors. The government demonstrated efforts to reduce the demand for commercial sex. The Anonymous Crime Reporting Center received 182 tips on human trafficking and smuggling (joint category) in 2015, compared with 203 in 2014. The government, in cooperation with NGOs, continued its campaign against child sex tourism aimed at screening potential foreign child sex tourists at airports.

The foreign ministry continued to conduct outreach to foreign diplomats’ domestic workers, without their employers present, on how to report cases of abuse. Since 2010, the Netherlands has registered 12 cases of human trafficking by foreign diplomats. The government provided human rights training, including trafficking in persons training, during orientation for its own diplomatic personnel. The government provided training on human rights and humanitarian law of war, including trafficking in persons, to troops prior to their deployment abroad as part of international peacekeeping missions.

## BONAIRE, ST. EUSTATIUS, AND SABA (BES)

The BES islands are municipalities of the Netherlands and are 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 sectors 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.

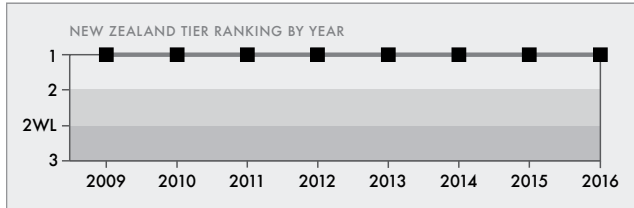
The BES criminal code prohibits both sex and labor trafficking under article 286f, prescribing penalties ranging from six to 15 years’ imprisonment. Authorities did not initiate any new

trafficking investigations or prosecutions in 2015 in the BES islands. Police reported indicators of human trafficking in Bonaire and sent a multi-disciplinary team with police, tax authorities, labor inspectors, border security officials, and local government officials to search two brothels, but could not build a case. The mandate of the Netherlands' national rapporteur did not extend to the BES islands, so the office could not do local research. 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. Local governments on the BES islands ran multidisciplinary anti-trafficking teams, which cooperated with each other and with Dutch counterparts.

## NEW ZEALAND: Tier 1

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, countries in the Pacific and Latin America, South Africa, and the United Kingdom are vulnerable to forced labor in New Zealand's agricultural, construction, and hospitality sectors, or as domestic workers. Some foreign workers are charged excessive recruitment fees, 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 subjected to forced labor. Foreign women from Asia are at risk of coercive or forced prostitution. 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 in street prostitution. Some children are recruited by other girls or compelled by family members into prostitution.

The Government of New Zealand fully meets the minimum standards for the elimination of trafficking. The government passed and enacted the Omnibus Crime Bill, which amended the definition of trafficking to define the offense as one of exploitation not requiring transnational movement. The government increased prosecutions of traffickers, but the punishments imposed were insufficient given the seriousness of the crimes. The government made its first certifications of trafficking victims and increased efforts to inform visa holders of worker rights and support services. The government continued to implement the Fisheries Foreign Charter Vessels Amendments, scheduled to come into full effect May 1, 2016, which led two fishing vessels considered at high risk of labor exploitation to choose not to renew their licenses to fish in New Zealand waters to avoid the additional scrutiny. The government expanded compliance checks to ensure work contracts matched those used to apply for work visas and met legal standards. The government, however, did not consistently identify trafficking victims in vulnerable sectors and continued to treat possible forced labor cases as labor violations.



### RECOMMENDATIONS FOR NEW ZEALAND:

Increase efforts to identify victims through proactive screening of vulnerable populations, including women and children in prostitution, foreign workers, and illegal migrants; amend the new law to ensure that trafficking offenses are not punished by a fine alone and to define the sex trafficking of children not to require the use of force, fraud or coercion; significantly increase efforts to investigate and prosecute trafficking offenses and sentence traffickers to penalties commensurate with the seriousness of the crime; update the national action plan to address current trafficking trends in the country; assess the full extent of sex trafficking involving children and foreign women, and labor trafficking involving migrant workers; and continue anti-trafficking awareness campaign to reduce demand of forced labor and sexual commercial exploitation, especially of children and foreign women.

### PROSECUTION

The government increased law enforcement efforts. Parliament passed and enacted the Omnibus Crime Bill which substantially conforms the definition of trafficking with international law by defining the crime of trafficking in persons as a crime of exploitation not requiring transnational movement of the victim. The bill amended the Crime Act of 1961, Section 98D and defined the crime to include 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 and the removal of organs. It does not include a provision making the sex trafficking of a child a crime regardless of deception or coercion, which is inconsistent with international law. Further, the penalty of a term not exceeding 20 years' imprisonment or a fine not exceeding \$500,000 or both is generally not sufficiently stringent because of the possibility that a fine can be imposed in lieu of imprisonment. Further, with regards to sex trafficking, the penalty is insufficient because it is not a penalty commensurate with that imposed for other serious crimes, such as rape.

In 2015, the government completed its first trafficking prosecution under the crime act, involving 18 victims from India and two defendants. While this case marked the first time the government used the provision to prosecute suspected traffickers, no evidence of forced labor was found. The defendants were found guilty of immigration fraud and sentenced to 25 months' imprisonment and 10 months' home detention, respectively. The government reported convicting one sex trafficker in a case involving two victims brought into the country under false employment agreements. The court found the defendant guilty of providing false immigration information and inciting employees to breach visa conditions and sentenced her to 27 months' imprisonment. In two separate cases involving six and four Indian victims of forced labor in restaurants, three defendants were sentenced to home detention and reparation payments to victims; these penalties were not sufficient to



deter the crime and inconsistent with international standards. The government began prosecution of one trafficker in a case involving 16 migrant workers charged large recruitment fees and subjected to conditions indicative of forced labor. That case remained pending at the end of the reporting period. Government officials pointed to the enactment of the Organized Crime and Anti-corruption Legislation Bill as the means for more effective prosecution of trafficking crimes, which had previously been prosecuted under other charges with lesser penalties. The government continued to train police, labor inspectors, and immigration officials on 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's victim protection efforts modestly increased. In 2015, the government made its first certifications of trafficking victims. All were labor trafficking victims, 16 from a case currently awaiting trial and 18 from a case concluded in January 2016. It provided temporary work visas to the 34 victims. The government did not report providing direct services or protection to potential victims mentioned in other investigations or prosecutions. The government reported having standardized questions to identify victims of trafficking but it only identified a small number of victims. Labor inspectors reported visiting legal brothels to ensure working conditions were in compliance with the law, but this did not result in the identification of any adult 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. The government reported a policy of referring women and child victims of general crime to services; it was unclear if it had such a policy for men or it applied it to trafficking victims. The government did not operate any shelters specifically for trafficking victims; on a case-by-case basis, the government reported providing assistance, such as food and shelter, to victims of crimes and referred them to NGOs or other service providers. The law authorizes the extension of temporary residency to 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. 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 2015. Victims could seek restitution through civil claims; some labor exploitation cases resulted in restitution for labor violations.

## PREVENTION

The government increased prevention efforts. The government continued to implement the Fisheries Foreign Charter Vessels Amendment, scheduled to come into full effect May 1, 2016, which 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. The government reported two fishing vessels considered to be at high risk of labor exploitation chose not to renew their licenses to fish in New Zealand waters due to the increased scrutiny. In September 2015, the government signed a bilateral agreement with the Philippines to improve

the transparency of recruitment of Filipino migrant workers in New Zealand and reduce their vulnerability. As part of these efforts, immigration authorities reviewed the employment contracts of some Filipino migrant workers upon arrival in the country to verify their contracts matched those previously filed and provided guidelines to employers of Filipino workers outlining their legal obligations. The government sent welcome emails to all approved residence, work, and student visa holders with information on workers' rights and employment support services in 13 languages. The Labor Inspectorate published two reports on vulnerable workers in the construction and hospitality industries on its website. The government presented new editions of guides for migrant dairy workers and their employers on workers' rights, employers' responsibilities, and support services. In an attempt to reduce the demand for forced labor, the government increased 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. The government provided anti-trafficking training to its diplomatic personnel. 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.

## NICARAGUA: Tier 2

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 states, 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. 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. In addition, children these migrants leave in Nicaragua reportedly become vulnerable to sex and labor trafficking as a result. 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.

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 enacted and began implementing a new trafficking-specific law that imposes stringent penalties for sex and labor trafficking crimes. However, its definition of human 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 continued to prosecute, convict, and impose stringent sentences on traffickers. However, the government identified significantly fewer victims than in 2014, and overall protection efforts were weak; the government did not provide or fund adequate services for victims, nor did it systematically refer all victims to NGOs to receive such care. The government did not have formal procedures for identifying victims among vulnerable groups, and front-line officials were not adequately trained to recognize all forms of trafficking. The government-led anti-trafficking coalition and regional working groups were largely inactive during the year, and key elements of the new trafficking law—such as a dedicated trafficking fund—were not implemented. 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.



## RECOMMENDATIONS FOR NICARAGUA:

Provide, in partnership with civil society organizations, specialized services for trafficking victims; increase funding for victim protection, including through financing the newly established trafficking fund; implement operating procedures to effectively refer victims to appropriate services; increase training for government officials—including social workers, labor inspectors, and law enforcement officials—to facilitate increased victim identification and assistance, particularly in the autonomous regions; institute formal procedures for proactively identifying victims among vulnerable populations; improve trafficking data collection and coordination across agencies, and increase transparency in reporting anti-trafficking efforts across government entities and with external stakeholders; strengthen law enforcement and victim protection efforts in the Caribbean autonomous regions, including through increased staff and funding; increase efforts to investigate and prosecute cases involving all forms of human trafficking, and convict and punish traffickers and child sex tourists; amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law; partner with civil society organizations to ensure that victims receive long-term care and reintegration services; 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 continued to prosecute and convict traffickers, but provided only limited information about its law enforcement efforts. Nicaragua's first trafficking-specific law, law 896, came into effect in February 2015. This law prohibits 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, it 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 10 trafficking investigations and 23 prosecutions of suspected offenders in eight cases in 2015, compared with 24 suspects prosecuted in 17 cases in 2014. Authorities convicted 10 traffickers in six cases, compared with 12 convicted in eight cases in 2014. Of these convictions, the government reported three cases involved sex trafficking and one involved both sex and labor trafficking; the majority included child victims. The government convicted three offenders, for child sex trafficking catered to foreign tourists in Granada, in the first successful case under the new anti-trafficking law. At the close of the reporting period, all convicted traffickers who had been sentenced received penalties ranging from 12 to 20 years' imprisonment. Nine suspects were acquitted, and prosecutions of eight suspects were ongoing. The government did not provide complete information on the number of prosecutions ongoing from previous years. Although child domestic servitude is a form of human trafficking under Nicaraguan law, the government did not consider such cases to be human trafficking crimes and did not pursue prosecutions in such cases; children identified in domestic servitude were returned to their families, leaving them at risk of re-exploitation. There were no investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government maintained efforts to train officials on trafficking.

## PROTECTION

The government decreased efforts to identify victims, and overall victim protection remained inadequate. The government identified and provided unspecified assistance to 30 Nicaraguan victims, including two adults and 28 children, a significant decline from 51 victims identified by the government in 2014. An NGO reported identifying seven additional victims. The government did not provide information on the type of trafficking these victims experienced. Authorities did not have formal procedures for identifying victims among vulnerable populations, such as individuals in prostitution or working children. Local officials were not adequately trained to recognize all forms of trafficking, and victim identification in the autonomous regions continued to lag behind national efforts.

There were few specialized services for trafficking victims in Nicaragua. The government maintained a police-operated short-term shelter for victims of domestic violence and human trafficking in Managua that served an unknown number of victims. The government referred seven child trafficking victims to NGO shelters for at-risk children or victims of domestic abuse. 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 to 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-trafficking by placing them with family members who may have been complicit in the children's 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, it

was not financed and did not become operational during the reporting period. The government did not report whether it assisted any 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; however, inadequate efforts to screen for indicators of trafficking among vulnerable groups may have led to some unidentified victims being punished. Humanitarian visas were available to foreign trafficking victims, although there were no cases or requests reported by the government in 2015.

## PREVENTION

The Nicaraguan government's efforts to prevent trafficking declined. NGOs asserted the government-run anti-trafficking coalition did not meet during the current reporting period, remaining inactive for the second consecutive year. The government did not appoint an individual to fill the executive secretariat role, created by the new anti-trafficking law to chair the coalition, though the law stipulates this should have been completed within 45 days of its passage. The government reported that it continued to operate 17 regional anti-trafficking working groups, though NGOs involved in the groups reported the majority of these were inactive throughout the year. Under the new law, civil society organizations—which previously served as active members of the government's anti-trafficking coalition—will be represented by a single organization unless individually invited to join by the executive secretariat. Authorities reported conducting media and outreach events to educate the public on human trafficking; it is unclear whether the government funded these events or received funding from NGOs. The government 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 2015. The government did not report efforts to decrease the demand for commercial sex acts or forced labor.

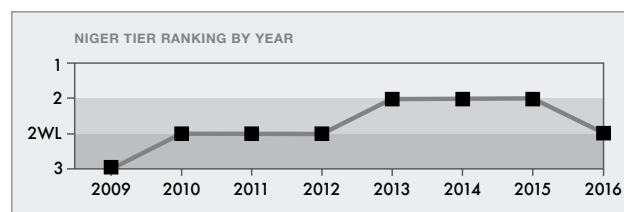
## NIGER: Tier 2 Watch List

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* (religious instructors). 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. 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 Nigerien children during the reporting period. Corrupt law enforcement and border officials have accepted bribes from traffickers to facilitate the transportation of victims into and throughout the country.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Niger is placed on Tier 2 Watch List. The government did not report the number of investigations, prosecutions, and convictions or the number of victims identified or referred for protective services during the reporting period. NGOs provided shelter to 58 trafficking victims and the government provided in-kind assistance to NGOs and international organizations. Although the government trained law enforcement officers, civil society activists, and judges on the national trafficking law and victim protection and adopted a national action plan, it decreased efforts to prevent human trafficking.



## RECOMMENDATIONS FOR NIGER:

Vigorously investigate, prosecute, and convict traffickers, including those guilty of slavery and complicit government officials, using the anti-trafficking law; train law enforcement and judicial officials throughout the country on the anti-trafficking law in coordination with NGOs and international organizations; develop systematic procedures for the proactive identification of trafficking victims—especially among vulnerable populations, such as children exploited in prostitution, 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; increase penalties in the law for trafficking of adults and remove the ability to impose a fine in lieu of jail time for forced labor crimes; increase the quantity and quality of services available to victims; increase efforts to rescue victims of traditional slavery practices and adult victims; initiate law enforcement investigations into suspected cases of local officials colluding with traffickers or accepting bribes to obstruct criminal investigations of trafficking crimes, particularly traditional slavery; and continue to raise public awareness about the anti-trafficking law—specifically targeting vulnerable populations, religious leaders, and traditional chiefs and encouraging victims to exercise their legal rights.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts; the government did not report the number of investigations, prosecutions, or convictions during the reporting period. Order No. 2012-86 on Combating Trafficking in Persons, enacted in 2010, prohibits all forms of trafficking, including slavery and practices similar to slavery. This law prescribes sufficiently stringent punishments of five to 10 years' imprisonment for committing trafficking offenses against adults and 10 to 30 years' imprisonment 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. The law specifically prohibits exploitative begging. Other statutes prohibit certain forms of trafficking: the penal code prohibits slavery, procurement of a child for prostitution, and the encouragement of, or profiting from, child begging in articles 270 (as amended in 2003), 292-293, and 181, respectively. The labor code, enacted in September 2012, outlaws forced labor. The penal code's prescribed penalties of 10 to 30 years' imprisonment for slavery offenses are sufficiently stringent and reflect the serious nature of the crime. The penalties prescribed in the labor code for forced labor are not sufficiently stringent as the law allows for the option of a fine in lieu of jail time, which does not reflect the serious nature of this crime.

The government did not report the number of investigations, prosecutions, and convictions during the reporting period, contrasted with 144 investigations of trafficking offenses, five prosecutions of defendants, and five convictions of traffickers during the previous reporting period. The government did not make progress in 2015 in ending impunity for *marabouts* 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. NGOs reported the government was slow to prosecute trafficking crimes.

In 2015, the government trained 140 law enforcement officers, civil society activists, and judges on the national trafficking law and victim protection in Niamey. There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking or trafficking-related criminal activities.

## PROTECTION

The government decreased protection efforts; the government did not report the number of victims it identified or referred for protective services during the reporting period. There were

no specialized services available in Niger for adult victims or victims of hereditary slavery. Officials did not receive training nor were there formal written procedures for identifying victims and referring them to protective services. NGOs provided shelter to 58 trafficking victims, and the government provided in-kind assistance to NGOs and international organizations in the form of temporary shelter, food, and primary health care to an unknown number of child victims. 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. The National Coordination Commission for the Fight against Trafficking in Persons (CNCLTP) did not report how many victims it identified during the reporting period. 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; their primary role was often to facilitate victim repatriation or family reunification.

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 were able to file civil and criminal complaints simultaneously. The government did not have any reintegration or rehabilitation programs for children forcibly recruited by the terrorist organization Boko Haram. There were no reports of the government detaining, fining, or jailing trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. The law includes provisions to ensure foreign victims would be safe upon return to their countries of origin and provides for the possibility of granting victims legal status in Niger, including the ability to obtain employment.

## PREVENTION

The government decreased efforts to prevent human trafficking. The CNCLTP continued to serve as the coordinating body for the government's anti-trafficking efforts, and the National Agency for the Fight Against Trafficking in Persons was the government's permanent implementing body to address trafficking in persons. The government adopted a national action plan, which was developed through inter-ministerial cooperation and in partnership with civil society organizations. 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. The government did not punish labor recruiters or brokers who recruited workers with knowingly fraudulent offers of employment or job placement. 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, although there is no evidence the government implemented such training during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel.

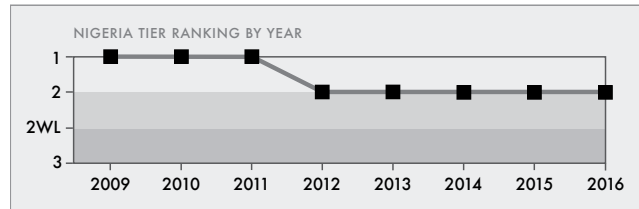
## NIGERIA: Tier 2

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 and, to a lesser extent, urban areas: women and girls for domestic servitude and sex trafficking and boys for forced labor in street vending, domestic service, mining, stone quarrying, agriculture, textile manufacturing, and begging. Young boys in Koranic schools, commonly known as “*Almajiri* children,” are subjected to forced begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as to South Africa, where they are exploited for the same purposes. Nigerian women and girls are subjected to sex trafficking throughout Europe. Nigerian women and children are also recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the commercial sex industry or forced labor. Women from other countries in West Africa transit Nigeria to destinations in Europe and the Middle East, where they are subjected to forced prostitution. Children from other West African countries are subjected to forced labor in Nigeria, including in granite and gold mines. Nigeria is a transit point for children from other countries in West Africa, who are then subjected to forced labor in Cameroon and Gabon. Various NGOs continued to report that children in internally displaced persons (IDP) camps in northeast Nigeria were victims of labor and sex trafficking.

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, and sex slavery through forced marriages to its militants. NGOs and international observers also reported civilian vigilante groups, often identified as the Civilian Joint Taskforce (CJTF), recruited and used child soldiers, sometimes by force. Although the government prohibited the recruitment and use of child soldiers, government security forces conducted on-the-ground coordination with CJTF during the reporting period. The Borno State government continued to provide financial and in-kind resources to some members of CJTF, which was also at times aligned with the Nigerian military in operations against Boko Haram.

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. During the reporting period, the government sustained strong anti-trafficking law enforcement efforts by investigating, prosecuting, and convicting numerous traffickers; by collaborating with 11 countries on international investigations; and by providing extensive specialized anti-trafficking training to officials from various government ministries and agencies. The National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) received a larger operating budget, identified and provided services to a large number of victims, and continued extensive awareness campaigns throughout the country. During the reporting period, the Borno State government provided financial and in-kind resources to some members of CJTF; CJTF recruited and used child soldiers. Additionally, despite a 2015 amendment that removed judges’ ability to sentence traffickers to fines in lieu of prison time, Nigerian courts penalized two traffickers with fines alone and gave another three the option to pay a fine in lieu of serving time in prison.



## RECOMMENDATIONS FOR NIGERIA:

Cease provision of financial and in-kind support to groups recruiting and using children; investigate and prosecute all individuals suspected of recruiting and using child soldiers and allegedly perpetrating other trafficking abuses against women and children; continue to vigorously pursue trafficking investigations, prosecutions, and adequate sentences for convicted traffickers; take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses; ensure the activities of NAPTIP receive sufficient funding, particularly for prosecuting traffickers and providing adequate care for victims; implement programs for the disarmament, demobilization, and reintegration of former child combatants that take into account the specific needs of child ex-combatants; continue to provide regular training to police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; fully integrate anti-trafficking responsibilities into the work of the Nigerian police force and the Ministry of Labor; and continue to increase the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including through regular and specialized training for diplomatic and consular personnel.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. In 2015, the government passed amendments to the 2003 Trafficking in Persons Law Enforcement and Administration Act, which increased the penalties for trafficking offenders. The law prohibits all forms of trafficking and prescribes a minimum penalty of five years’ imprisonment and a minimum fine of one million naira (\$5,470) 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 other serious crimes, such as rape.

NAPTIP conducted 507 trafficking investigations, completed at least 32 prosecutions, and secured 24 convictions during the reporting period, compared with 509 investigations, 56 prosecutions, and 30 convictions in the previous reporting period. The decrease in convictions is likely a result of the seconding of many judges to electoral tribunals during the reporting period. An additional 148 prosecutions remained pending at the end of the reporting period. All prosecutions occurred under the anti-trafficking law, and prison sentences upon conviction ranged from three months’ to 14 years’ imprisonment. Of the 24 convictions, 16 resulted in imprisonment without the option of paying a fine. However, despite a 2015 amendment that removed judges’ ability to sentence traffickers to fines in lieu of prison time, Nigerian courts penalized five traffickers with only fines. The government also collaborated with law enforcement agencies from Belgium, Burkina Faso, Finland, France, Germany, Mali, Norway, Sweden, Taiwan, the United Kingdom, and the United States on 43

investigations involving Nigerian nationals during the reporting period. The government commenced prosecution of a Ministry of Foreign Affairs official who allegedly used his or her position to facilitate a trafficking crime abroad; the prosecution remained ongoing at the close of the reporting period. The government did not report any other investigations, prosecutions, or convictions of government officials complicit in trafficking offenses; however, corruption at all levels of the government remained a pervasive problem.

The government conducted extensive training throughout the reporting period. NAPTIP, in collaboration with international partners, provided specialized training to approximately 228 government employees, including judges, prosecutors, and officials from NAPTIP, the Nigerian police force, and the Nigerian Immigration Service. These programs offered specialized training on victim identification, investigation and prosecution of trafficking cases, counseling, intelligence collection, and monitoring and evaluation. NAPTIP officials assisted 18 countries with their anti-trafficking efforts through training courses, joint intelligence sharing, and mutual legal assistance.

## PROTECTION

The government maintained strong efforts to protect trafficking victims. The government identified 943 trafficking victims, including 429 victims of sex trafficking and 514 of labor trafficking, compared with 914 victims identified in the previous reporting period. NAPTIP provided initial screening and assistance for all victims it identified and referred them to government-run care facilities for further medical care, vocational training, education, and shelter. The government has formal written procedures to guide law enforcement, immigration, and social services personnel in proactive identification of trafficking victims among high-risk populations. NAPTIP provided police, immigration, and social services personnel with specialized training on how to identify trafficking victims and direct them to NAPTIP. Additionally, the government's national referral mechanism provides formal guidelines for law enforcement, immigration officials, and service providers to improve protection and assistance to trafficking victims, both within Nigeria and abroad.

In 2015, the government allocated approximately 2.5 billion naira (\$13 million) to NAPTIP, which spent roughly 581 million naira (\$3 million) on victim protection and assistance during the reporting period. NAPTIP operated nine shelters specifically for trafficking victims, with a total capacity of 313 victims. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, trade and financial empowerment, and business management skills. Victims who required additional medical and psychological treatment were provided services by hospitals and clinics through existing agreements with NAPTIP. NAPTIP shelters offered short-term care, generally limiting victims' stays to six weeks, although victims were allowed to extend their stays under special circumstances. 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 allowed to leave unless accompanied by a chaperone. NAPTIP provided funding, in-kind donations, and services to NGOs and other organizations that afforded protective services to trafficking victims.

Per provisions of the anti-trafficking law, Nigerian authorities ensured identified trafficking victims were not penalized for

unlawful acts committed as a result of being subjected to trafficking. However, in some instances, NAPTIP authorities deemed adults in prostitution, who claimed to be working voluntarily, victims of trafficking 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 33 victims served as witnesses or gave evidence during trial in the reporting period. Trafficking victims were guaranteed temporary residence visas during any criminal, civil or other legal action. All victims were eligible to receive funds from the victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers. During the reporting period, the government disbursed 5.4 million naira (\$32,700) among 25 victims for various purposes, including vocational training and school tuition, although not necessarily in equal amounts.

## PREVENTION

The government sustained efforts to prevent human trafficking. NAPTIP continued to conduct extensive national and local programming through radio and print media in all regions to raise awareness about trafficking, including warning about fraudulent recruitment for jobs abroad. NAPTIP also carried out advocacy visits to five primary and secondary schools in six states deemed to have a particularly high trafficking incidence, sensitizing over 10,000 students; NAPTIP also educated transportation carriers in these six states on their responsibility to prevent trafficking and smuggling. The inter-ministerial committee on trafficking met 15 times during the reporting period, continued to implement the national action plan, and released its first annual report. 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. The government did not make any discernible efforts to decrease the demand for commercial sex acts. The Borno State government also warned that the recruitment and use of child soldiers was prohibited; however, state government support for some members of the CJTF continued. 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.

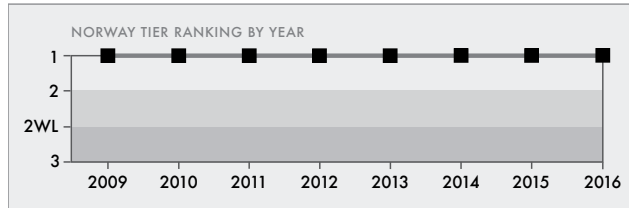
## NORWAY: Tier 1

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, nursing, 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. Increasing numbers of Syrians are subjected to trafficking in Norway. 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.

The Government of Norway fully meets the minimum standards for the elimination of trafficking. The government continued to offer victims a range of assistance through municipal centers and NGOs. Authorities devoted more resources to addressing labor



exploitation, although the government continued to dedicate the bulk of resources and attention to sexual exploitation. Norway's national action plan against trafficking expired in 2014 and was not replaced by the close of the reporting period. The level of law enforcement efforts remained low relative to the number of victims identified; from 2007 to 2013, approximately 2,000 potential trafficking victims received assistance in Norway, yet authorities have secured only 46 convictions since 2003.



### RECOMMENDATIONS FOR NORWAY:

Train investigators on compiling evidence additional to victims' testimonies; train prosecutors on the application of Norway's trafficking law; vigorously prosecute and convict sex and labor traffickers; enhance communication between police and immigration authorities and proactively screen foreigners in detention for indicators of trafficking prior to their deportation; adequately resource police departments to investigate trafficking crimes; develop and implement a national action plan; continue collaborative efforts to combat labor trafficking offenses.

### PROSECUTION

The government sustained law enforcement efforts. Norway prohibits all forms of sex and labor trafficking through criminal code section 224, which prescribes a maximum penalty of six to 10 years' imprisonment, which is sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. New revisions to the criminal code, in effect January 2016, introduced two new paragraphs for trafficking offenses (257 and 258). The updated penal code states that the maximum sentence for human trafficking, including forced labor, has increased from five years' to six years' imprisonment. For aggravated trafficking offenses, the maximum sentence is 10 years' imprisonment. Authorities initiated investigations of 43 sex trafficking cases and 18 labor trafficking cases, compared with 36 sex trafficking cases and 68 labor trafficking cases in 2014. The government prosecuted six sex trafficking suspects and five labor trafficking suspects under section 224, compared with four sex trafficking suspects and one labor trafficking suspect in 2014. Authorities obtained convictions for six sex traffickers and five labor traffickers, compared with four sex traffickers and one labor trafficker in 2014. All of the convicted traffickers under the 2015 reporting period received jail sentences ranging up to the maximum five years' imprisonment.

Norway participated in the planning and implementation of training seminars conducted by the Council of the Baltic Sea States expert groups on trafficking in human beings and on children at risk. 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 decided that all 12 police districts in Norway were to have a trafficking unit—funds have

been allocated for five of these police districts as of April 2016. Remaining police districts will likely receive funding in the 2017 budget. 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. If tried under the pimping charges, victims may have been eligible for a residence permit if the authorities believed the person was a victim of trafficking, even if the evidence against the potential trafficker(s) was not clear. Social benefits such as financial support and welfare services may have also been provided if the believed trafficking victim was granted a residence permit. A government report found police dropped a large number of trafficking cases due in part to their lack of capacity and training to deal with trafficking cases, as well as investigators relying solely on victims' testimony rather than gathering additional evidence. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

### PROTECTION

The government sustained strong protection efforts through funding for victim services. In 2015, the government reported identifying and providing services for 290 trafficking victims, including 51 men, 198 women and 41 children, compared with approximately 270 victims overall in 2014. Within the total number of trafficking victims reported in 2015, 186 were sex trafficking victims, 95 were forced labor victims, three were a combination of both, and six types of exploitation were unknown. 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. The government allocated 6 million kroner (\$680,000) to an NGO specializing in caring for trafficking victims, as well as 4.5 million kroner (\$510,000) to support safe houses for individuals in need, including trafficking victims. Increased funding allowed the government's ROSA (Re-establishment, Organizing safe places to stay, Security, Assistance) project to hire extra staff to offer guidance for victims of forced labor and for an international organization to establish an emergency facility for victims of forced labor. Two apartments were available to house male victims. ROSA received 125 initial contacts from possible victims, in contrast with 132 contacts in 2014; 121 women and 4 men accepted shelter services. 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. The government supplied the police with "action cards" that detailed appropriate procedures for interacting with and referring victims. GRETA 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 22 victims and temporary residence permits to 41 victims in 2015, compared with 27 grants of reflection periods and 41

temporary residence permits in 2014. Observers expressed concern over the lack of communication between the 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; 11 victims received asylum status in 2015, the same number as in 2014. 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

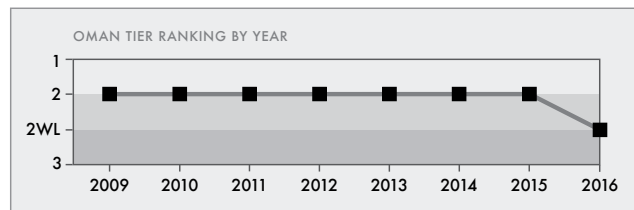
The government maintained modest prevention efforts. Norway did not have an action plan at the close of the reporting period, as the most recent one expired in 2014. The government funded 11 broad-based projects aimed at raising awareness about trafficking in Norway. The government continued to monitor the issue of human trafficking, such as with a 2015 report, conducted by the research center Fafo on identification and assistance of child victims of trafficking. The government-funded report found child victims of exploitation received incomplete police investigations. 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.

## OMAN: Tier 2 Watch List

Oman is a destination and transit country for men and women, primarily from South Asia and East Africa, subjected to forced labor and, to a lesser extent, sex trafficking. Migrants to Oman travel willingly and legally with the expectation of employment in domestic service or as workers in the construction, agricultural, and service sectors; some are subjected to forced labor, including excessive working hours, passport confiscation, and physical and mental abuse. The approximately 600,000 Bangladeshis working low-wage jobs in Oman are particularly vulnerable to exploitation. Unscrupulous labor recruitment agencies, their sub-agents in South Asia, and labor brokers in United Arab Emirates (UAE) and Oman deceive some workers into accepting work that constitutes forced labor. Such unscrupulous agencies provide false contracts with fictitious employers or wages and charge workers high recruitment fees with exorbitant interest rates, leaving workers vulnerable to trafficking. Some Omani employers obtain foreign domestic workers at the border crossing between Buraimi, Oman and Al Ain, UAE. Female domestic workers from countries without a diplomatic presence in Oman, such as Ethiopia and Vietnam, are especially vulnerable to forced labor. Domestic workers who flee their employers are also susceptible to forced prostitution. Male Pakistani laborers and other workers from India, Bangladesh, Sri Lanka, and East Asia transit Oman en route to UAE, where some are subjected to forced labor. Oman is a destination and transit country for some women from parts of South Asia, North Africa, and East Africa exploited in sex trafficking, often by nationals of their own countries.

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. Despite these measures, the

government did not demonstrate evidence of overall increasing efforts to address human trafficking during the previous reporting period; therefore, Oman is placed on Tier 2 Watch List. The government decreased investigations and prosecutions of trafficking offenses compared to the previous reporting period and did not convict any traffickers. The government treated potential labor trafficking cases as mediation disputes, handled in labor courts. Victim identification efforts remained weak, as authorities did not employ formal procedures to identify trafficking victims among vulnerable groups; authorities relied on victims to voluntarily identify themselves and report abuses. The government identified five sex trafficking victims, compared with 10 the previous reporting period. The government shelter accepts victims on referral from the public prosecutor. The government conducted awareness campaigns through the media and distributed pamphlets advising migrant workers on their rights, including contact information to report abuses. It provided training to law enforcement, private sector employers, labor unions and inspectors, and social service officials, including workshops on interviewing victims and referring them to protective services. The inter-ministerial anti-trafficking committee met twice during the reporting period.



## RECOMMENDATIONS FOR OMAN:

Significantly increase efforts to investigate, prosecute, and convict traffickers, especially for forced labor offenses and including government officials; increase and enforce legal protections for domestic workers; institute formal procedures to identify trafficking victims among vulnerable populations, such as migrant workers and people in prostitution; establish a formal mechanism for cooperation between the Ministry of Manpower (MOM) and the public prosecutor to investigate and prosecute cases of labor trafficking, including unscrupulous labor recruitment agencies; expand labor protections to domestic workers; refer suspected trafficking victims to the government shelter, regardless of whether there is a corresponding prosecution of an alleged offender; amend 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; do not penalize trafficking victims for acts committed as a direct result of being subjected to human trafficking, such as immigration violations or prostitution; enforce strict penalties for employers who withhold their employees' passports; continue to expand training for government officials to recognize and respond appropriately to human trafficking crimes; and continue to conduct public awareness efforts to reduce the demand for forced labor and commercial sex.

## PROSECUTION

The government decreased anti-trafficking law enforcement efforts. Royal Decree No. 126/2008, also known as the Law Combating Trafficking in Persons, prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties, for trafficking crimes. These punishments are sufficiently stringent and

commensurate with penalties prescribed for other serious crimes, such as rape. The May 2014 Child's Law prohibits holding a child in slavery. A MOM circular (No. 2/2006) prohibits employers from withholding migrant workers' passports, but does not specify penalties for noncompliance. Despite passport withholding being illegal, there are no punitive measures or accountability for withholding passports; therefore, the practice continued during the reporting period.

The government reported investigating five sex trafficking cases and no forced labor cases, and it initiated three prosecutions involving nine suspects, in comparison with two prosecutions involving 11 suspects the previous reporting period. The government did not convict any traffickers during the reporting period, compared with two convictions the previous reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

MOM handled 432 passport retention violations, which is a common indicator of forced labor. Of these violations, 137 were referred to the lower court, 126 were settled through a mediation process, and seven were referred to labor inspection teams comprised of law enforcement to check on the employer. MOM did not refer any of these violations for criminal prosecution of potential labor trafficking offenses. The Ministry of Justice oversees a special judicial department at the appeals court in Muscat to handle trafficking-related cases. The legal mandate for labor inspectors did not include domestic workers, resulting in cases of domestic servitude being treated as non-criminal labor violations rather than criminal offenses. The Royal Oman Police (ROP) continued to train all incoming cadets on victim identification. In October 2015, the Ministry of Justice, in collaboration with the Ministry of Foreign Affairs (MFA), hosted a seminar for law enforcement officials, judges and attorneys to strengthen efforts to address and combat human trafficking and raise awareness on the issue. Additionally, the national committee for combating trafficking, in collaboration with the MFA, organized four lectures for law enforcement, social service, labor, and immigration officials on human trafficking.

## PROTECTION

The government made modest efforts to identify and protect victims. The government reported identifying and referring to shelter services five trafficking victims, compared with 10 in the previous reporting period. It largely relied on victims to identify themselves and report abuses to authorities. Victims could only receive government shelter services upon referral from the public prosecutor, as there were no NGO shelters available and no options for assistance to victims identified by NGOs and social service officials. Some source-country embassies operated shelter services for their nationals. The government continued to treat potential forced labor cases as labor violations and did not identify, or provide protection services to, potential forced labor victims. The government's lack of 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 human trafficking. Because the labor law does not cover domestic workers, victims of domestic servitude had limited recourse for receiving assistance. Government enforcement of foreign labor contracts effectively provided a disincentive for foreign laborers to identify as trafficking victims or cooperate with authorities. The government publicly 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 repatriation or seek employment outside existing contracts, this policy may serve as a disincentive for victims to report their victimization and participate in legal actions against traffickers.

The government continued to operate and fund a permanent shelter that could accommodate up to 50 women and child victims of forced labor or sex trafficking; however, the shelter remained largely underused during the reporting period. The shelter provided lodging, psychological counseling, legal services, and medical care to victims. Victims in the shelter were not able to work and could not leave the premises unchaperoned, but could request shelter employees to accompany them offsite. The government did not provide shelter services for male victims; however, some source-country embassies operated their own shelters for men and women. Victims were permitted to stay in Oman on a case-by-case basis but were 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 modestly increased efforts to prevent human trafficking. A working group within the inter-ministerial anti-trafficking committee met twice, but had limited visible effectiveness in coordinating anti-trafficking efforts during the reporting period. The government has maintained an action plan since 2009. In 2015, MOM prepared and distributed pamphlets advising migrant workers on their rights, including contact information to report human trafficking abuses or other violations of their rights. The Ministry of Social Services maintained a hotline in Dar al Wifaq staffed with Arabic, English, Urdu, Hindi, French, and Swahili translators. The government continued to require employers to post labor law regulations in the languages of their workers in prominent locations at worksites. Oman stopped issuing domestic worker visas from Ethiopia, Kenya, Senegal, Guinea, and Cameroon during the reporting period. The government reported having existing signed memoranda of understanding with India, Pakistan, Bangladesh, and Vietnam, some of which included articles prohibiting unlawful labor recruitment and trafficking. The government monitored employment agencies; during the reporting period 497 complaints were registered, 299 of which were settled through mediation and 115 were referred to judicial authorities. The government did not report efforts to reduce the demand for commercial sex acts or forced labor. The government provided anti-trafficking training to its diplomatic personnel.

## PAKISTAN: Tier 2 Watch List

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 carpet-making. Some feudal landlords and brick kiln owners are affiliated with political

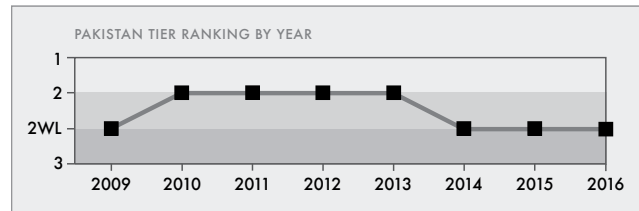


parties or hold government positions and use their influence to protect their involvement in bonded labor. In some cases, when bonded laborers attempt to escape or seek legal redress, police return them to their traffickers, who hold laborers and their families in private jails. Children are bought, sold, rented, or kidnapped and placed in organized begging rings, domestic servitude, small shops, brick kilns, and prostitution. 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 and girls in sex trafficking, including offering victims for sale in physical markets. Reports indicate 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 internally displaced persons, 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.

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 approved its national strategic framework against trafficking in persons and human smuggling and reported an increase in the number of victims provided shelter in 2015 compared with 2014. The federal government and Punjab and Khyber Pakhtunkhwa provinces passed trafficking-related legislation, and some provinces investigated, prosecuted, and convicted traffickers. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Pakistan is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Pakistan was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government continued to investigate, prosecute and convict traffickers, the overall number of convictions was inadequate, especially for labor trafficking, and law enforcement continued to conflate human trafficking and migrant smuggling. Despite bonded labor being the largest

trafficking problem in Pakistan the government only reported seven convictions for bonded labor in 2015. The government does not prohibit and penalize all forms of human trafficking, and prescribed penalties for forced labor that allowed for fines alone were not sufficiently stringent to deter the crime. Official complicity in trafficking crimes remained a serious problem yet the government reported no investigations, prosecutions, or convictions of complicit officials. Government protection efforts were weak. While a small number of the total victims identified were given shelter, it is unclear what other rehabilitation services victims were provided, especially male victims, and observers alleged traffickers accessed women in some of the shelters and forced them into prostitution.



## RECOMMENDATIONS FOR PAKISTAN:

Increase prosecutions and convictions, particularly of labor trafficking, while strictly respecting due process; pass an anti-trafficking law that prohibits and penalizes all forms of human trafficking, including internal trafficking, and prescribes sufficiently stringent penalties, in particular for forced labor; 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 prosecute officials who are complicit; in partnership with civil society groups, increase efforts to identify trafficking victims among vulnerable populations, including street children, refugees, people in prostitution, and laborers in brick kilns and agriculture; 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 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. The government does not prohibit and penalize all forms of trafficking. Several sections of the penal code 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. However, the penal code criminalizing unlawful compulsory labor only prescribes a maximum penalty of five years’ imprisonment, a fine, or both. Prescribed penalties of fines alone are not sufficiently stringent. Transnational trafficking offenses, as well as some non-trafficking crimes—such as human smuggling and fraudulent adoption—are prohibited through 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 anti-trafficking bill, drafted in 2013 to address the gaps in PACHTO, remained pending in ministerial committees. The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Under a devolution process begun in 2010, some federal laws apply to provinces until corresponding provincial laws are enacted, though most of the provinces have adopted their own legislation on labor. In April 2015, Khyber Pakhtunkhwa adopted the BLSA. Punjab adopted the BLSA in a previous reporting period. In January 2016, Punjab also adopted an ordinance 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. In March 2016, Parliament approved child protection legislation, which among other crimes included specific language prohibiting trafficking in persons.

The government reported data on investigations, prosecutions, and convictions under the penal code by province; however, data from Balochistan was not reported and the total number of trafficking cases or traffickers was unclear, as the government's data reported how many cases were brought under each provision of the penal code and a case brought under several provisions would therefore be counted multiple times. Moreover, several sections of the penal code relevant to trafficking also include other crimes, and it is unknown if the crimes were disaggregated for reporting. 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. Punjab reported 947 investigations, 928 prosecutions, and 22 convictions for sex trafficking. Punjab also reported 5,113 investigations, 1,956 prosecutions, and 60 convictions for abduction of women for illicit intercourse; it is unclear how many of these cases were identified as sex trafficking. Khyber Pakhtunkhwa reported 27 investigations, 27 prosecutions, and zero convictions for sex trafficking and separately reported 156 investigations, 83 prosecutions, and zero convictions for abduction of women for illicit intercourse. Sindh province and the semi-autonomous territories of Azad Jammu and Kashmir and Gilgit-Baltistan reported zero investigations, prosecutions, and convictions for sex trafficking. For labor trafficking, Punjab, Khyber Pakhtunkhwa, Azad Jammu and Kashmir, and Gilgit-Baltistan reported a total of 21 investigations, 15 prosecutions, and one conviction. Sindh reported zero investigations, prosecutions, and convictions for labor trafficking. Separately, Punjab reported 15 investigations and prosecutions and seven convictions for bonded labor under the BLSA—these were the only law enforcement actions reported by the government on bonded labor, despite reports of land owners exploiting bonded laborers with impunity. The government reported investigating 158 alleged traffickers, prosecuting 59 and convicting 13 under PACHTO in 2015, compared with 70 investigations, 50 prosecutions, and 17 convictions in 2014. The government did not report sentences for convictions in 2015, as compared with convictions resulting in fines in 2014.

The government had 27 anti-trafficking law enforcement

units and circles at the federal, provincial, and local level that investigated human trafficking and smuggling cases. The Federal Investigative Agency (FIA) and an international organization conducted several trainings throughout the reporting period for police and judges who work on trafficking cases. Additionally, in November 2015, the FIA, in partnership with an international organization, hosted an anti-trafficking and migrant smuggling conference to discuss emerging trends and best practices with more than 50 different country representatives. The interagency taskforce held meetings to increase information sharing among Pakistan's various law enforcement groups in an effort to improve the tracking of migrant smugglers and human traffickers. The government specifically targeted for enforcement three districts in Pakistan from which the majority of migrants and trafficking victims originate.

Official complicity in trafficking remained a significant concern. During the reporting period, an allegation of forced labor of domestic workers was raised against a Pakistani diplomat in Portugal. The investigation into the allegation did not go forward, as the diplomat sent the domestic workers back to Pakistan before it could be completed. Some feudal landlords and brick kiln owners were affiliated with political parties or held official positions and used their influence to protect their involvement in bonded labor. In 2015, the Supreme Court requested additional information from the Sindh government in reference to a criminal case filed in 1996 against two landowners, including a former member of the provincial assembly, who reportedly used thousands of forced agricultural laborers in Sindh. The labor group responsible for the original court petition claimed landowners used their influence in the provincial assembly to intimidate bonded laborers and their supporters. The case remained pending at the close of the reporting period as the Sindh government had not yet submitted the requested information. The FIA's report on the most notorious human traffickers in the country included names of several politicians; however, the report's utility was limited due to its conflation of smuggling and trafficking. Some police reportedly acted against trafficking only when pressured by media and activists. Other reports indicate police accepted bribes to ignore prostitution in general, some of which may have included sex trafficking, and some police were accused of sexually harassing female trafficking victims who tried to register criminal complaints. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government made minimal efforts to protect and assist victims. In a previous reporting period, the FIA and police began to use standard operating procedures for the identification of trafficking victims and their subsequent referral to protective services; however, it is unclear how widely the procedures were disseminated and implemented in 2015. The FIA reported anti-trafficking circles identified 104 foreign victims in 2015; however, as the FIA's purview includes both human trafficking and smuggling, it is unclear if those identified were foreign trafficking victims or were voluntarily smuggled into the country but had not experienced exploitation. The Punjab government reported identifying 14,701 victims, including 11,324 females, 2,845 males, and 532 children. The government did not report the categorization of victims between exploitation for commercial sex or forced labor. All other provinces reported identifying a total of 452 female sex trafficking victims in 2015. It is unclear if district vigilance committees set up under the BLSA performed their function of identifying bonded laborers. Authorities

charged sex trafficking victims with moral crimes and detained and charged for immigration violations undocumented foreign nationals and Pakistanis returning from abroad who had crossed the border illegally, without screening to determine whether they had been subjected to human trafficking.

Civil society continued to provide most victim services. Under the government's devolution process, which started in 2010, social service delivery and related governmental functions were devolved from the central government to provincial jurisdictions, which often did not have the financial resources and technical capacity to carry them out. Government-run "women's shelters" were available, on a limited basis, to women in difficult circumstances, including trafficking victims; NGOs noted some of these facilities operated under prison-like conditions and reported traffickers accessed women in the shelters and forced them into prostitution. Observers advised there were only a few shelters designated for trafficking victims, which were ill-equipped to deal with victims' social, economic, and psychological needs. During the reporting period, FIA signed a memorandum of understanding with an international organization and provided land for a trafficking victim shelter to be built in Balochistan. In 2015, Punjab began construction of a center in Multan for female victims of violence to provide shelter and social services in one location and passed legislation requiring the establishment of such centers in all districts. Shelters were available to bonded laborers; however, they generally catered only to women and children, offering little support to men. The government reported 1,486 victims were provided with shelter in 2015, an increase from 876 victims in 2014; of the victims provided shelter in 2015, 1,303 were women, 131 were men, and 52 were children. It is unclear how many of these victims were served in government-run shelters. Bonded laborers who were rescued 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. The government reported it provided protection to victims to encourage their cooperation in investigations; however, 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 granted 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.

## PREVENTION

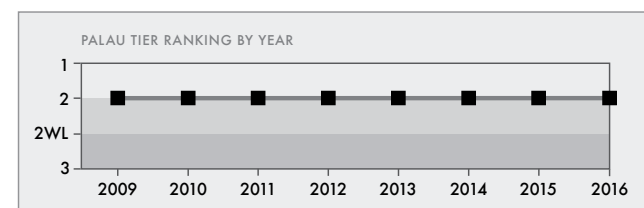
The government demonstrated modest efforts to prevent trafficking. In March 2016, the Minister of Interior approved the national strategic framework against trafficking in persons and human smuggling. FIA's research and analysis center published quarterly newsletters with statistics and information on the government's efforts to combat trafficking and smuggling. FIA partnered with an international organization to raise awareness on trafficking through community forums. The government dismantled a fraudulent migrant worker recruitment center that allegedly sent Pakistani workers to labor camps in Saudi Arabia, although observers asserted the government did not take sufficient steps to inform emigrants about trafficking even though a significant number of migrant workers become trafficking victims. Many of the district vigilance committees mandated by law and charged with curbing bonded labor continued to be inactive or ineffectual. In partnership with NGOs, the Sindh and Punjab provincial governments issued identification documents to bonded laborers and their families, which allowed them to access government benefits and reduced the probability of re-

victimization. The Punjab Department of Labor ran a program to provide brick kiln workers interest-free loans. In January 2016, the Prime Minister announced 1.5 million registered Afghan refugees living in Pakistan were granted an extension of residency until June 30, 2016; however, new cards with this expiration date were not issued, consequently increasing the vulnerability of Afghan refugees to police harassment and abuse and curtailing access to education and employment, which in turn increased vulnerability to human trafficking. The government reduced the demand for commercial sex acts by arresting clients and proprietors of brothels; however, police also arrested potential sex trafficking victims. The government did not demonstrate 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.

## PALAU: Tier 2

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 21,000, is the most vulnerable to trafficking. Filipino, Bangladeshi, Nepalese, 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 China and the Philippines 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 Palau waters experience conditions indicative of human trafficking. Regulations that make it difficult for foreign workers to change employers once they arrive in Palau place foreign workers at increased risk of involuntary servitude and debt bondage. Official complicity plays a role in facilitating trafficking; government officials—including a governor, a police officer, a labor official, and an immigration official—have been investigated for complicity in trafficking crimes during previous reporting periods.

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. In 2015, the government initiated two investigations of trafficking cases, assisted potential victims involved in court cases to find new employment, and convicted one labor trafficker. The government instituted a sex offender registry and deported some fraudulent labor recruiters. It held weekly anti-trafficking taskforce meetings. The government, however, did not apply sufficiently stringent punishments, as it regularly charged suspected traffickers with lesser crimes and sentenced convicted traffickers to probation or inadequate prison sentences. The government did not provide shelter or protection services to identified victims.





## RECOMMENDATIONS FOR PALAU:

Using the 2005 anti-trafficking law, increase efforts to investigate and criminally prosecute trafficking offenses, convict sex and labor traffickers, and impose stringent penalties on convicted traffickers—including complicit officials; establish formal procedures for front-line officers to identify trafficking victims among vulnerable groups and increase availability of protective services; use funds obtained through asset seizure or fines 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 necessary authorization for foreign victims to remain in the country and obtain alternate employment; develop a national action plan to combat trafficking; implement anti-trafficking information and education campaigns targeting vulnerable populations; enforce laws punishing employment agents for illegal practices that facilitate trafficking; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government modestly increased anti-trafficking law enforcement efforts, but did not impose sufficiently stringent penalties on convicted traffickers. Palau's Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons and prescribes penalties for these offenses ranging from 10 to 50 years' imprisonment and fines of up to \$500,000; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government prosecuted most suspected traffickers with labor violations or prostitution-related offenses instead of trafficking crimes that carry more severe penalties; offenders convicted under these other statutes received probation or nominal prison sentences.

The attorney general's office held weekly anti-trafficking taskforce meetings with labor and immigration officers to focus on investigations and build cases. The government investigated one case of sex trafficking that involved three traffickers and six victims who were subjected to debt bondage, passport confiscation, and forced prostitution at bars. The government convicted two of the traffickers for misdemeanor labor and assault violations and sentenced them to probation, while a third is awaiting trial. Some of the traffickers are repeat offenders who faced similar charges in a separate, prior case. One defendant involved in a December 2012 sex trafficking case, previously allowed to travel to his home country, remained abroad. The government investigated and prosecuted one labor trafficking case involving two foreign labor recruiters. One perpetrator entered a plea agreement in which he pled guilty to labor trafficking and was voluntarily deported. The other is pending trial. During the reporting period, the government charged one labor official for misconduct that contributed to foreign nationals becoming trafficking victims in Palau. Given previous cases of official complicity in trafficking, the government ordered labor and immigration officials to file criminal citations rather than civil fines, which are not subject to public scrutiny, when labor violations were discovered, in an attempt to increase transparency.

## PROTECTION

The government made limited efforts to identify and protect victims. In 2015, the government reported its identification of 32 potential trafficking victims 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. The lack of support services reportedly led some potential trafficking victims to leave the country rather than pursue legal recourse. Although several trafficking-related convictions in 2014 included fines or asset forfeiture, none of these funds were used to support victims. The government did not train officers to identify victims proactively among vulnerable populations, such as foreign workers or women in prostitution. It offered only short-term legal alternatives, on an ad hoc basis, to the removal of foreign victims to countries where they might face hardship or retribution; the attorney general could designate victims as "vulnerable," making them eligible for alternate employment and accommodation assistance. During the year, the government assisted some victims who filed cases against their employers to seek other employment. The government did not provide witness protection. There were reports that victims were sometimes detained, fined, or jailed for unlawful acts committed as a result of being subjected to trafficking.

## PREVENTION

The government made modest efforts to prevent trafficking. It prohibited entry into the country for some foreign recruiters implicated in cases of charging migrant workers excessive fees and failing to provide employment opportunities, although it denied their entry due to visa violations rather than criminally charging them. The government instituted a sex offender registry during the reporting period that requires all visitors to Palau with a conviction for a sexual offense to register in an attempt to deter child sex tourism. The government neither developed a national action plan against trafficking nor conducted educational or anti-trafficking public awareness campaigns. 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. Palau is not a party to the 2000 UN TIP Protocol.

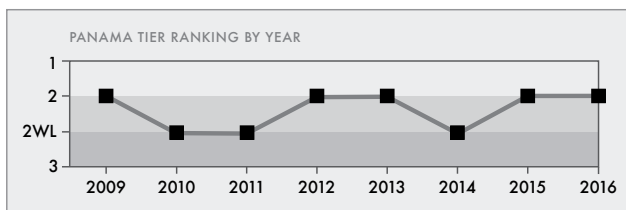
## PANAMA: Tier 2

Panama is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Panamanian women are vulnerable 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. 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 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. In previous years, immigration officials have been investigated for labor trafficking.

Traffickers often charge foreign workers 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, which makes such offenses harder to detect. Traffickers from Brazil, Colombia, Cuba, El Salvador, Venezuela, and Panama operated in Panama during the reporting period. In a change from previous years, government officials report more traffickers are creating legal businesses as facades to mask their income from trafficking. In addition, more identified traffickers had links to international organized criminal groups than in past years.

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. Authorities identified significantly more trafficking victims and initiated more trafficking investigations than the previous reporting period and continued to provide and fund anti-trafficking training for officials. However, victim protection measures remained severely inadequate; 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 evaluation. The government convicted fewer traffickers, and a lack of coordination between ministries and resource 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 and implementing the dedicated victim assistance fund and funding civil society organizations to provide services to victims; intensify law enforcement efforts to proactively investigate and prosecute labor and sex trafficking crimes—including cases involving Panamanian victims exploited within the country—and convict and sentence traffickers, including complicit government officials; strengthen interagency coordination mechanisms, including between regional law enforcement, and institute standardized protocols on victim identification, referral procedures, and data reporting to the national commission; train officials—including border and immigration officials—on victim identification and referral procedures, especially among populations vulnerable to trafficking; develop and institutionalize government-provided anti-trafficking training for officials; in partnership with civil society, make specialized services available to male victims;

continue efforts to implement the 2012-2017 anti-trafficking national action plan and allocate specific funds to the national commission for execution of the plan; educate refugees on the processes to apply for asylum and citizenship; and amend the anti-trafficking law to adopt a definition of human trafficking consistent with the 2000 UN TIP Protocol.

## PROSECUTION

The government modestly increased its anti-trafficking law enforcement efforts. Law 79 of 2011 prohibits 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 prohibits moving adults for the purposes of prostitution (without requiring the use of force, fraud, or coercion) and illegal adoption (without requiring evidence of exploitation) as forms of trafficking, offenses that are not considered human trafficking under the 2000 UN TIP Protocol. 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 movement as other crimes, such as commercial sexual exploitation. Officials speculated some traffickers who committed child sex trafficking, which carries sentences of 20 to 30 years' imprisonment, were charged with child sexual exploitation, which carries lighter sentences of eight to 10 years' imprisonment. Article 89 of law 3 establishes financial penalties for employers who confiscate foreign workers' identity documents.

During the reporting period, authorities initiated 17 investigations—10 for sex trafficking and seven for labor trafficking—and detained 38 traffickers, a modest increase from 11 new investigations the previous reporting period. While it initiated three prosecutions compared with none the previous reporting period, the government convicted only one sex trafficker who was released pending appeal, compared with five convictions the previous reporting period with sentences between 10 years' and 12 years and six months' imprisonment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Officials continued to detain two suspected labor traffickers in a case from the previous reporting period, pending additional evidence. The national police had between nine and 12 officers who specialized in trafficking investigations, and they worked with the organized crime office to investigate trafficking cases. Panamanian authorities cooperated with Bahamian officials on one sex trafficking investigation. The government funded and conducted several trainings and awareness sessions on human trafficking for officials, and it provided financial or in-kind support for other anti-trafficking trainings led by NGOs.

## PROTECTION

The government increased victim identification efforts but continued to identify trafficking victims through movement-based crimes, and victim services remained inadequate. The government identified 56 victims—54 foreigners and two Panamanians, 49 victims of sex trafficking and seven of forced labor—more than double the 25 victims identified the previous reporting period. In one case, 11 Venezuelan and one Colombian woman paid approximately \$3,800 each to be smuggled into Panama for jobs as models and waitresses. Upon arrival, the traffickers forced the women to perform commercial sex acts at a local bar to cover the cost of "rent." Officials referred all 56

victims identified to the victim and witness protection office's technical unit (UPAVIT) for psycho-social evaluation, but the government did not provide or fund trafficking-specific shelters or victim services. Three of the 56 victims chose to receive short-term shelter at a government facility for female victims of domestic and sexual abuse; many victims chose to reside with family or friends, due to the shelter's strict security policies. Victims were not permitted to leave the shelter unchaperoned, and they were only allowed to leave with an escort for official affairs, such as to assist with law enforcement investigations. In 2015, authorities identified land outside the capital for the construction of a shelter dedicated to trafficking victims. The government committed funds to construct the shelter but did not begin construction or secure funding for the shelter's operation and maintenance. There were no government shelters, NGO shelters, or specialized services available for adult male victims. Some NGOs who assisted refugees and irregular migrants have assisted male trafficking victims with placement in local hotels for short-term shelter; one male victim received legal assistance from an NGO during the reporting period. 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 assistance, which limited the provision of follow-up assistance.

The Ministry of Health provided training on the identification of trafficking victims to 70 hospital workers and health care staff, including those who conducted mandatory health screenings of foreign women holding entertainment worker's visas, a population vulnerable to trafficking. The training also addressed the identification of victims in domestic servitude and forced begging. An international organization developed protocols to protect victims and reduce trauma during psychological interviews and provided training manuals on these procedures to all five UPAVIT units, which implemented the protocols. However, the government did not have systematic procedures to proactively identify victims among vulnerable populations, such as people in prostitution and undocumented migrants in detention. The government did not implement guidelines for victim identification and protection that an international organization had drafted and published during the previous reporting period. Panamanian authorities took written statements from victims and typically did not encourage them to participate further in the investigation and prosecution of their traffickers. While victims could file civil suits against traffickers, no victims did so during the reporting period. The government did not implement a 2013 law mandating that any assets seized that were derived from human trafficking activities be allocated to provide services for trafficking victims. Panamanian law provides short-term legal 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; it is unclear if any victims availed themselves of this service during the reporting period. The government, with assistance from foreign law enforcement, repatriated one Panamanian sex trafficking victim from The Bahamas. While there were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to trafficking, insufficient efforts to identify victims and screen vulnerable populations for indicators of trafficking may have led to some victims being penalized.

## PREVENTION

The government sustained prevention efforts. Government ministries continued to implement the 2012-2017 anti-trafficking national action plan. The Ministry of Public

Security disbursed \$105,000 from its 2016 budget to create an office for the national anti-trafficking commission. The commission met five times during the reporting period but lacked funding, which hampered its ability to coordinate anti-trafficking trainings for officials and conduct prevention efforts. Interagency coordination remained weak, due in large part to the lack of standardized protocols for conducting and reporting activities across agencies. Individual government institutions and international organizations used their own funds to conduct anti-trafficking activities. Several government ministries conducted awareness raising events, including radio and television interviews with members of the commission, and disseminated brochures and banners with the number of the anti-trafficking helpline. The labor ministry implemented a "Know your rights" campaign to inform workers—including foreign migrants in Panama and Panamanians preparing to migrate—of their rights as workers. The government made efforts to reduce the demand for forced labor and commercial sex acts; as part of its national action plan to eradicate child labor, it held several national awareness campaigns to reduce civil society's acceptance of child labor and forced labor. 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.

## PAPUA NEW GUINEA: Tier 3

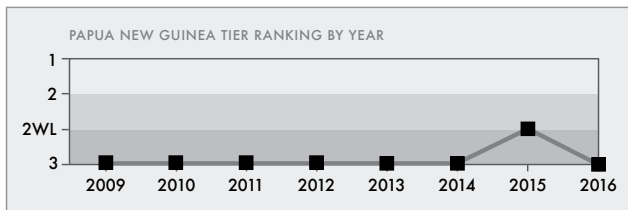
Papua New Guinea is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Foreign and local women and children are subjected to sex trafficking, domestic servitude, and forced begging or street vending. Foreign and local men are subjected to forced labor in logging and mining camps as well as on fishing vessels operating in Papua New Guinea's exclusive economic zone. An estimated 19 percent of the country's labor market is comprised of child workers—some of whom are subjected to forced labor or prostitution. "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. NGO sources indicated that the number of children exploited in prostitution increased by 30 percent in 2013. Boys as young as 12 years old are exploited as "market taxis" in urban areas 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, women and girls from rural areas are deceived with promises of legitimate work to travel to different provinces where they are subjected to sex trafficking. Children, including girls from tribal areas as young as 5 years old, 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. Traditional customs permit parents to sell or give away their daughters for forced marriages—often to wealthy men and politicians—to settle debts or as peace offerings, leaving the girls vulnerable to domestic servitude. Young girls sold into polygamous marriages may be forced into domestic service for their husbands' extended families. In urban areas, parents reportedly prostitute their children 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 procure trafficking victims for other individuals in return for political favors or votes.

Malaysian and Chinese logging companies and foreign businesspeople 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 compel employees to purchase food and other necessities from the employers at usurious interest rates.

The Government of Papua New Guinea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the reporting period, the government assisted an international organization in the identification of 21 victims of labor trafficking on fishing vessels and referred them to civil society organizations to receive assistance. This was a significant increase from victims identified in the previous year; however, authorities then arrested and sentenced 12 of the victims to prison for illegal entry into the country. The government did not prosecute any trafficking offenses or convict any traffickers; nor did it provide financial or in-kind support for any protective services. The national action plan, drafted during the previous reporting period, was not approved or implemented.



## RECOMMENDATIONS FOR PAPUA NEW GUINEA:

Finalize and fully implement formal procedures to identify victims among vulnerable groups, guide their subsequent referral to care, and ensure victims do not face arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; train law enforcement officers, prosecutors, and judges on human trafficking and the criminal code's trafficking provisions; investigate and prosecute trafficking offenses and punish traffickers, including parents and officials who facilitate or directly benefit from trafficking; approve and implement the anti-trafficking national plan of action; train law enforcement officers on victim identification and referral procedures and ensure their ability to effectively and appropriately conduct victim interviews; allocate sufficient resources to the National Human Trafficking Committee for anti-trafficking awareness campaigns and trainings; work with NGOs and international organizations to increase protective services for victims of trafficking; increase collaboration with civil society, private sector, religious, and tribal leaders to raise awareness of and reduce demand for forced labor and commercial sex acts, especially of children; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government did not prosecute or convict any traffickers during the reporting period. 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 government initiated investigations into two cases of sex trafficking involving Papua New Guinean women and children. Although government officials assisted an international organization in the identification of trafficking victims on foreign fishing vessels in two separate incidents in 2015, they failed to investigate alleged trafficking offenses in these cases. The government did not prosecute any trafficking offenses or convict any traffickers. Cases from previous years appear to have been dropped due to lack of evidence. Government officials often did not prosecute trafficking-related crimes in criminal courts; rather, trafficking-related cases were often referred to village courts, which administered customary law. Cases adjudicated in these courts sometimes resulted in restitution paid by the trafficker to the victim, but village courts did not order imprisonment of offenders. Some victims of internal trafficking who received compensation from the trafficker, or their parents, were reluctant to notify police to pursue criminal charges against traffickers.

With foreign funding, the Department of Justice and Attorney General included human trafficking in its country-wide training programs, and the customs service conducted anti-trafficking training for officials in Kokopo in September 2015. Nonetheless, provincial officials' limited understanding of trafficking hindered effective law enforcement activity. The government continued to underfund law enforcement agencies and most government offices remained weak as a result of 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, although some public officials allegedly condone, are engaged in, or benefit from sex trafficking.

## PROTECTION

The government's victim protection efforts were mixed; although it assisted in the identification of more victims, it subjected some identified victims to punishment for crimes committed as a direct result of being subjected to trafficking. Through cooperation with an international organization, the government assisted in the identification of 21 victims, a medical professional identified one victim, and an international organization identified nine victims; no victims were identified in 2014. Among the identified victims, six Papua New Guinean women and two Papua New Guinean girls were subjected to sex trafficking, while two men from Papua New Guinea were subjected to forced labor in a motel and 20 men and one boy from Burma, Cambodia, and Vietnam were subjected to forced labor on fishing vessels. The government continued to lack formal procedures for victim identification and referral, although it drafted and piloted standard operating procedures for a national referral mechanism. The government referred identified victims on an ad hoc basis to NGOs and international organizations, which provided medical and shelter services without financial or in-kind support from the government. Authorities imprisoned 12 Vietnamese victims of labor trafficking on charges of illegal entry into the country and

illegal fishing activities; they were released from prison and repatriated by an international organization in March 2016. Local media outlets published photographs of the victims, characterizing them as undocumented migrants. There were no services in the country specifically tailored to the needs of trafficking victims. 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 2015. The government allowed “ongoing stay” for trafficking victims, but lacked provisions for victims to seek compensation through civil suits. One victim assisted in an investigation during the reporting period.

## PREVENTION

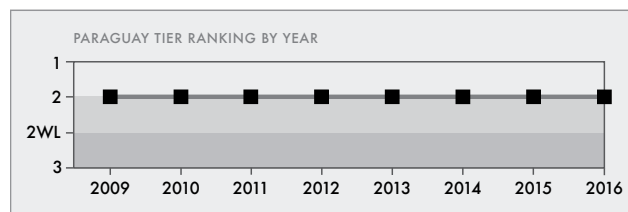
The government took limited steps to prevent human trafficking. The National Human Trafficking Committee met four times in 2015, but a national plan of action, drafted during the previous reporting period, was not formally approved or implemented. Following the identification of trafficking victims aboard a foreign vessel detained in Papua New Guinea, the prime minister made public statements denouncing this crime and pledging the government’s commitment to identifying victims and holding traffickers accountable. The government took no discernible actions to decrease the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

## PARAGUAY: Tier 2

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. Thousands of 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. In 2015, authorities reported at least 24 Paraguayan women were recruited for work in Turkey and later exploited in forced prostitution in brothels throughout Turkey, Spain, and the northern area of Cyprus administered by Turkish Cypriots. The reliance of international trafficking rings on local recruiters remains a problem. 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 subjected to forced prostitution. Paraguayan children, as well as men and boys from Brazil, are reportedly subjected to forced labor in the cultivation and sale of illicit drugs within Brazil. Two Paraguayan women were arrested in China as “drug mules” in 2012 and 2013, and were sentenced to death. Following their identification by the Government of Paraguay as trafficking victims, the Chinese government commuted the two victims’ sentences to life in prison in 2015.

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 other older EPP and ACA members.

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 continued anti-trafficking law enforcement and training efforts and cooperated with foreign governments in several operations during the reporting period. However, efforts to prosecute, convict, and sentence traffickers under the 2012 anti-trafficking act or combat labor trafficking were inadequate to address the problem. The government continued to provide limited protective services to female and child trafficking victims. However, the government did not create and fund an anti-trafficking secretariat or victim compensation fund, as required by law, and the draft national action plan remained awaiting approval for the second consecutive year.



## RECOMMENDATIONS FOR PARAGUAY:

Fully implement the 2012 trafficking law and develop implementing regulations to most effectively do so; develop formal procedures for the proactive identification of trafficking victims; increase access to comprehensive services and shelter for victims of sex and labor trafficking through increased funding and enhanced partnerships with NGOs; intensify efforts to investigate and prosecute trafficking offenses and to convict and punish traffickers with dissuasive prison sentences; mandate specialized law enforcement officers and service providers to screen potential victims engaged in crimes to ensure victims are not penalized for unlawful acts committed as a direct result of being subjected to trafficking; increase efforts to hold officials complicit in trafficking criminally accountable; increase efforts to proactively investigate forced labor cases and identify labor trafficking victims; increase training for government officials, including law enforcement officials, labor officials, judges, and social workers, and offer guidelines on how to identify and respond to trafficking cases; institute formal referral mechanisms to ensure that all identified victims can access care services; and improve data collection on human trafficking.

## PROSECUTION

The government maintained modest 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. However, law 4788/12 is inconsistent with international law in that it establishes the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime, and conflates facilitating or profiting from the prostitution of others and the illegal extraction of organs with human trafficking. In 2015, authorities failed to issue implementing regulations for law 4788/12 to ensure consistent enforcement of the law among all government agencies. Moreover, the implementing regulations are required to establish a national anti-trafficking secretariat and victim compensation fund. Prior to the enactment of law 4788/12, international trafficking was specifically outlawed under law 3440/08, but domestic trafficking cases were typically prosecuted using other statutes such as pandering and profiting from prostitution. Law 3440/08, which expands the list of predicate offenses in trafficking crimes, including pandering, is still used occasionally in international trafficking cases.

In 2015, prosecutors with the Anti-Trafficking Unit (ATU) reported 68 new investigations under the 2012 anti-trafficking act, compared with 80 in the previous reporting period, including 17 for labor trafficking, 40 for sex trafficking, and 11 for which the type of trafficking was unknown. ATU prosecutors also reported investigations, including 22 for pimping, 16 related to profiting from prostitution, and five related to other offenses; it is unclear how many of these cases involved trafficking. Authorities initiated prosecutions against 59 defendants (17 defendants for human trafficking and 42 defendants for sex pandering, profiting from prostitution, and other charges) and convicted 35 defendants under both laws 3440 and 4788 for pimping and prostitution charges, compared with 29 defendants prosecuted (10 defendants for human trafficking and 19 defendants for sex pandering or profiting from prostitution) and 19 convictions (12 under the trafficking law and seven under other statutes) in the previous reporting period. The government made inadequate efforts to investigate and prosecute labor trafficking crimes. Nine cases received sentences in 2015, some following previous years' convictions, while sentencing remained pending for some convictions reached in 2015. In one case, an Argentinian trafficker was sentenced to eight years in prison for sexual and labor exploitation within Paraguay and ordered to pay 25,000,000 guaranies (\$5,000) in reparations to the victim. One Colombian citizen received a suspended sentence for labor trafficking of Colombian citizens in Paraguay. In cooperation with Argentine and Spanish anti-trafficking units, Paraguayan officials conducted 28 raids of illegal and legal brothels within Paraguay and abroad and rescued 86 trafficking victims, 66 of whom were in Paraguay and 20 of whom were abroad. Paraguayan authorities arrested and charged 20 individuals operating in Alto Parana department involved in sending at least 24 victims to Turkey; these cases remained pending at the close of the reporting period. During the reporting period, ATU secured its first conviction without victim testimony and allowed video conferences in court. ATU held five workshops to train 150 officials from the prosecutor's and attorney general's offices and 30 police officers from the interior ministry, often with support from international organizations or foreign donors. ATU also trained 503 public employees from various levels of government in anti-trafficking prevention, prosecution and protection. Authorities did not report any new investigations, prosecutions, or convictions of officials complicit in human trafficking.

## PROTECTION

The government maintained uneven efforts to protect victims. The government lacked formal procedures for use by all officials for the proactive identification of victims among vulnerable populations, such as persons in prostitution, domestic workers, or street children. Paraguayan officials did not collect comprehensive data on victim protection efforts and did not collectively nor comprehensively report how many trafficking victims government agencies identified or assisted in 2015.

Most victims lacked access to comprehensive care. The Ministry of Women's Affairs (MWA) provided female victims psychological support, social assistance, legal advice, and funding for victim care, including for shelters, food, and reintegration programs. During the reporting period, the MWA assisted 41 female trafficking victims who received services for the first time, 35 women for additional follow-up, provided 71 specialized services that included legal, psychological and social services, and assisted 63 women through its hotline. As of August 2015, MWA supported 24 child trafficking victims with shelter, food, housing and counseling. The Children and Adolescent's Secretariat (SNNA) provided limited services to minors. The SNNA-run shelter assisted 50 child victims in 2015. In October 2015, the SNNA, in partnership with a local non-profit, opened Paraguay's second trafficking shelter to provide services to girls and female adolescent victims. The Ministry of Foreign Affairs reported its identification of 28 sex trafficking victims in Turkey, Brazil, Argentina, Chile, Bolivia, and Mexico who were recruited for work and later exploited in forced prostitution in brothels. Turkish and Spanish authorities identified the victims through government papers and self-identification. Spanish authorities rescued 12 of the 28 victims and repatriated them to Paraguay, while the other 16 victims allegedly remained in those countries. Services for male victims remained virtually non-existent. The government lacked effective programs for trafficking victims to reintegrate into their communities. The government did not establish a national fund for trafficking victim assistance or a trafficking victims compensation fund, both required by the 2012 law.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of traffickers, and many victims did so. Some victims avoided the court system due to social stigma, fear of reprisal, and concerns over the lengthy judicial process. The government offered social and legal assistance to trafficking victims and arranged transportation to facilitate victim testimony. Under current law, victims are entitled to file civil lawsuits, although none did in 2015. All victims sought criminal action, and one victim received monetary restitution from a trafficker as part of their sentencing in 2015. While there are statutes in place that allow the government to inspect brothels, NGOs report that municipalities have failed to combat trafficking by continuing to issue certifications allowing ongoing operation of brothels where the public ministry's ATU had previously discovered victims. Government officials arrested and detained some child soldiers in centers for youth offenders for alleged participation in guerilla activities. Labor inspectors did not have the capacity or expertise to screen for potential labor trafficking and, when discovered, did not typically refer potential labor trafficking cases to law enforcement for criminal investigation. The government could offer temporary residency status to foreign trafficking victims, but did not report doing so in 2015.

## PREVENTION

The government made modest prevention efforts. The



government did not establish, or provide funding for, a national anti-trafficking secretariat, a key measure of the 2012 anti-trafficking law. However, the anti-trafficking roundtable, responsible for national working-level coordination, remained active and worked closely with MWA, the SNNA and the ATU, although it had limited effectiveness given a lack of funding and limited interagency coordination. The national anti-trafficking action plan, drafted by the anti-trafficking roundtable in 2015, had not received presidential approval. MWA continued to support 11 regional and four municipal anti-trafficking roundtables that varied in effectiveness. Authorities conducted a variety of workshops and several trafficking awareness campaigns for public employees, prosecutors, and other staff explaining how to detect and report trafficking cases. MWA coordinated various anti-trafficking awareness campaigns for the general public, reaching 755 people. ATU utilized four regional centers to provide anti-trafficking training to 11,428 individuals. In October 2015, a new domestic employment law was signed that raised the minimum age for domestic workers from 14 to 18 years old. The law targets *criadazgo*, where children work as domestic servants in exchange for room, board, and basic education. 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 or peacekeepers prior to their deployment abroad on international peacekeeping missions.

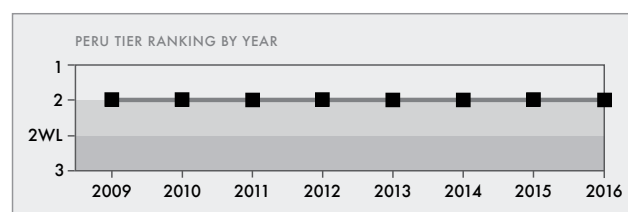
## PERU: Tier 2

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 remoteness of camps and the demand for commercial sex by miners in these communities. Peruvian women and children are exploited in sex trafficking in other countries, particularly within South America, and women and girls from neighboring countries are found in sex trafficking in Peru. Child sex tourism is present in areas such as Cuzco, Lima, and the Peruvian Amazon.

Peruvian men, women, and children are exploited in forced labor in the country, principally in gold mining and related services, logging, agriculture, brick-making, unregistered factories, organized street begging, and domestic service. A public report revealed 17 percent of the cases of 3,911 known Peruvian trafficking victims involved male victims, and government officials and NGOs also acknowledged male victims of forced labor or bonded labor in illegal mining. Peruvians working in artisanal gold mines and nearby makeshift camps that provide the miners services experience forced labor, including through deceptive recruitment; debt bondage; restricted freedom of movement or inability to leave; 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 *Sendero Luminoso*, or Shining Path, recruits children using force and coercion to serve as combatants and children and adults into the illicit narcotics trade and domestic servitude. The ombudsman's office reported no cases of underage recruits in the Peruvian military in 2015. Peruvian men, women, and

children are found in 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 trafficking.

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 established specialized anti-trafficking regional prosecutor offices in Callao, Cusco, Lima, Loreto, Puno, Tacna, and Tumbes; increased anti-trafficking operations and arrests; increased efforts to identify and assist victims; and investigated and convicted sex tourists. However, official complicity in trafficking and related crimes as well as overall corruption undermines government efforts to combat human trafficking. Convicted traffickers received sentences insufficient to the gravity of their crimes. Detention of trafficking victims discourages victims from coming forward and cooperating with authorities. The government made inadequate efforts to identify and assist forced labor victims and to prosecute labor traffickers. Overlapping government data on trafficking victims and prosecutions made interagency coordination difficult.



### RECOMMENDATIONS FOR PERU:

Increase funding for, and access to, specialized, comprehensive services for all victims, including adults and victims outside the capital, in partnership with NGOs; follow through on investigations of trafficking-related complicity by prosecuting and convicting officials guilty of such crimes; significantly increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, especially for forced labor; initiate proactive labor trafficking investigations through enhanced partnerships between law enforcement officials, labor officials, and civil society organizations; create and implement victim-centered identification and referral mechanisms that focus on avoiding re-victimization and coordinating interagency efforts, including during law enforcement operations; establish systematic training efforts to improve victim identification by government officials; verify through ongoing oversight that police and prosecutors conduct intelligence-based raids and employ effective victim screening and referrals; dedicate funding in ministry and regional government budgets to carry out anti-trafficking responsibilities; and improve data collection.

### PROSECUTION

The government made uneven law enforcement efforts, increasing anti-trafficking operations and arrests, but decreasing prosecutions and convictions. 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, rather than forced labor or services, and "any other similar form of exploitation". Peruvian law also criminalizes profiting from sex trafficking and prescribes

penalties of three to eight years' imprisonment or eight to 12 years' imprisonment if the victim is a child younger than 14 or the victim is the spouse or child of the individual profiting. Peru criminalizes promoting the prostitution of others and prescribes penalties of two to five years' imprisonment. The penalty is raised to four to five years' imprisonment if the victim is younger than 18, the offender uses violence, the offender is a relative of the victim, or the victim is forcibly displaced from home. Article 168 of the penal code criminalizes an employer's threats to life, health or physical health of employees and prescribes a penalty of one to four years' imprisonment or four to eight years' imprisonment in case of death or grave injuries. Some police and prosecutors classified trafficking cases as other crimes, such as pimping or enabling prostitution, which carry lower penalties. Judges often downgraded 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 recognized the problem of downgraded charges and provided training to police and judges on the definition of trafficking.

The government recognized the need for data standardization to ensure Peru accurately reflects anti-trafficking law enforcement efforts and acknowledged that different ministries collect overlapping statistics, which they are currently unable to disaggregate. The Ministry of Interior conducted 85 trafficking operations compared with 24 in 2014, and arrested 206 potential traffickers compared with 59 in 2014. The attorney general reported opening 259 trafficking cases compared with 114 in 2014 and initiating prosecutions of 15 individuals for trafficking compared with 20 individuals in 2014. The government reported convicting four traffickers under the trafficking statute, a decrease from 19 traffickers convicted in 2014. Authorities did not report the lengths of sentences or how many sentences were suspended.

Government officials, NGOs, and victims report police used extortion for personal gain by threatening nightclub and brothel owners with sex trafficking charges; falsely charging victims trying to escape bars or brothels with crimes such as theft or trafficking; forcing victims to sign declarations absolving their traffickers, in exchange for payment from the alleged trafficker or due to personal complicity; and accepting money to cease investigations, drop charges, or exonerate traffickers. Some officials' involvement in the mining industry posed a conflict of interest that impeded law enforcement action against trafficking in mining areas. Congress expelled a member for 120 days following an investigation for allegedly operating a hotel where child sex trafficking occurred. However, the government did not report any prosecutions or convictions of government officials complicit in human trafficking, and the member returned to Congress later in the year.

In August 2015, the government established specialized anti-trafficking regional prosecutor offices in Callao, Cusco, Lima, Loreto, Puno, Tacna, and Tumbes. Poor communication and coordination between police and prosecutors compromised efforts to rescue victims and investigate cases. The government's efforts to combat trafficking were hindered by coordination problems between the national and regional levels of government on consistent implementation of the new criminal procedure code; inadequate budgets; corruption in the criminal justice system; and rapid turnover in the police force. The ombudsman's office reported judges applied lower sentences than prescribed in the anti-trafficking law for cases involving minor victims. In partnership with NGOs and an international organization, officials trained police, prosecutors, and other

officials. Authorities coordinated with foreign governments on trafficking investigations. In 2015, authorities continued to detain, prosecute, and administratively discipline two police officers accused of collaborating with traffickers and raping a child victim.

## PROTECTION

The government significantly increased efforts to identify and assist trafficking victims, including forced labor victims; however, most victims lacked access to specialized services. The anti-trafficking law (law 28950) required the government to assist and protect victims by providing temporary lodging, transportation, medical, psychological, and legal assistance, as well as help in re-adapting the victim to family and society. The law also has provisions for witness protection, including new identities, safe houses, police protection, and new jobs. The government opened 22 new emergency centers for women and operated 48 residential centers for children and adolescents, which provided some of these services. The government operated two shelters exclusively for trafficking victims that assisted 119 victims during the reporting period. The government maintained a registry of NGOs able to assist trafficking victims with shelter and other assistance. The government had not fulfilled its mandate to provide these social services for all crime victims, including trafficking victims.

The anti-trafficking law assigns responsibility for victim identification to several government ministries. Police identified 699 potential trafficking victims—589 adults and 110 children—in 2015 compared with 165 potential trafficking victims in 2014. Government officials identified 54 indigenous individuals—20 adults and 34 children—subjected to forced labor by the Shining Path in 2015; they were referred to NGOs for shelter, food, medical attention, and reunification with their families. The Ministry of Women and Vulnerable Populations (MIMP) assisted 505 trafficking victims in 2015, 286 females and 209 males, in 2015, compared with 177 victims—122 girls, 17 boys, 38 women, and no men—in 2014. Seventy-two trafficking victims received legal services. The attorney general's office trained other government officials to differentiate sex trafficking victims from those engaged voluntarily in prostitution based on whether the individual had access to identity documents and a required public health certificate.

Shelter and specialized psychological, employment, and other services remained unavailable in most areas and for most adults and labor trafficking victims. Several ministries had victim assistance protocols, some of which were published in 2014, though most were implemented unevenly. MIMP was required by law to coordinate and provide services to trafficking victims in partnership with regional governments, and spent 2,764,900 soles (\$866,750) on victim services and prevention. According to the UN, the government treats foreign national trafficking victims as refugees, and the UN assists victims in filing a complaint with appropriate Peruvian officials and places victims in the government's care to support the victim during the judicial process. Authorities did not assist and reintegrate any Peruvian victims abroad in 2015, and there was a lack of funding for reintegration.

The prosecutorial program for victims and witnesses assisted 505 trafficking victims in 2015, compared with 144 victims assisted in 2014. The government was required to provide a public defender for trafficking victims to safeguard the victims' legal rights, support through the attorney general's victim and witness protection and assistance program, and a single-interview

process using specialized equipment where available. Despite such protections, experts reported the criminal justice system sometimes revealed victims' names and other information, which undermined victim safety and confidentiality. The government did not report any victims receiving restitution. Authorities sometimes detained victims in local police stations for unlawful acts committed as a direct result of being subjected to human trafficking. Foreign victims were eligible for temporary and permanent residency status under Peruvian refugee law but the government did not report how many victims, if any, received this status in 2015.

## PREVENTION

The government sustained prevention efforts. The interagency committee, which also included NGOs and international organizations, met regularly, although participants reported that some ministries did not fully participate. The committee continued to implement the 2011–2016 national anti-trafficking action plan, and devoted 8,533,670 soles (\$2,675,130) to combat trafficking in persons in 2015. The committee had not issued an annual report on anti-trafficking efforts at the close of the reporting period. The government had a separate commission and inter-ministerial protocol and plan against forced labor, which established a registry of employers and workers; reiterated worker rights to health and pension plans; provided the authority to conduct labor inspections at employment agencies; improved prevention processes and victim response mechanisms for victims of child labor, forced labor, and human trafficking; and required employment agencies to become certified for operation. The new protocol resulted in registration of employers and workers and the identification of 116 children working illegally in Lima, Loreto, and Tumbes who may have been vulnerable to forced labor. The government held workshops on how agencies should address forced labor cases, monitor forced labor risk factors, and establish strategies to identify victims and provide victim services. Twenty-three regional governments maintained anti-trafficking working groups and 18 established regional plans, which varied in effectiveness and some of which relied on NGOs for coordination. Most government entities lacked adequate funding to implement their duties as outlined in the national anti-trafficking action plan.

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. The labor inspection unit focused on child and forced labor, established in 2013, did not identify any forced labor victims in 2015. The government worked closely with U.S. law enforcement to arrest six individuals—five Peruvians and one American—engaged in sex tourism and trafficking and identified 36 victims, including 11 minors. The Peruvian attorney general's office is handling the prosecution and, if convicted, the defendants face a minimum of 25 years in prison. In addition, authorities cooperated with U.S. law enforcement to prosecute two American citizens for acts of child sex tourism with Peruvian children in 2013, one of whom pleaded guilty and was sentenced to 30 years in prison and a \$250,000 fine. The government, in partnership with civil society, took efforts to reduce the demand for commercial sex acts involving children, but did not report efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. The government provided Peruvian peacekeepers with specific training on human trafficking prior to their deployment abroad on international peacekeeping missions.

## PHILIPPINES: Tier 1

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 trafficking and forced labor—predominantly via debt bondage—in the fishing, shipping, construction, education, nursing, 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. Traffickers use email and social media to fraudulently recruit Filipinos for overseas work. Illicit recruiters use student, intern, and exchange program visas to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers. Many victims experience physical and sexual abuse, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents.

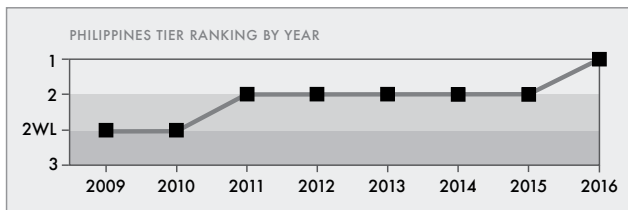
Forced labor and sex trafficking of men, women, and children within the country remains a significant problem. Women and children from indigenous families and remote areas of the Philippines are most vulnerable to sex trafficking and some are vulnerable to domestic servitude and other forms of forced 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, undocumented returnees, and internally displaced persons in typhoon-stricken 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 urbanized 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. Very young Filipino children are coerced to perform sex acts for live internet broadcast to paying foreigners; this typically occurs in private residences or small internet cafés and is facilitated increasingly by victims' close family relatives. NGOs report greater numbers of child sex tourists in the Philippines, many of whom are nationals of Australia, Japan, the United States, 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 militia groups operating in the Philippines, including the New People's Army, the Moro Islamic 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.

The Government of the Philippines fully meets the minimum standards for the elimination of trafficking. The government convicted 42 traffickers, including five for online child sex trafficking and two for forced labor. Although pervasive corruption undermined efforts to combat trafficking, the government convicted two immigration officers and charged five officials allegedly complicit in trafficking. In an effort to prevent trafficking of migrant workers, the government increased its funding for the Commission on Filipinos Overseas (CFO) to facilitate anti-trafficking prevention campaigns for migrant workers, and authorities expanded training and awareness events for government officials, prospective employees, and the general public, doubling the number of persons reached. Officials proactively identified trafficking victims exploited within the country and assisted roughly 1,500 during the reporting period; however, it did not identify any foreign victims. Although domestic protection for male victims remained limited, the government opened and fully funded a temporary shelter for male Filipino trafficking victims in Saudi Arabia. To reduce the demand for commercial sex acts, justice officials prosecuted eight cases against foreign child sex tourists during the reporting year.



## RECOMMENDATIONS FOR THE PHILIPPINES:

Increase the availability of shelter and protection resources that address the specific needs of trafficking victims, with a particular focus on male victims and mental health provisions; develop and implement programs aimed at reducing the demand for commercial sex acts, including child sex tourism and online child sexual exploitation; increase efforts to identify labor trafficking victims, especially children subjected to forced labor, including via training for Department of Labor and Employment inspectors on proactive identification mechanisms; increase efforts to investigate, prosecute, and convict labor traffickers who exploit victims within the country; increase efforts to investigate and prosecute government officials for trafficking and trafficking-related offenses; expand efforts to ensure victim-friendly criminal justice proceedings for victim witnesses, particularly child victims, to prevent re-traumatization from multiple interviews and protracted shelter stays throughout the duration of court cases; widely implement the continuous trial mechanism pilot program to increase the speed of trafficking prosecutions; expand prevention efforts against the recruitment and use of child soldiers and vigorously investigate any such allegations and hold accountable those who are involved; and broaden trainings for front-line officers on appropriate methods to assist children apprehended from armed groups.

## PROSECUTION

The government continued vigorous law enforcement efforts.

The Philippines prohibits sex and labor trafficking through its 2003 and 2012 anti-trafficking acts and prescribes penalties of six years' to life imprisonment plus fines up to five million pesos (\$112,000), which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Philippine law defines purchasing commercial sex acts from a child as a trafficking offense. During the reporting period, police investigated 329 alleged trafficking cases, a steady increase from the 282 and 155 suspected cases it investigated in 2014 and 2013, respectively. The National Bureau of Investigation conducted 40 operations leading to the arrest of 151 suspected traffickers, and separately investigated 67 sex trafficking cases and four for forced labor. In 2015, the government prosecuted at least 569 alleged traffickers, compared with 595 during the previous year. Authorities convicted 42 traffickers during the reporting year, compared with 53 convictions in 2014; of these convictions, five were for online child sex trafficking and two for forced labor. Sentences for those convicted ranged from eight years' to life imprisonment, with most offenders sentenced to life imprisonment. The government did not take any law enforcement action to punish the recruitment and use of child soldiers as no cases were reported; reporting was inhibited by the ongoing insurgency in volatile areas where armed militias, which recruit and use child soldiers, operate. During the year, the Supreme Court employed the continuous trial system pilot project, which continued to expedite trafficking prosecutions; however, endemic inefficiencies, and in some cases corruption, in the judicial system left some cases pending prosecution. Courts resolved the cases of 17 of the 42 convicted traffickers within two years, which is significantly faster than other types of criminal cases. Prosecutions for labor trafficking remained low; law enforcement officials reported difficulties in securing forced labor convictions, sometimes due to misconceptions that this crime requires an element of movement to be tried under the anti-trafficking law.

The government continued to make strong efforts to provide anti-trafficking training to authorities. The Interagency Council Against Trafficking (IACAT) conducted 36 trainings in 2015, reaching more than 1,000 government officials, including new investigators and prosecutors. IACAT also led and co-coordinated 280 anti-trafficking trainings, which reached 7,300 government personnel and more than 11,000 civil society attendees across the country, including students, hospitality staff, and bus and taxi drivers. In addition, Philippine regional police facilitated 24 specialized courses on cross-border trafficking issues with Malaysian royal police. Officials also hosted seminars in Cebu and Davao to enhance the capacity of respective law enforcement personnel. Philippine officials continued to cooperate with foreign governments to pursue international law enforcement action against suspected traffickers; officials initiated at least nine such investigations in 2015. During the reporting year, the government investigated 24 allegedly complicit immigration officers and convicted two; it sentenced one official to 15 years' imprisonment plus a fine of 500,000 pesos (\$10,800). The government also issued administrative charges—including job dismissal—against five potentially complicit immigration officers; the remaining 17 cases are either pending, referred for additional investigation, or awaiting approval for criminal proceedings. Philippine officials dismissed for lack of merit and insufficient evidence two cases: a 2013 case of an embassy official in Kuwait who allegedly violated the Philippines' anti-trafficking law, and a 2014 case involving a Philippine diplomat and her spouse in Canada who allegedly compelled an individual into domestic servitude.

## PROTECTION

The government sustained its proactive identification of victims and increased provision of protective services. Although comprehensive statistics for the total number of victims identified and assisted were unavailable, IACAT reported identifying at least 807 victims, mostly female and children. The Department of Social Welfare and Development (DSWD) reported serving 1,465 trafficking victims, of whom 1,037 were female, compared with 1,395 victims in 2014. The government followed formal procedures to identify victims and refer them to official agencies or NGO facilities for care; it also continued to assist its nationals subjected to trafficking abroad. Philippine officials identified victims through rescue operations, border screenings, reports to embassies abroad, and calls to the national anti-trafficking help line, which led to assistance for 62 potential trafficking victims.

The government, through its recovery and reintegration program and in partnership with NGOs, provided victims with shelter, psycho-social support, medical services, legal assistance, and vocational training. It sustained an allocation of approximately 23 million pesos (\$490,000) to implement this program. DSWD operated 44 residential care facilities, an increase from 26 in 2015, which delivered services to victims of trafficking and other related abuses; however, available services remained inadequate to address the specific needs of victims, particularly for mental health. The DSWD reported providing temporary shelter to 1,889 victims during the reporting period, an increase from 853 in 2015. An improvement for victims in 2015 saw adult victims residing in shelters being permitted to leave unchaperoned, provided there were no threats to their personal security or psychological care issues. Domestic protective services for male victims remained limited; however, during the reporting period Philippine officials opened and funded a temporary shelter for male Filipino trafficking victims in Saudi Arabia. The government provided an unknown funding amount to NGOs, which delivered the vast majority of specialized services to trafficking victims; however, the lack of long-term care, absence of mental health services, and familial involvement in facilitating exploitation left many victims vulnerable to re-trafficking.

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; however, victims were often interviewed multiple times, which resulted in lengthy shelter stays. During the year, civil society representatives observed judicial officials utilizing victim restitution provisions and awarding damages to victims; however, these monetary penalties imposed upon offenders often went unpaid due to perpetrators' financial incapacity and protracted court proceedings. 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 year, it had long-term alternatives to deportation of victims to countries where victims may face hardship or retribution.

## PREVENTION

The government increased its robust efforts to prevent trafficking. The government continued implementation of its 2012-2016 strategic plan to combat trafficking, and IACAT and other government anti-trafficking taskforces met regularly during the year to share data and coordinate interagency policies. IACAT increased funding from 200,000 pesos (\$4,500) in

2014 to over 850,000 pesos (\$18,200) in 2015 for the CFO to facilitate anti-trafficking prevention campaigns. Consequently, the CFO expanded its community education programs on trafficking and safe migration tactics across 24 provinces, which reached more than 6,300 participants, including prospective migrant workers; it conducted a similar campaign in Hong Kong for approximately 150 Filipino migrants employed there. The CFO also facilitated an awareness campaign in Cebu, focusing on cybercrime and online child sexual exploitation, and disseminated related informational materials to more than 60,000 local residents. During the reporting period, police led 38 awareness-raising programs for 1,500 participants on preventing exploitation of women and children, to include trafficking; they also produced and distributed thousands of flyers, posters, and manuals at the community level nationwide and hosted 28 television and social media engagements for the general public.

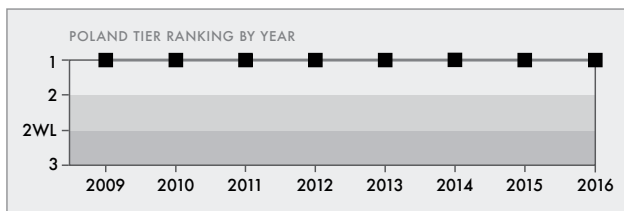
The Philippine Overseas Employment Agency (POEA) conducted public seminars and community forums across the country on warning signs of illegal recruitment tactics and trafficking. POEA officials investigated 98 cases involving 231 complainants of illegal recruitment and an unknown number of trafficking victims in 2015, which resulted in the closure of 12 non-licensed establishments; officials referred 84 cases for criminal investigation proceedings, as compared with 124 the previous year, and reported six illegal recruitment convictions compared to eight in 2014. The Bureau of Immigration continued to screen for potential victims at airports and seaports, and officials issued amended guidelines on departure formalities for international-bound persons, which set clearer rules for inspections intended to prevent trafficking and other related offenses without deterring legal travelers. Despite significant local and foreign demand in the country's vast commercial sex trade, the government's efforts to reduce the demand for commercial sex acts were negligible, and authorities reported no tangible efforts to reduce the demand for forced labor. Justice officials prosecuted 17 cases against six foreign child sex tourists during the reporting year; however, including previous years, 79 cases remain pending trial. The government conducted three monitoring, reporting, and response training events for 146 local service providers addressing child soldiering issues in Mindanao due to protracted armed conflict and high likelihood for the recruitment and use of child soldiers there; however, the government did not report assisting any demobilized child soldiers. Government military personnel disseminated information against child soldier recruitment in various provinces nationwide, but no law enforcement actions were taken to punish the recruitment and use of child soldiers as no cases were reported. The government provided anti-trafficking training to Philippine troops prior to their deployment abroad on international peacekeeping missions, and for its diplomatic personnel.

## POLAND: Tier 1

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. Children, particularly Romani children, 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.

The Government of Poland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government provided training to law enforcement authorities, as well as judges and prosecutors. The police established provincial-level anti-trafficking teams, and the interior ministry installed and trained provincial-level coordination committees in all 16 regions. However, the number of final convictions decreased for the second consecutive year and most convicted traffickers received suspended sentences. Overall law enforcement action against forced labor was insufficient, despite a large number of labor trafficking victims identified. While the government continued to fund services for adult victims, there was no specialized care available for child victims of trafficking.



#### RECOMMENDATIONS FOR POLAND:

Ensure traffickers receive sentences commensurate with the severity of the crime, such as by continued training for prosecutors and judges; improve measures to identify child victims; provide specialized care to child victims of trafficking; vigorously investigate and prosecute trafficking crimes, particularly forced labor cases; increase training to law enforcement on how to investigate and prosecute labor trafficking cases and consider creating specialized prosecution units for trafficking crimes; educate and incentivize foreign victims to enroll in the witness protection program and assist prosecutions; improve training and efforts to identify victims proactively, particularly among unaccompanied children, irregular migrants, and children exploited in prostitution; 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; consider providing foreign victims enrolled in the witness protection program the right to work in Poland; ensure adult male victims have access to care services and emergency shelter; and improve central operational coordination and data collection for anti-trafficking activities.

#### PROSECUTION

The government maintained law enforcement efforts, but did not provide effective sentencing for convicted traffickers or increase the number of upheld final convictions. In collecting data, the government only considered convictions and sentences issued after appeals to be final. Poland's penal code defines a trafficking crime in article 155.22, 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, but authorities launched 30 investigations under article 189a in 2015, compared with 28 in 2014. Authorities reported prosecuting 23 suspected traffickers under article 189a in 2015, compared with 28 in 2014. In 2015, 17 prosecutorial investigations conducted involved forced labor, compared with eight in 2014. First-level courts convicted 36 traffickers under article 189a in 2015, compared with 17 in 2014, the highest number of first-level convictions since 2012. In 2014, the most recent year for which post-appeal judgements were available, nine convictions were upheld, compared with 13 in 2013 and 18 in 2012. Courts also upheld 12 convictions under article 203 and 16 convictions under article 204.3, compared with 13 and 15 convictions, respectively, in 2013. In total, judges issued 37 final convictions in 2014 under these three statutes, compared to 41 in 2013 and 64 in 2012. Prison terms ranged from one year, to three to five years; 78 percent of sentences were for two years or less. Authorities suspended a greater proportion of prison sentences for trafficking convictions, from 41 percent in 2013 to 62 percent in 2014. 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 provided trafficking-specific training for the police and border guards during 2015. In November 2015, authorities held a training session for 100 prosecutors on trafficking, as well as seven trainings throughout 2015 for prosecutors and judges on international crime that included transnational trafficking. Authorities reported there were very few prosecutions for forced labor because police had difficulty identifying this type of crime, despite NGOs assisting over 290 victims of forced labor and forced begging from 2013 to 2015. Experts noted prosecutors and judges often lacked expertise in labor trafficking cases. Observers reported prosecutors were sometimes reluctant to prosecute suspected traffickers due to the complexity and difficulty of those cases. In June 2015, the police issued an internal regulation creating provincial-level anti-trafficking teams.

#### PROTECTION

The government demonstrated limited progress in some areas of protection, but authorities did not provide specialized care for child victims or establish a standard protocol to determine whether unaccompanied minors may be victims of trafficking. Authorities trained police, border guards, about 120 consular officers, 21 labor inspectors, 95 employees of crisis intervention centers, and 270 tourism students and hotel representatives on trafficking victim identification. Sixty-six border guard officers attended specialized training on identification of victims of forced labor provided by an international organization. In the first quarter of 2015, the national police adopted a new identification tool designed to assist police in identifying potential trafficking victims. Police and prosecutors acknowledged they still lacked the expertise to identify forced labor victims. Observers reported authorities did not treat some children exploited in prostitution as victims. Some victims avoided reporting their exploitation because participation in the protection program did not provide for the right to work. In 2015, the government allocated 1.1 million zloty (\$280,800) to two NGOs that run the National Intervention-Consultation Center for Victims of Trafficking (KCIK), which covered the majority of operating expenses; this marked an increase from 1 million zloty (\$255,300) in 2014. KCIK provided assistance



to 229 victims in 2015, compared with 207 in 2014. Of the 229 victims, 126 were foreign nationals and 127 were victims of forced labor and forced begging. 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 shelter 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 minors as potential trafficking victims. The government could place child victims in orphanages, with foster families, or in child assistance centers based on their needs. Observers reported some unaccompanied minors, 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, compared with 23 in 2014.

The government’s witness protection program provided foreign victims with a temporary residence permit, medical and psychological care, and shelter for those who cooperated with a prosecution. The government enrolled 38 trafficking victims into this program in 2015, compared with 62 in 2014. 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; 33 victims received this reflection period in 2015. GRETA reported authorities did not systematically inform victims about the reflection period. In 2015, 27 foreign victims who joined the witness protection program agreed to participate in the prosecution of their traffickers, compared with 52 in 2014. 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. Six trafficking victims were convicted for illegally crossing the Polish border in 2014; in 2015, the Supreme Court returned the case to the lower court for reconsideration.

**PREVENTION**

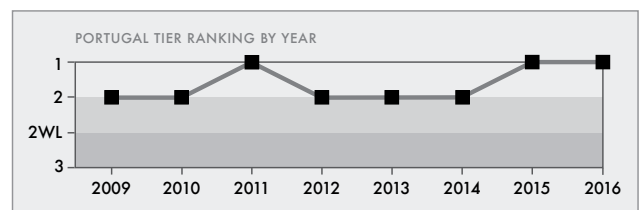
The government demonstrated progress in prevention. In 2015, the government again allocated 135,000 zloty (\$34,500) for the implementation of tasks related to the 2013-2015 national action plan for combating trafficking. The government drafted and began the implementation of the 2016-2018 action plan, although the government had not formally approved it by the close of the reporting period. The interior ministry continued to lead the inter-ministerial anti-trafficking team, as well as a working-level group of experts, which met regularly to coordinate efforts and develop national anti-trafficking policies. However, observers reported Poland lacked effective central operational coordination for all anti-trafficking activities. During the reporting period, the government completed the establishment of provincial interagency anti-trafficking teams in all 16 regions of the country to improve cooperation at the regional level. Between June and November 2015, the interior ministry conducted 15 trainings for members of all provincial interagency teams. The interior ministry released an assessment of the government’s 2014 anti-trafficking activities in 2015. 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, several of which targeted schoolchildren, migrant workers in Poland, and Poles seeking work abroad. The labor inspectorate continued to inspect job

recruitment agencies for fraud, which resulted in the removal of several agencies from its official register. The government provided anti-trafficking training for its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex and forced labor.

**PORTUGAL: Tier 1**

Portugal is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Trafficking victims primarily originate from Africa and Eastern Europe, and, to a lesser extent, Latin America and Asia. Most victims are subjected to forced labor. Foreign labor trafficking victims are exploited in agriculture 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. Although most forced labor victims are men, authorities noted an increase in the number of female forced labor victims in 2015. 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 African countries, to Portugal to claim asylum before bringing victims to other European countries to be exploited in trafficking.

The Government of Portugal fully meets the minimum standards for the elimination of trafficking. Authorities increased the number of trafficking investigations, although the number of convictions decreased significantly. The government continued to fund three NGO-operated shelters and multidisciplinary teams to assist victims. Authorities identified more potential trafficking victims than the previous year. While authorities continued efforts to identify labor trafficking victims and hold labor traffickers accountable, the government identified few sex trafficking victims. The government sometimes prosecuted sex trafficking cases under pimping statutes, which carried less stringent penalties.



**RECOMMENDATIONS FOR PORTUGAL:**

Increase efforts to investigate and prosecute trafficking offenses and convict traffickers, issuing sufficiently dissuasive sentences; release guidance for law enforcement, justice officials, and service providers clarifying all prostitution of children is child sex trafficking, regardless of force, fraud, or coercion, to ensure these crimes are prosecuted under appropriate statutes;

implement required and systematic 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; 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; increase efforts to reduce the demand for commercial sex; and continue to conduct trafficking awareness raising campaigns on forced labor and sex trafficking.

## PROSECUTION

The government decreased law enforcement efforts. Article 160 of the penal code prohibits all forms of trafficking and prescribes penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 160 also encompasses illegal adoption and organ removal. 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.

In 2015, the government investigated 68 potential trafficking cases, compared with 44 cases in 2014. Authorities did not report how many cases involved labor or sex trafficking. In 2015, authorities prosecuted four individuals for forced labor under articles 159 and 160 (three and one prosecutions, respectively); the government did not report the total number of trafficking prosecutions initiated in 2014, although prosecutors charged at least five defendants in three labor trafficking cases. Authorities convicted four traffickers in 2015: one labor trafficker under article 160 and three labor traffickers under article 159, a significant decrease from the 36 total convictions in 2014. The trafficker convicted under article 160 received 15 years' imprisonment, while the three convicted under article 159 received sentences of eight, 12, and 20 years' imprisonment. An unknown number of these convictions had appeals pending. In January 2016, authorities arrested the leader of a labor trafficking ring convicted in absentia in 2011; he is currently serving a 16-year prison term. The government also investigated and prosecuted human trafficking as other crimes, such as pimping (article 169), criminal association, or abetting legal aliens, for which a lesser burden of proof is required and convictions were easier to obtain, although these convictions often resulted in less stringent sentences. Authorities prosecuted two individuals for trafficking crimes under article 169, one of whom also faced prosecution for forced labor under article 160. The government reported two convictions for trafficking crimes under article 169; courts sentenced one defendant to 39 months' imprisonment, while the second defendant received a suspended sentence of two years' imprisonment. GRETA recommended increased training for law enforcement, prosecutors, and judges, who sometimes categorized trafficking as other crimes, such as domestic violence or pimping. Authorities provided anti-trafficking training to front-line responders, including police officers, labor inspectors, and social workers. The government did not report any investigations, prosecutions, or convictions of government employees for alleged complicity in trafficking-related offenses.

## PROTECTION

The government sustained victim identification and 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 confirm victims. Authorities identified 18 confirmed victims and more than 150 additional potential victims in 2015, compared with 20 confirmed and 26 potential victims in 2014. Fifteen of the 18 confirmed victims were victims of forced labor (including three forced begging victims) and three were sex trafficking victims; six of the confirmed victims were children. In November 2015, authorities conducted operations throughout the country during which they identified more than 100 potential victims and detained 18 suspects. The government reported it provided approximately 1.25 million euros (\$1.36 million) in 2015 for prosecution and protection activities; in 2015 it allocated an additional 490,000 euros (\$533,000) for victim services and to support its four interdisciplinary regional teams' efforts to identify and assist victims. Victims 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. 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 were placed in institutions if they could not be placed with family members. Of the 18 confirmed victims in 2015, five accepted shelter and services, nine refused shelter, and one returned to his or her country of origin; the status of the remaining three victims was unknown. The government hosted training workshops for health, security, and social services professionals to identify victims of labor trafficking.

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 two residence permits in 2015, compared with one permit in 2014; both recipients were female sex trafficking victims. The government reported it provided one victim with transportation to return to his or her country of origin. NGOs and law enforcement reported some victims were hesitant to speak with authorities, which may have hindered victim identification. 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.

## PREVENTION

The government maintained prevention efforts. The government continued to implement its national action plan for 2014-2017 and maintained a multi-stakeholder anti-trafficking network, including a national rapporteur, representatives from various government agencies, and three NGOs. The national rapporteur

served as the national anti-trafficking coordinator and issued an annual report on the implementation of the national action plan. The national rapporteur also had the authority to propose new legislative measures to protect victims and prevent trafficking. The government's anti-trafficking agency published an annual report detailing the trafficking situation in the country. The government conducted an awareness campaign to help workers avoid becoming trafficking victims by informing them about fraudulent recruitment offers and providing a hotline workers could call for help or additional information. Labor authorities conducted inspections in an effort to prevent labor exploitation and maintained a registry of contracts for foreign migrants working in the country. The government also screened visa applicants to ensure their job offers were legitimate. The government did not make efforts to reduce the demand for commercial sex but did make efforts to reduce the demand for forced labor. The government conducted awareness campaigns to prevent child sex tourism. 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.

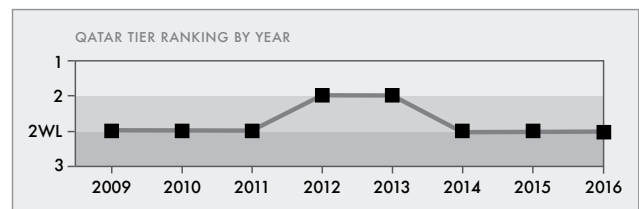
## QATAR: Tier 2 Watch List

Qatar is a destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Qatar is also a destination country for women who migrate for employment purposes and become involved in prostitution; some of these women may be runaway domestic workers whom traffickers force into prostitution, exploiting their illegal status. 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 voluntarily come to work as low- and semi-skilled workers, primarily in construction, oil and gas, the service industry, transportation, and domestic work, but some are subjected to forced labor. Female domestic workers are particularly vulnerable to trafficking due to their isolation in private residences and lack of protection under Qatari labor laws. Previous reports by an international organization alleged Nepali and other migrant workers in Qatar died primarily due to poor working conditions.

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 false employment contracts. Qatar's current sponsorship system places significant power in the hands of employers, who have unilateral power to cancel residence permits, deny workers the ability to change 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, the lengthy recourse process, or lack of knowledge of their legal rights, making them more vulnerable to forced labor, including debt bondage. Instances of delayed or non-payment of salaries are a leading driver of forced labor, including debt bondage, in Qatar. Many migrant workers often live in cramped, unsanitary conditions, and many complain of excessive working hours and unpaid wages and also face denial of exit permits; threats of deportation and physical or financial harm; physical, mental, and sexual abuse; and hazardous working conditions. According to a 2014 study by Qatar University's Social and Economic Survey

Research Institute, 76 percent of expatriate workers' passports are in their employers' possession, despite laws against passport confiscation, although this represents a decrease in passport retention since 2011, when 92 percent of expatriates reported that employers retained their passports. International rights groups and media report some migrant laborers face severe labor abuses, some of which amount to forced labor, and also allege a high number of foreign laborers have died from heart failure due to harsh work in extreme heat.

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. Despite these efforts, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Qatar is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, Qatar was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government reported prosecuting 24 suspected traffickers, including two exploitative employers, although some of these cases likely involved other crimes often conflated with trafficking, including smuggling. For the first time, the government successfully used the 2011 anti-trafficking law to convict 11 traffickers. Existing labor protections remained weak and favored the employer, and the labor law does not provide protection to domestic workers, leaving them vulnerable to forced labor or abuse. The government began to amend the sponsorship system, known as *Kafala*, which could drastically reduce vulnerabilities to forced labor. The Emir signed the *Kafala* reform law in October 2015, it was transmitted into the official gazette in December 2015, and implementation is to begin in December 2016. Despite the new law's elimination of indefinite contracts, it remains unclear whether employers will pressure employees to sign new five-year contracts (the maximum allowed) before these reforms come into effect; it is possible that these actions could subject workers to unfair labor practices. The government did not report the number of trafficking victims identified or provided services during the reporting period. During the reporting period, the government did not designate a government lead for anti-trafficking efforts; the previous oversight body, the Qatar Foundation for Protection and Social Rehabilitation (QFPSR), was removed as the anti-trafficking lead and focused exclusively on caring for female and child victims of abuse. In November 2015, the government began implementation of the Wage Protection System (WPS), requiring employers to pay workers electronically, although it remained unclear whether the system flagged potential trafficking cases for criminal investigation. The number of workers who signed up for the WPS more than tripled during the reporting period from 407,051 to 1.3 million; however, implementation of the WPS was particularly challenging for small and medium-sized enterprises and start-ups.



### RECOMMENDATIONS FOR QATAR:

Sufficiently implement reforms to the sponsorship system so



it does not provide excessive power to sponsors or employers in granting and sustaining the legal status of workers; ensure reforms provide migrant workers with protection from abusive practices and working conditions that may amount to forced labor; increase efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers, particularly for forced labor crimes, under the anti-trafficking law; extend labor law protection to domestic workers and ensure any changes to the sponsorship system apply to all workers; 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 against employers who withhold workers' wages or passports; enforce the law requiring that employees receive residence cards within one week of arrival and further enforce the law criminalizing passport retention; 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 those that flee abusive employers; provide victims with adequate protection services and ensure that shelter staff speak the language of expatriate workers; appoint a formal government lead to coordinate anti-trafficking efforts; collect, disaggregate, analyze, and report anti-trafficking law enforcement data; report data pertaining to the number of victims identified and the services provided to them; provide anti-trafficking training to government officials; and continue to conduct anti-trafficking public awareness campaigns.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts, although prosecution of labor trafficking cases, including passport retention crimes, needs to be increased. The comprehensive anti-trafficking law, enacted in October 2011, prohibits all forms of both sex and labor trafficking and prescribes penalties of no more than seven years' imprisonment and up to 230,000 Qatari riyal (\$82,000) in fines, with penalties of no more than 15 years' imprisonment for trafficking offenses committed with aggravating circumstances. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as kidnapping. The government prohibits employers' withholding workers' passports under the 2009 sponsorship law, punishable by a fine of up to 10,000 Qatari riyal (\$2,750). The government sporadically and inconsistently enforced this law during the reporting period and did not report any fines imposed on sponsors for withholding passports.

During the reporting period, the government reported investigating 24 potential trafficking cases. While more than double the previous year, some of these cases may have involved other crimes often conflated with trafficking, including smuggling. The government prosecuted and convicted 11 suspected traffickers, including the staff of two private companies under the 2011 anti-trafficking law as compared to no convictions in the previous reporting period. Media reports indicated that Qatar's criminal court had sentenced an Arab couple to prison for eight years and fined each of them 450,000 Qatari riyal (\$123,598) under charges of unintentional murder of a domestic worker and involvement in human trafficking crimes. According to the media, the couple had also enticed domestic workers to leave their employers with the promise of facilitating employment in a new household in return for large fees from both the domestic workers and prospective employers. The government has begun to prosecute exploitative

employers under the 2011 anti-trafficking law, but other existing labor protections remain biased in favor of the employer. The government's primary solution for resolving labor violations was to transfer a worker's sponsorship to a new employer, ban the employer violating labor protections from new contracts or importing more laborers, and made minimal 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. In May 2014, a federal district court in Virginia issued a default judgment awarding damages to a former domestic worker, finding she was subjected to forced labor when she was employed by a Qatari diplomat; the diplomat has not paid the judgment and has since left the United States. In another case, a Qatari official and his spouse were indicted in May 2015 and pled guilty to visa fraud related to the alleged forced labor of two domestic workers. As part of their plea, the couple paid the workers restitution and left the United States. The government reported it continued to provide training for law enforcement officials, public prosecutors, judges, inspectors, civil society organizers, and public health professionals on investigating trafficking cases, the anti-trafficking law, and victim identification. The police training institute continued to train Ministry of Interior (MOI) officials on investigation techniques for trafficking cases.

## PROTECTION

It is unclear whether the government decreased efforts to protect victims of trafficking due to a lack of government-provided statistics in this area, and many victims of forced labor, including debt bondage, likely remained unidentified and unprotected. The government did not report the number of victims identified or assisted during the reporting period, as it has in past years. Officials were less likely to identify domestic workers, not covered by labor law, as trafficking victims, due to limited access to private homes and social customs. During the reporting period the government did not designate a new government lead for anti-trafficking efforts after the previous oversight body, the QFPSR, was dissolved of anti-trafficking responsibilities. QFPSR had been responsible for maintaining procedures to identify and respond to the needs of female and child victims of violence and continued to operate a shelter for women and child victims of violence at the Qatar House for Lodging and Care. The government offered female and child victims of violence, including trafficking victims, access to medical care, social services, psychological treatment, legal assistance, and rehabilitation and reintegration programs. 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 safe shelter, health care, and legal assistance. During the reporting period, victims that received shelter services had the right to leave the shelter without supervision, and victims were able to access the shelter even if their employers had filed charges against them.

The government continued to punish some unidentified victims of trafficking for unlawful acts committed as a direct result of being subjected to trafficking. Authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations and running away from their employers or sponsors. Some victims occasionally languished in detention centers for up to six months due to debts allegedly owed or false charges of theft filed by their employers. The costs of legal representation under these circumstances were sometimes borne by the workers, but were often waived by the government

due to workers' inability to pay. Domestic workers who were not covered under the labor law continued to face difficulties seeking legal redress for abuses through civil court action. During the reporting period, officials did not recognize severe labor abuses, including cases of domestic servitude, could amount to human trafficking. The government encouraged victims to testify against their traffickers by providing free legal counseling and allowing them to pursue financial compensation; however, it did not report how many victims testified against their traffickers or received these benefits during the reporting period. The government lacked adequate privacy laws to protect victims against potential retribution and often did not provide adequate assistance or protection for victims during legal proceedings. MOI's Search and Follow Up and Human Rights departments coordinated with embassies to assist in repatriating migrant workers and reported providing 10,086 repatriation tickets free of cost—likely assisting some potential trafficking victims. Victims of abuse with pending cases were given the option of changing sponsors or returning to their country of origin, once their residency status was resolved. The government reported it did not deport those who faced retaliation or retribution in their country of origin.

According to a published report, migrant workers noted that inspections are not frequent, and employers are not punished for violating the law. Workers indicated that the complaints process was not easily accessible and that the courts' process was lengthy. Some workers faced retaliation by their employers after filing complaints.

## PREVENTION

The government made modest efforts to prevent trafficking in persons. The government passed reforms to its sponsorship law during the reporting period, which could reduce vulnerabilities to forced labor. These reforms to the sponsorship system are expected to take effect in December 2016, and the announced changes will eliminate indefinite-term contracts and provide employees with the right to change employers at the end of their contracts and leave the country without the employer's permission through a government appeal mechanism. The mechanism will mandate an employer produce a court order within 72 hours of an employee's application to depart to sustain the employer's objection to the employee's departure, which will significantly improve expatriate's freedom of movement. Allegations of employers pressuring employees to sign new five-year contracts before these reforms come into effect remained a significant concern as these actions could subject workers to unfair labor practices. Once these reforms are officially implemented, a clear assessment and evaluation of their impact on addressing trafficking issues, including protections of all migrant workers and prosecution efforts can be made. 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 renders workers illegal and affects their ability to access health care or lodge complaints with authorities.

The government did not provide numbers on its budget to support its anti-trafficking efforts, except to say it was consistent with the previous year, which was reported as 42 million Qatari riyal (\$11.5 million). Government agencies and civil society representatives met several times during the reporting period to coordinate and assess national anti-trafficking efforts, including victim referral procedures, visa-selling issues, sponsorship transfer and entry and exit procedures, implementation of the WPS, and the reforms to the sponsorship system. The

government continued to publish and distribute "worker rights" pamphlets in English, Arabic, Hindi, Bengali, Nepali, and Tagalog that contained relevant articles from the labor and sponsorship laws and information on hotline numbers to report abuses. The government increased its cooperation with the Government of Nepal including cooperation between Nepali and Qatari human rights organizations, and participation in a joint tech camp in Kathmandu to develop technological solutions to address labor rights issues in the Nepal-Qatar migration experience. Following a high-profile visit to Nepal by the Qatari minister of labor, a memorandum of understanding was implemented establishing no-fee recruitment as the only means for ethical manpower sourcing.

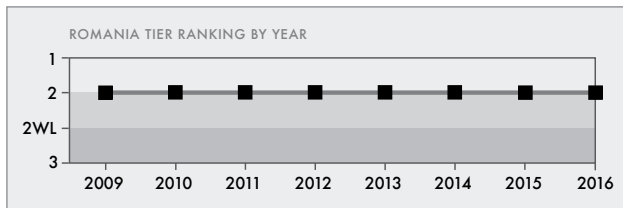
During the reporting period, the government identified more than 21,000 violations of their labor code, resulting in the blacklisting of more than 4,400 companies, a significant increase compared with 200 blacklisted the previous reporting period. During the reporting period the government increased the number of labor inspectors; nonetheless, it did not systematically investigate companies for withholding workers' passports. In November 2015, the government began implementation of the WPS, which requires employers to pay workers electronically and increases penalties for violating the labor code. While intended to address late and unpaid wages, the largest category of labor complaints received by the Ministry of Labor and often indicative of forced labor, it remained unclear whether the system effectively flagged potential trafficking cases for criminal investigation. Implementation of the WPS was particularly challenging for small and medium sized enterprises and start-ups, joint ventures, and foreign-owned companies. Additionally, allegations of employees being forced to pay employers a certain amount of money before having their wages transferred electronically raised significant concerns of employers finding a loophole to the system. The government routinely inspected and monitored recruitment companies and reportedly sought to punish companies found making fraudulent offers or imposing exorbitant fees for visas, which increased migrant workers' vulnerability to trafficking. The government did not report how many companies it referred for prosecution or whether it achieved any convictions for those suspected of illegal visa selling. The government did not report efforts to reduce the demand for commercial sex acts or forced labor, nor did it report efforts to prevent Qataris committing from child sex tourism offenses while traveling abroad. The government did not provide anti-trafficking training for its diplomatic personnel.

## ROMANIA: Tier 2

Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romanians represent a significant source of 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 forced criminality. Romania is a destination country for a limited number of foreign trafficking victims, including sex trafficking victims from Moldova and Poland and labor trafficking victims from Bangladesh, China, the Philippines, and Serbia. 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.

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 organized crime directorate led the government's strong law enforcement efforts, but police and judges lacked training on working with trafficking cases and victims, which had detrimental effects on compensation for victims and sentencing for perpetrators. The government's protection efforts remained inadequate, particularly in victim assistance. The government and NGOs identified a large number of victims, but assisted only 37 percent, leaving most victims without services and vulnerable to re-trafficking. The government did not provide funding to NGOs offering victim assistance, although the national anti-trafficking commission began to develop mechanisms to provide grants to NGOs. Victims had difficulty obtaining medical services, psychological counseling, and identity protection during criminal trials. Official complicity was not adequately addressed.



### RECOMMENDATIONS FOR ROMANIA:

Allocate public funding for NGOs to provide services to victims; significantly increase training of 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; improve victim access to medical assistance and increase quality of psychological counseling; 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; do not prosecute victims for crimes committed as a direct result of their 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; and consistently inform victims of their right to apply for compensation.

### PROSECUTION

The government made mixed progress in law enforcement efforts. Article 210 prohibits all forms of trafficking and prescribes penalties of three to 10 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities initiated or continued to investigate 858 trafficking cases in 2015, compared with 875 in 2014. Prosecutors initiated or continued prosecution of 480 suspected traffickers in 2015, compared with 534 in 2013. Courts convicted 331 traffickers in 2015, an increase from 269 in 2014. In an increase from the previous year, 68 percent of convicted traffickers were sentenced to time in prison—as opposed to suspended jail sentences or educational measures—compared with 67 percent in 2014. Most prison terms in 2015 ranged from one to five years' imprisonment. Courts did not levy any fines against traffickers in 2015, compared with 15 in 2014. Authorities continued to participate

in joint investigative teams with several European counterparts. The government provided training on human trafficking to 30 prosecutors in the organized crime division, but officials in the judiciary often continued to demonstrate weak knowledge of trafficking and the unique needs of victims. Magistrates typically did not differentiate between prostitution and sex trafficking as distinct crimes, which had detrimental effects on compensation for victims and sentencing for perpetrators. One researcher found appellate courts often overruled lower courts' issuances of compensation to victims based on the belief that compensation for women in prostitution—whom they do not regard as victims—was unwarranted. 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. Despite concerns about official complicity in sex and labor trafficking, including allegations of city and county officials obstructing trafficking investigations or being directly involved in trafficking themselves, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government made progress in funding victim care but did not address other deficiencies in victim protection, which remained inadequate. Public officials and NGOs identified 880 victims in 2015, compared with 757 in 2014; these statistics include victims from ongoing investigations and prosecutions initiated in previous years. Of these victims, 36 percent were children, 34 percent were male, and 58 percent were subjected to sex trafficking. Police used the government's national victim identification and referral mechanism, although observers noted it was used inconsistently across the country. The government relied on NGOs to identify and assist victims, but did not provide any financial support due to a legal preclusion of direct funding for NGOs. However, during the reporting period, authorities began the process of removing this legal preclusion, initiating a grant program funded by a foreign government, and developing standards for victim assistance, which varied greatly across public and private care facilities. Approximately 37 percent (326) of the registered 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 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 victims to return to their home district, despite the logistical and financial hurdles this presented for typical trafficking victims. For Romanian victims abroad, Romanian embassies issued travel documents free-of-charge and the government, NGOs, or IOM paid for transport costs.

The law permitted foreign victims who cooperate with authorities to receive a renewable, six-month temporary residence permit. A 2015 law allows foreign victims to request asylum and granted asylum-seekers the right to work after three months. Authorities identified at least one foreign victim in 2015,



although an independent expert reported there were many unidentified foreign victims in Romania. Labor inspectors were not trained in detecting trafficking indicators, nor were they allowed to conduct unannounced worksite inspections. In 2015, 459 participating in criminal prosecutions accessed services available to victims assisting law enforcement; these services include accompaniment 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; such display also puts victim-witnesses at risk of retaliation and societal or familial ostracization. Observers reported courtrooms were hostile environments in which traffickers and their supporters in the audience take photos of those pressing charges and verbalize 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 entitles 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 order restitution, pay court officers to collect the money owed from traffickers. Prosecutors typically dropped charges and fines against victims for crimes committed as a direct result of being subjected to human trafficking, but they still charged with theft some victims forced to steal for traffickers.

## PREVENTION

The government sustained prevention efforts. In June 2015, the government approved an updated 2015-2016 national action plan. The National Agency against Trafficking in Persons continued to publish monitoring reports, statistics, and research reports on trafficking. The national agency implemented and assisted a wide array of awareness campaigns targeting sex trafficking, forced labor, and forced begging. 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 or 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.

## RUSSIA: Tier 3

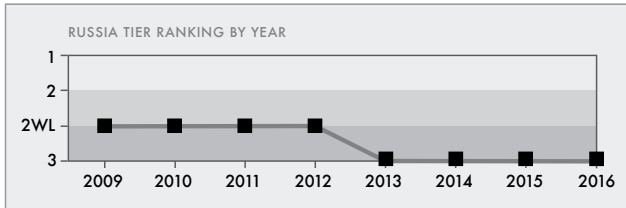
Russia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking remains the predominant human trafficking problem within Russia. Workers from Russia and other countries in Europe, Central Asia, and Southeast Asia—including Vietnam and Democratic People's Republic of Korea (DPRK)—are subjected to forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, agricultural, 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 Federal Migration Service (FMS)

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, 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.

Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily Vietnam), Africa, 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. 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, there were criminal cases involving Russian officials suspected of allegedly facilitating trafficking in Russia, for instance 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. According to FMS, under a state-to-state agreement, 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; 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 FMS to repatriate North Koreans residing "illegally" in Russia, potentially even for those with refugee status.

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. During the reporting period, as in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies. The government offered no funding or programs for trafficking victims' rehabilitation, while several privately run shelters ceased operations during the reporting period due to lack of funding and the government's crackdown on civil society. Authorities lacked a process for the identification of victims and their referral to care, though some investigatory bodies reportedly referred an unknown number of victims on an ad hoc basis. Authorities routinely detained and deported potential forced labor victims without screening for signs of exploitation, and Russian courts prosecuted victims forced into prostitution for prostitution offenses. To reduce some migrant laborers' vulnerability, the government made it easier for citizens of some countries to obtain work permits, though it charged fees upfront that effectively excluded many of the most vulnerable from obtaining the permits. The government did not provide comprehensive information on law enforcement efforts, but the limited available data and media reports indicate prosecutions remained low compared with the scope of Russia's trafficking problem.



## 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, health workers, and other government officials in identifying and referring victims to service providers, particularly among labor migrants and individuals in prostitution; increase efforts to investigate and prosecute trafficking offenses and convict traffickers, respecting due process, including complicit government officials; create a national anti-trafficking action plan and establish a central coordinator for government efforts; take steps to investigate allegations and prevent the use of forced labor in construction projects and North Korean-operated labor camps; 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 Russian government did not 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 this 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 pursued trafficking suspects through articles 127.1 and 127.2 of the criminal code, which prohibit sex trafficking and forced labor, although they also cover non-trafficking offenses. 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 2015, Russia's federal-level investigative committee reported 14 investigations under article 127.1 and four investigations under 127.2. The government did not provide any information about initiated prosecutions. The Supreme Court released statistics showing authorities obtained 48 convictions under article 127.1 and 10 convictions under article 127.2. Forty-seven of these convictions resulted in a prison sentence, although one sentence was suspended. Russian authorities may have charged some sex trafficking cases under articles 240 and 241, which criminalize the inducement to and organization of prostitution, 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 sought an amendment to article 151 (Involvement of a Minor in

the Commission of Antisocial Actions) to close a legislative loophole that allowed adults to avoid criminal liability for exploiting children for begging—a common practice throughout Russia. Law enforcement training centers provided lectures and courses on trafficking for investigators and prosecutors. 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 such situations. 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. 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. In Moscow, a shelter run by the Russian Orthodox Church and an international organization ceased operations due to lack of funding; the shelter cared for 19 victims during the reporting period before closing. An international NGO referred 46 victims in 2015 to a Moscow City homeless shelter, based on a memorandum of understanding; however, this program ceased operations in January 2016 when foreign funding for the NGO ended. 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, suspended many of its operations; it did not serve any victims in 2015, though it continued to run a hotline. A similar shelter established by an international organization in cooperation with Vladivostok authorities went unfunded and was not operating at the close of the reporting period. In addition, during the 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 aimed at suppressing their activities also targeted those providing protective services for trafficking victims and at least one locally registered NGO was designated as a "foreign agent."

The government did not make available official statistics on the number of victims identified or assisted by its authorities. Experts estimated more than 5,000 cases of trafficking in 2015. An international organization identified 144 sex trafficking victims and 94 victims of forced labor or begging. A second NGO assisted 40 victims, who were primarily subjected to sex trafficking. According to media reports, authorities provided assistance in at least one case after a Russian embassy assisted in repatriating a trafficking victim. 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 NGO reported Russian authorities occasionally prosecuted sex trafficking victims for prostitution offenses. Authorities routinely detained and deported possible victims with no effort to identify them as victims or refer them to care. Observers reported FMS did not differentiate between victims and individuals illegally residing in Russia, and thus continued its practice of frequently deporting victims rather than extending protective services. The government did not report

any formal policy for deportation relief for foreign victims. A February 2016 agreement between Russia and DPRK enables FMS to repatriate North Koreans residing “illegally” in Russia, potentially 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 foreign women entering Russia on student visas despite evidence of their intention to work or other vulnerabilities to trafficking.

## PREVENTION

The Russian government demonstrated limited efforts to prevent trafficking during the reporting year. In 2015, the government created regional offices to issue work permits for citizens of select countries who can travel to Russia without a visa. Through legalizing migrant laborers’ work, the system may reduce the vulnerability of some migrant workers; however, the permits were unaffordable to some due to the upfront fees charged by the government and the time required to make multiple trips to a center. New legislation effective 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. Despite these efforts, the national government demonstrated unwillingness to design and implement a comprehensive response to human trafficking. The government made no efforts to develop public awareness of forced labor or sex trafficking. Russia did not have a national action plan, nor have authorities designated a lead agency to coordinate anti-trafficking measures; legislation that would implement such a framework has been stalled at the highest political 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 reportedly provided anti-trafficking training to its diplomatic personnel.

## RWANDA: Tier 2 Watch List

Rwanda is a source, and to a lesser degree, a transit and destination country for a limited number of 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. In 2012, there were reports of older females exploiting younger girls in sex trafficking to pay for their expenses after offering them room and board. In 2012, brothel owners reportedly supplied child sex trafficking victims to clients at hotels, but there were no reports of such crimes in recent years. 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 destination for Rwandan victims is Uganda, but they are also exploited in East Africa, South Africa, United Arab Emirates (UAE), Malaysia, China, the United States, and Europe. Some foreign nationals transit Rwanda before experiencing exploitation in third countries. Kampala- and Nairobi-based labor recruiters and brokers recruit workers through fraudulent offers of employment; they coach potential victims on evading law enforcement authorities at Rwanda’s land border crossings or hire smugglers to assist in illegal, unregulated crossings.

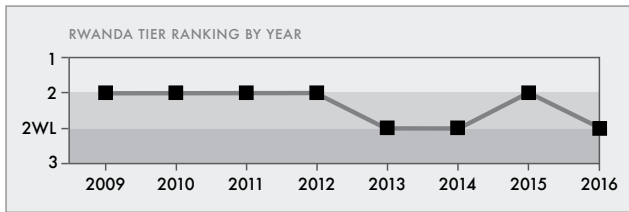
Some refugees fleeing instability and political violence in Burundi were exploited in commercial sex, child sex trafficking, and unpaid domestic labor—some of which may be labor trafficking—in Rwanda. Between April and December 2015, approximately 70,000 Burundian refugees fled to Rwanda, which resulted in an increase in child sex trafficking, which is defined as any individual younger than 18 years old who is exploited in commercial sex. Additionally, 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, at a Congolese refugee camp, one civilian and three Rwandan Defense Forces soldiers assigned to the camp were accused of facilitating the transport of Congolese child refugees to nearby towns for sex trafficking.

During the reporting period, Burundian men and some children in Rwanda were recruited and used in armed groups; though some recruitment was reportedly voluntary, some were reportedly coerced through physical and verbal threats. 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. Many refugees 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 that Burundian recruits, including women and children, were trained in weaponry by Rwandan military personnel at a training camp in southwestern Rwanda.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Rwanda is placed on Tier 2 Watch List. Some government officials, including military and security personnel, were reportedly complicit in trafficking crimes, including child soldiering and sex trafficking. Though complicity in trafficking crimes reportedly ceased by the end of 2015, the government conducted limited investigations of complicit officials and only administratively disciplined some perpetrators. The government continued programs to combat and prevent trafficking, including through awareness-raising campaigns, social service programs to identify and assist women and children at risk of trafficking, increased law enforcement training, and programs intended to reduce the demand for commercial sex acts. Nevertheless, the government did not adequately screen for trafficking victims among individuals held in transit and vocational training centers, which operated without judicial oversight and functioned as de facto detention facilities. The government



acknowledged that resource and personnel constraints continued to hinder the full implementation of its anti-trafficking policies and programs, but government expenditure on anti-trafficking programs and implementation of the national anti-trafficking action plan increased. The government also sought assistance for anti-trafficking policy reforms and programs from international donors.



## RECOMMENDATIONS FOR RWANDA:

Investigate, prosecute, and convict perpetrators of forced labor and sex trafficking, including officials and individuals involved in recruitment and use of refugee adults and children into armed groups and sex trafficking; work with UNHCR to strengthen protection for Rwanda's refugee population, and train Ministry of Disaster Management and Refugee Affairs (MIDIMAR) and security officials to identify and screen for trafficking among refugees; systematically identify trafficking victims among vulnerable populations, and ensure they are not arrested, detained, or punished for unlawful acts committed as a direct result of being subjected to human trafficking; allocate resources for the provision of appropriate long-term protection services, including shelter, for all trafficking victims; continue cooperation with NGOs and international organizations to proactively identify and refer victims to adequate protection services; continue to train law enforcement, judicial officials, labor inspectors, and social workers on the implementation of trafficking laws and victim identification procedures; continue to implement the national anti-trafficking action plan; improve efforts and institute a system to collect trafficking law enforcement and victim identification data; and continue to hold anti-trafficking awareness campaigns.

## PROSECUTION

The government's law enforcement efforts to combat trafficking continued, though some officials were complicit in sex trafficking and the recruitment of Burundian refugees into armed groups. Rwanda's penal code, promulgated in June 2012, 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. In 2015, the government initiated a review of the penal code's trafficking provisions, requesting international assistance in this effort, to ensure they reflect international best practices; the review was not complete at the end of the reporting period.

The government reported 19 potential cases of human trafficking involving 26 alleged perpetrators in 2015, but did not report the

details of these cases; these efforts compare to 24 investigations, six prosecutions, and four convictions in the previous reporting period. The Ministry of Justice reported three individuals were convicted under anti-trafficking provisions, but it did not provide additional details of these cases. Authorities reported that numerous identified perpetrators operated from outside of Rwanda, complicating their apprehension and arrest. The government acknowledged that, due to resource constraints, law enforcement officers did not always have adequate resources or investigative skills to follow through with all investigations, leading to the acquittal of some suspected offenders. The government conducted only limited investigations into credible reports of complicity and took limited administrative action against some of these officials; however, it did not prosecute or convict government officials allegedly complicit in trafficking offenses. In particular, the government did not investigate credible allegations that security and military officials were complicit in facilitating the recruitment of Burundian refugees, including adults and children, from Mahama refugee camp into armed groups intended to overthrow the Burundian government. In addition, the government investigated and court martialed RDF soldiers, who allegedly facilitated the transport of refugee girls to nearby towns for sex trafficking; the government did not publically release the result of the judicial proceedings.

The Rwandan National Police (RNP) continued to operate a 15-officer anti-trafficking unit within its INTERPOL directorate. The RNP directorate for anti-gender-based violence (GBV) 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 were also placed in each of Rwanda's police stations. During the reporting period, the RNP trained law enforcement and judicial officials on domestic and transnational trafficking issues, including investigative techniques. The government also trained 500 members of the local guard patrol that works with the RNP on indicators of child sex trafficking. Additionally, the government provided anti-trafficking training as a part of standard training and professional development for immigration officers, police, labor inspectors, judicial officials, and social workers.

## PROTECTION

The government continued to identify sex and labor trafficking victims and provide them comprehensive social services. However, the government failed to adequately protect and prevent adult and child refugees from recruitment and use by armed groups, as well as sexual exploitation, which occurred during the reporting period. While the government increased security and improved registration procedures at Mahama refugee camp in November 2015, the MIDIMAR and staff discouraged Burundian refugees from reporting concerns of coerced recruitment and intimidated an individual working for an international organization in the camp. Additionally, authorities not only failed to protect refugee girls from sexual exploitation, but some officials also facilitated their sex trafficking. 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. However, advocacy groups reported 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. Officials reportedly screened some child detainees for trafficking, but

the government did not report the number of child trafficking victims identified among detainees in 2015.

The government reported identifying 25 trafficking victims, some of whom were Rwandans exploited abroad, and repatriated 13 victims through cooperation with international law enforcement entities during the reporting period. The government provided repatriated victims with psycho-social counseling, medical care, vocational training, and support in reintegrating into their communities. In 2015, the government took into protective custody two foreign trafficking victims transiting Rwanda from a third country, and provided the victims with shelter, medical care, and legal services. The government continued to provide victim identification guidelines to law enforcement and immigration officials, while social workers in victim centers also used guidelines to identify and assist trafficking victims. The government reported it continued to provide short-term protection services for trafficking victims, including counseling, medical care, reintegration support with family and community, and re-enrollment in school or vocational training, as age appropriate. The government did not provide long-term protection, including shelters, for trafficking victims requiring assistance for more than one month. In 2015, the government expanded its network of “one-stop” centers from 15 to 21; these centers were located in hospitals and district capitals and provided short-term assistance, including free medical exams, counseling, legal assistance, and short-term shelter, to GBV victims and an unknown number of trafficking victims. NGOs and the government’s gender monitoring office, however, acknowledged the extent and quality of services at these centers varied in quality among locations. The national public prosecution authority continued to operate four safe houses for witnesses in criminal cases, which could include trafficking victims during prosecution of their trafficker; however, in 2015 as in the previous reporting period, the government did not place trafficking victims in the safe houses. Through a social assistance program to support child welfare and counter human trafficking and child labor, the government continued to train non-governmental community volunteers to identify and refer to police families and children at risk of trafficking; the government did not report if any child trafficking victims were identified and referred for protection services through this program. The government continued to support a rehabilitation center for former child combatants associated with armed groups in Democratic Republic of the Congo, which provided psycho-social support, education, and reintegration services; child dependents of former combatants were assisted during the reporting period. 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, NGOs reported the government made efforts not to deport those who faced retribution in their home country. The government encouraged victims to testify against perpetrators, and some chose to testify against alleged traffickers during the reporting period.

## PREVENTION

The government continued to implement domestic policies and programs to prevent trafficking, including the 2014-2017 national anti-trafficking action plan, but some officials perpetrated trafficking crimes against adult and child refugees seeking safe shelter in the country. In December 2015, during Rwanda’s televised national dialogue, the minister of justice publicly acknowledged the government’s anti-trafficking policies, while President Kagame directed the ministry to review Rwanda’s anti-trafficking legal provisions to increase penalties

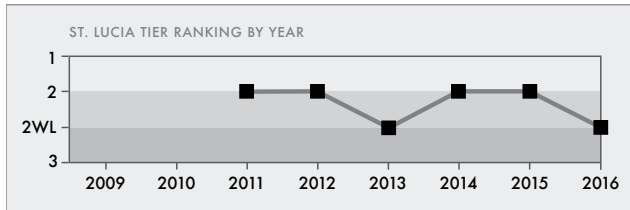
for trafficking offenses. The government’s interagency anti-trafficking working group met four times during the reporting period. The government acknowledged that resource and personnel constraints continued to hinder the government from fully implementing its anti-trafficking policies and programs, and continued to seek international partnerships and assistance. The government also conducted multiple national and local awareness campaigns, primarily focused on child trafficking and GBV issues. RNP continued to operate a national GBV hotline, which was staffed by social workers trained to identify and refer trafficking cases, but it did not collect data on the number of victims assisted by the hotline. The government continued to require immigration officials to question and verify necessary documents of all adults crossing the border with children to prevent the exploitation of Rwandan children abroad; authorities did not report if they identified or investigated any potential trafficking cases through these procedures in 2015. In July 2015, the government released the results of a national survey on domestic workers, which was intended to identify and document instances of child labor and forced child labor. The government made efforts to reduce the demand for 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 to perform community service and receive education on women’s rights. The government reportedly closed an unspecified number of labor recruitment agencies suspected of potential trafficking crimes in 2015, and reportedly prosecuted two labor recruiters for trafficking crimes during the reporting period. 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.

## ST. LUCIA: Tier 2 Watch List

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, including by parents and caregivers. Foreign women 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore St. Lucia is placed on Tier 2 Watch List. The government initiated one labor trafficking investigation in the reporting period, and reported four prosecutions and no convictions. The government has never convicted a trafficker. The government identified one new trafficking victim, and verified nine victims out of the 69 individuals who were initially identified as potential victims in the previous reporting period. The 10 identified victims received housing, medical care, and legal counsel. The government offered long-term housing to some

of the 60 individuals who were initially identified as potential victims in the previous reporting period, but these individuals complained about the quality of care received. The government trained four officials on criminal justice and assistance to trafficking victims; 19 taskforce members, including NGOs, on formulation of a national action plan; and 10 police officers on victim-centered law enforcement efforts. The government drafted a national action plan and planned a prevention campaign, in coordination with an international NGO, but did not implement either.



### RECOMMENDATIONS FOR ST. LUCIA:

Vigorously prosecute, convict, and punish perpetrators of forced labor and sex trafficking, including officials complicit in human trafficking; take measures, respective of due process, to enhance the speed with which trafficking cases are prosecuted; increase efforts to identify and provide assistance to victims; adopt standard operating procedures on a victim-centered approach to guide police, immigration, labor, child protection, and social welfare officials; 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 prostitution, and refer them to appropriate services; implement a national public awareness campaign about forced labor and sex trafficking and publicize the hotline for victims of violence, including trafficking victims; finalize and adopt a national action plan to combat trafficking; address shortcomings in the law so penalties for trafficking are commensurate with penalties for other serious crimes, such as rape; and provide anti-trafficking training to diplomats.

### PROSECUTION

The government maintained minimal efforts to investigate and prosecute traffickers. 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 (\$37,000), or both. These penalties are not commensurate with penalties for other serious crimes, such as rape, and those which allow for imposition of fines are not sufficiently stringent. The anti-trafficking act also prohibits the unlawful holding of identity documents and allows for asset forfeiture of persons convicted of trafficking. The government initiated one labor trafficking investigation in the reporting period, compared with one investigation in 2014 and two in 2013. The government reported four prosecutions in the reporting period, compared to none in 2014. The government has never convicted a trafficker. The government initiated the prosecution of three men from India and one from Bangladesh charged in the previous reporting period with subjecting nine individuals to forced labor in the hospitality industry. The government did not indict any perpetrators in the case involving four potential sex trafficking victims who were identified in 2013 and repatriated to Ukraine and Russia in 2014 with the help of an international organization. The government's office of public prosecutions has been without senior leadership,

contributing to the delay of trafficking prosecutions. The government has never reported prosecuting or convicting a public official complicit in trafficking. The police reported that they cooperated with the United States, Bangladesh, Singapore, and the United Kingdom in the course of investigating the case currently being prosecuted. The government, in collaboration with an international NGO, hosted training on criminal justice and assistance to trafficking victims for four government officials and training on formulation of a national action plan for 19 anti-trafficking taskforce members, including NGOs. The police force separately trained 10 of its own officials on victim assistance.

### PROTECTION

The government's efforts to identify and protect trafficking victims remained inadequate. Authorities identified one adult male foreign victim of labor trafficking during the reporting period, and verified nine adult male foreign labor trafficking victims out of the 69 individuals initially identified as potential victims in the previous reporting period. The government offered 10 victims food, shelter, medical care, and legal counsel during the reporting period. The government reported it spent 439,562 Eastern Caribbean dollars (\$162,800) on victim care during the reporting period, including the provision of long-term housing to some of the remaining 60 individuals who were allegedly fraudulently recruited—by the men charged in the ongoing prosecution—to be students at an academy in preparation for jobs in the hospitality and tourism industry. An international NGO and media reports indicated some of the nine victims and the 60 individuals previously identified as potential victims paid for their own accommodations and meals. Some of the nine identified victims and 60 individuals previously identified as potential victims were cooperating with the ongoing investigation, but some publicly claimed that the government would not grant them permission to return to their home countries before the case went to trial. An international organization assisted the government in 2014 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 did not finalize the procedures by the close of the reporting period. Authorities referred victims on an ad hoc basis to legal, advocacy, and crisis services regardless of their legal status. 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; some potential victims and witnesses from the case undergoing prosecution gave statements to the former director of public prosecutions, but none testified in court during the reporting period. 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 that 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. The government did not report extending any of these protections to victims during the reporting period.

### PREVENTION

The government made minimal efforts to prevent trafficking. The home affairs and national security ministry leads government efforts to combat trafficking. The government, in partnership with an international organization, developed a public awareness campaign, but did not implement it during the

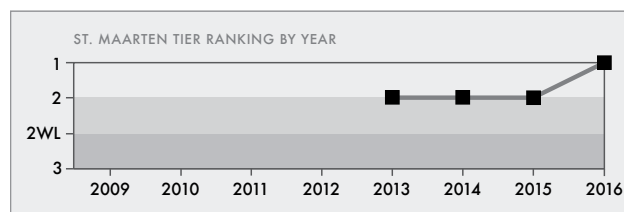


reporting period. The interagency taskforce met twice during the reporting period, and a national action plan remained in draft form for the second consecutive year at the close of the reporting period. The government conducted outreach events in rural communities aimed at preventing vulnerable women and girls from being subjected to trafficking. The government funded a hotline for victims of violence, including trafficking victims, but it received no human trafficking calls during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

## ST. MAARTEN: Tier 1<sup>†</sup>

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 brothels and dance clubs under temporary residence permits for three to six months. 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. After St. Maarten implemented a visa waiver for Colombian tourists, media reports indicated Colombian women may travel to the islands under false pretenses and be vulnerable to human trafficking.

The Government of St. Maarten fully meets the minimum standards for the elimination of trafficking. In 2015, the government conducted one of the largest human trafficking investigations in St. Maarten's history, which led to the arrest of six suspects on charges of human trafficking in both St. Maarten and St. Eustatius, the suspension of the operating license of the country's largest legal brothel, the rescue of 14 sex trafficking victims, and, following close cooperation with authorities in the Dominican Republic, identification of 35 additional victims previously employed by the brothel. Officials charged six defendants in this case—three of the six remained in custody—an unprecedented step in the St. Maarten judicial system. The appeals court upheld the conviction of a sex trafficker and a conspirator—a former government official. The government continued to implement a victim-centered approach for providing services to identified trafficking victims and made robust efforts to screen for trafficking victimization among those in the adult entertainment industry. It assisted 15 victims in 2015 and issued its first residence permit for a potential victim and his family. In December 2015, the national coordinator for human trafficking, the prosecutor's office, and the Department of Judicial Affairs drafted an ordinance and policy guidelines for the adult entertainment industry aimed at preventing the exploitation of women in the regulated prostitution industry.



### RECOMMENDATIONS FOR ST. MAARTEN:

Amend the anti-trafficking penal code provision to ensure penalties are sufficiently stringent; 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; continue vigorous efforts to prosecute and convict trafficking offenders; continue to 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 continue implementing the national anti-trafficking plan.

### PROSECUTION

The government increased its law enforcement efforts, spearheaded the largest trafficking investigation in its history, and closed down one of the largest brothels in St. Maarten, which led to the prosecution of six suspected traffickers. A new penal code, which went into effect in June 2015, prohibits forced labor and forced prostitution, prescribing penalties ranging from 12 to 24 years' imprisonment, which are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. However, penalties are not sufficiently stringent where the provisions allow for a fine in lieu of a prison sentence. 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 in order to prevent potential exploitation and human trafficking.

In November 2015, the government's special human trafficking investigation team, comprised of military police, local police, and immigration and border control officers, arrested six suspects on charges of human trafficking in both St. Maarten and St. Eustatius and suspended the operating license of its largest legal brothel. This inquiry was one of the largest human trafficking investigations in St. Maarten's history. As a result of the investigation and cooperation with authorities from the Dominican Republic, the Netherlands, and St. Eustatius, six defendants were charged with sex trafficking and three defendants were placed in custody in November 2015, where they remained at the end of the reporting period—an unprecedented step in St. Maarten, which has no "bail" system. The government also initiated the investigation of one labor trafficking case. While the courts did not convict any traffickers in 2015, a decrease from three convictions in 2014, it increased the number of prosecutions initiated from two during the previous reporting period to six. The government did not report any new investigations or prosecutions of officials for complicity in trafficking. However, an appeals court affirmed the conviction and 18-month prison sentence (with six months suspended) for a former member of Parliament who accepted

<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.

bribes from traffickers at a large brothel and banned him from holding office for five years. The appeals court also affirmed the conviction and subsequent 42-month term of imprisonment of a trafficker in the same case. The National Reporting Bureau on Human Trafficking (NRB), the lead agency for coordinating the government's efforts to combat human trafficking and emergency response to cases, conducted semiannual training on human trafficking indicators for immigration officers, ambulance personnel, community police, family doctors, and hospital staff.

## PROTECTION

The government identified and assisted 15 victims of both labor and sex trafficking, and identified 35 other potential victims of sex trafficking in two separate investigations. Such efforts represent an increase from 2014, when the government identified three victims but did not assist or refer any to care. In November 2015, a multidisciplinary government team rescued 14 trafficking victims from St. Maarten's largest brothel and referred them to NRB for a full range of services. With government funding, five victims were provided lodging by an NGO and another nine were temporarily housed at a hotel during the investigation. NRB provided financial support for the repatriation of three victims, as requested by those victims. Authorities in St. Maarten worked closely with counterparts in the Dominican Republic to identify potential victims who were previously employed by the brothel, which led to the subsequent identification of 35 additional victims who provided statements to support the investigation, which remained ongoing at the end of the reporting period. The government also identified and assisted a potential victim of labor trafficking. Immigration officials and other stakeholders used an NGO-developed checklist of trafficking indicators and officials routinely screened for trafficking victimization among adult entertainment workers during immigration procedures, labor inspections, and required medical screenings. NRB periodically conducted outreach with immigrant communities, businesses, health officials, and the tourism sector on how to report potential victims and trafficking crimes. Authorities referred potential victims to care through verbal agreements with an anti-trafficking NGO and government agencies. The government provided a wide range of services and support, through a crime victims' compensation fund, to NGOs to provide victim services, including food, clothing, shelter, medical and psychological services, assistance in repatriation, and obtaining residence and work permits. It continued to inspect government-licensed brothels, including by screening for trafficking indicators. In December 2015, the government issued its first temporary residence permit for a labor trafficking victim and his family. The temporary residence program is designed to encourage victim assistance in the investigation and prosecution of traffickers. 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 or file a civil suit against traffickers.

## PREVENTION

The government increased its trafficking prevention efforts. The government sustained its ongoing campaign of 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. NRB continued its prevention campaign, reaching brothels, dance clubs, work permit applicants, front-line responders, community-based organizations, and immigrant communities.

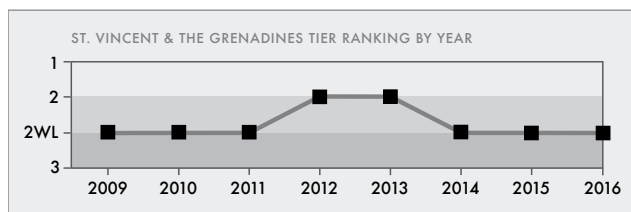
Authorities implemented the 2013-2018 national action plan on trafficking, in coordination with local NGOs. The government implemented a new policy that requires foreign women to apply for adult entertainment work permits on their own, ending the practice of brothel owners applying for permits, often with misleading and fraudulent work agreements. By requiring women to apply in person, authorities can verify the terms of their work contracts and share information on human trafficking laws, workers' rights, and information on how to contact authorities. In June 2015, St. Maarten signed a renewed memorandum of understanding to strengthen cooperation within the Kingdom of the Netherlands in preventing and combating trafficking in persons and human smuggling. 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. The government did not have diplomatic personnel posted abroad, and thus did not provide anti-trafficking training for such personnel.

## ST. VINCENT AND THE GRENADINES: Tier 2 Watch List

St. Vincent and the Grenadines is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. NGOs and government officials report some adults pressure local minors into sex trafficking. One NGO reported that local minors are subjected to sex trafficking by tourists in the Grenadines; local authorities have not identified any cases. Foreign women engaged in prostitution are subjected to trafficking for sex and foreign workers from South America and the Caribbean are subjected to trafficking for forced labor both in the country or while transiting through; however, the government and NGOs reported the number of women from other Caribbean islands subjected to sex trafficking decreased during the last few years. Foreign workers employed by small, foreign-owned companies are particularly 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 report attempts to subject Vincentians to trafficking for both forced labor and commercial sexual exploitation in foreign countries.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, St. Vincent and the Grenadines is placed on Tier 2 Watch List for the third consecutive year. Per the Trafficking Victims Protection Act, St. Vincent and the Grenadines was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. For the first time, the government charged a suspected trafficker under the 2011 anti-trafficking act, in a case initially thought to involve forced labor of three Jamaican nationals; however, unable to substantiate these allegations, the government dropped all charges in the case by the end of the reporting period. Nonetheless, officials' efforts to investigate these allegations and provide assistance

to three Jamaican nationals, initially believed to be potential victims, demonstrated progress from previous years' lack of attention to potential cases and victim needs. The government provided shelter, services, and immigration relief to three potential victims. The government approved and implemented a national action plan, continued an anti-trafficking public awareness campaign, and conducted anti-trafficking training for law enforcement, immigration and labor officials, and civil society. It also formed a national working group to focus on active cases, and hired a social worker to liaise with entities involved in anti-trafficking efforts. The government has yet to obtain a trafficking conviction, and guidelines for the referral of victims continued to lack the necessary details to make them operational. The government does not offer any specialized services for victims of human trafficking.



### RECOMMENDATIONS FOR ST. VINCENT AND THE GRENADINES:

Vigorously prosecute and convict traffickers and impose sufficiently stringent sentences; increase trainings for officials on the definition of trafficking in persons under the 2011 anti-trafficking act and proper case investigation and management techniques; proactively identify suspected trafficking victims, particularly among vulnerable groups such as migrant workers, and refer them to appropriate care and services; promote a victim-centered approach to victim identification, protection, and prosecution by involving NGOs or other victim advocates and widely disseminate guidelines for identifying victims to government officials and NGOs; develop and disseminate a more robust government-wide referral process for different types of suspected trafficking victims; conduct victim identification interviews in safe locations, as victims often first appear as immigration or prostitution-related violators and are reluctant to disclose details of their exploitation in law enforcement settings; raise awareness about forced labor and sex trafficking using the national campaign; and provide anti-trafficking training to immigration officials and diplomatic personnel.

### PROSECUTION

The government maintained 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 has never convicted a trafficker. The special police unit focusing on trafficking investigated three alleged trafficking cases in 2015, compared with three in 2014; one investigation uncovered an attempt to subject an adult female citizen to trafficking in Europe. Following investigation, officials brought one case, initially suspected to involve labor trafficking of three Jamaican nationals, to trial as the first prosecution under the anti-trafficking act, but later dropped all charges, as the alleged crime could not be substantiated as trafficking. The government closed a human trafficking case, allegedly involving drug trafficking, from the

previous reporting period due to insufficient evidence. The government did not report any investigations or prosecutions of government employees complicit in human trafficking offenses; overall corruption is a problem, but does not appear to be an obstacle to anti-trafficking efforts. The anti-trafficking police unit conducted trafficking training for new police recruits, as well as 60 law enforcement officers; immigration, health, and labor department officials; and civil society.

### PROTECTION

The government maintained modest efforts in victim protection. Similar to 2013 and 2014, the government did not identify any trafficking victims during the year. However, officials assisted three Jamaicans, initially considered potential victims tied to the government's first prosecution under the anti-trafficking act, and it referred them for government-funded services. The special anti-trafficking police unit, with assistance from an international organization, reportedly developed victim identification guidelines in 2014; however, government ministries, immigration officials, and local NGOs had no knowledge of the guidelines in 2015. The national anti-trafficking action plan provides guidelines for the referral of victims to appropriate shelter and services, but those guidelines continued to lack details required for effective implementation. Both government and NGO sources said that improved screening at immigration checkpoints and routine police action substantially curtailed the number of women from other Caribbean islands subjected to sex trafficking. The government did not fund any trafficking-specific assistance programs, though it continued to provide approximately 200,000 Eastern Caribbean dollars (\$74,000) in funding to a domestic violence shelter, which has been equipped to accommodate adult women and child trafficking victims. However, that shelter and other domestic violence shelters for women and girls did not assist trafficking victims in 2015. The government reported that it spent several thousand Eastern Caribbean dollars on the care of the three Jamaican nationals initially thought to be victims, who reportedly chose not to stay in the shelter. Two different government-funded NGOs shelter boys; one shelters boys under 14 years of age and another shelters boys aged 14 to 18. The NGOs did not shelter any minor male trafficking victims during the reporting period. Some shelters had policies prohibiting adult and minor victims from leaving at will. The government's anti-trafficking law contains incentives to encourage victims' assistance in the investigation and prosecution of traffickers, including temporary and permanent residence permits. The three Jamaican nationals assisted an investigation and prosecution in 2015 and received temporary residency status, and one received a work permit. The government reported that benefits were not linked to whether a victim assisted law enforcement or participated in a trial. The anti-trafficking law provides alternatives to the removal of foreign victims to countries where they would face hardship or retribution, and the three victims received this immigration relief. There were no reports the government penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

### PREVENTION

The government made some progress in preventing trafficking. The government launched an anti-trafficking public awareness campaign, primarily at primary schools and faith-based institutions. The police operated an information phone line, which is advertised in their anti-trafficking outreach materials; in 2015, it received 24 trafficking-related calls. The prime minister chaired a ministerial-level national anti-trafficking

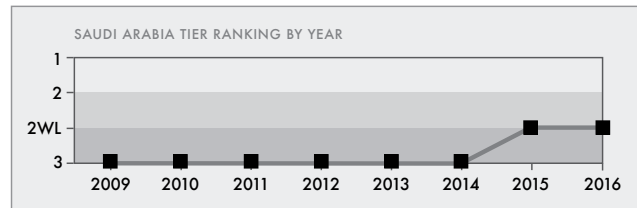


taskforce, which developed a national anti-trafficking action plan covering 2016-2018; the cabinet approved the action plan. The taskforce provided quarterly and annual reports to the cabinet. The government formed a national working group to focus on active cases that complements the high-level policy-making national taskforce, and hired a social worker to liaise with entities involved in anti-trafficking efforts. The government developed anti-trafficking training for its diplomatic personnel, but did not disseminate it. One NGO reported that local minors are subjected to sex trafficking by tourists in the Grenadines. The government investigated and found no evidence to substantiate the claim. The government did not make efforts to reduce the demand for commercial sex acts or forced labor during the year.

## SAUDI ARABIA: Tier 2 Watch List

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, the Middle East, and Africa voluntarily migrate to Saudi Arabia as domestic workers, including men who work in private residences as gardeners, handymen, and cleaners, or low-skilled laborers; some of these workers face involuntary servitude. Some migrants are fraudulently recruited to work in Saudi Arabia or in other countries in the region and forced into domestic servitude. Non-payment of wages is the most common complaint from foreign workers in the Kingdom, while employers withholding workers' passports remains a widespread problem. 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 placed on death row. Due to Saudi Arabia's requirement under its sponsorship or *kafala* system that foreign workers obtain an exit visa from their employers 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 an exit permit. 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. Some women are believed to be forced into prostitution in Saudi Arabia. After running away from abusive employers, some female domestic workers are kidnapped and forced into prostitution. Criminal gangs subject children from Yemen to forced labor as beggars and street vendors. Migrants from Yemen and the Horn of Africa enter Saudi Arabia illegally—sometimes with the help of smugglers—via the Yemeni border; some of them may be trafficking victims. Some Saudi citizens engaged in sex tourism abroad, and there were media reports that some Saudi men traveled abroad to find brides—some of whom were legal minors—including through the use of legally contracted “temporary marriages.”

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Saudi Arabia is placed on Tier 2 Watch List for the second consecutive year. The government reported increased efforts convicting trafficking offenders, but the number of offenders prosecuted declined compared with the previous reporting period. Moreover, the government did not proactively investigate and prosecute employers for potential labor trafficking crimes involving their withholding of workers' wages and passports, which remained a widespread practice throughout the Kingdom. Nonetheless, in December 2015, the Ministry of Labor (MOL) opened a specialized anti-trafficking unit to liaise with relevant authorities to protect migrant workers and train labor inspectors on victim identification. Although the government identified an increased number of trafficking victims and continued to provide protection services to some, its efforts to identify proactively and protect victims among vulnerable populations, including illegal foreign migrants, female and male domestic workers, and women in prostitution, remained uneven. The government continued to arrest, detain, and deport potential trafficking victims—particularly illegal foreign workers and domestic workers who fled their employers—a problem exacerbated by authorities' lack of systematic identification and referral efforts. The government continued efforts to prevent trafficking.



### RECOMMENDATIONS FOR SAUDI ARABIA:

Continue efforts to prosecute, convict, punish, and stringently sentence trafficking offenders, including abusive employers, under the anti-trafficking law; 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; reform the sponsorship system and ensure trafficking victims are able to pursue criminal cases against their employers in practice; 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; implement a formal victim identification mechanism to identify trafficking victims among vulnerable populations; ensure all victims of trafficking can seek assistance and protection services; continue to train government officials on identifying cases of forced labor and sex trafficking; and conduct country-wide public awareness campaigns on all forms of trafficking.

### PROSECUTION

The government demonstrated some improvement in its law enforcement efforts against trafficking. The 2009 Suppression of the Trafficking in Persons Act defines and prohibits all forms of human trafficking. The act prescribes punishments of up to 15 years' imprisonment and financial penalties, 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 prohibits withholding workers' passports as a separate, lesser offense; however, the government did not report efforts to enforce this decision. In 2015, the government amended the labor law to impose financial penalties for employers who withhold workers' passports, do not provide workers with contracts, or force workers to perform jobs not otherwise stipulated in the work contract; however, these reforms excluded domestic workers, and the government did not report implementing these amendments by penalizing employers for these violations during the reporting period.

The government reported its investigation of 283 trafficking suspects from October 2014 to October 2015, some of which occurred outside of the current reporting period, as the Saudi system keeps records according to the *hijri* calendar. These investigations involved forced labor, sexual exploitation, and slavery crimes. In that same timeframe, it prosecuted and convicted 243 offenders under the anti-trafficking law; this demonstrated a decrease in prosecutions but an increase in convictions, in comparison to the previous reporting period. Nevertheless, the government did not report the punishment and sentences for the convicted perpetrators. The government did not report investigating potential trafficking crimes involving employers or recruiters withholding foreign workers' passports or wages or other labor law violations. During the reporting period, authorities did not report prosecuting an employer who allegedly amputated the hand of an Indian domestic worker after the worker reportedly complained of poor working conditions in October 2015. In October 2015, Saudi police reportedly cooperated with Indonesian authorities to investigate and inspect an illegal facility housing 39 Indonesian women fraudulently recruited and forced into domestic servitude in Riyadh; Indonesian authorities reported at least one individual was arrested during the inspection, but the Saudi government did not report additional details of this case. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government invoked the diplomatic immunity and recalled one of its diplomats accused of forcibly holding and raping two Nepali domestic workers while posted to India, but it did not report investigating the allegations or prosecuting the diplomat for trafficking crimes. In December 2015, the MOL opened a specialized anti-trafficking unit mandated to investigate and prevent the illegal trading of workers' visas, train labor inspectors, and brief migrant workers on their labor rights. The government conducted numerous anti-trafficking trainings for officials during the reporting period, including on child sexual exploitation and the link between trafficking and cybersecurity.

## PROTECTION

The government demonstrated some progress to identify trafficking victims, but authorities continued to punish some victims for unlawful acts committed as a direct result of being subjected to human trafficking. From October 2014 to October 2015—part of which is outside of the current reporting period as the Saudi system keeps records according to the *hijri* calendar—the government reported identifying 658 male and female trafficking victims, a significant increase from the 57 identified in the previous reporting period. The government continued to distribute victim identification criteria to officials and provided training on their implementation to police and officials from the Ministry of Social Affairs. Nevertheless, the government's

implementation of procedures to identify victims continued to be uneven throughout the Kingdom, and government officials continued to arrest, detain, and deport potential trafficking victims, particularly illegal foreign workers and domestic workers who fled their employers. Women arrested for prostitution offenses—some of whom may have been unidentified victims of trafficking—faced prosecution and, if convicted, imprisonment or corporal punishment; in practice, authorities deported foreigners, sometimes after holding them in detention.

Although the government did not provide specialized shelters for victims of sex trafficking, it 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 were trafficking victims. In 2015, the government also opened a welfare center for male domestic workers. Although these centers varied in quality across the Kingdom, they provided shelter and psycho-social, health, and educational services to trafficking victims. The welfare center in Riyadh operated as a one-stop shop, 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. Labor source-country diplomatic officials had regular access to their nationals residing in the center. Due to a lack of available and adequate protection services for all trafficking victims, authorities kept some victims in smaller cities in jails until their cases were resolved. Many victims continued to seek refuge at their embassies; source-country diplomatic missions continued to report complaints by their citizens of unpaid wages, physical or sexual abuse, and poor working conditions. In May 2015, the government granted a six-month residence visa that included the right to work to 446,000 out-of-status Yemeni citizens who were illegally residing in Saudi Arabia and highly vulnerable to trafficking; however, the government did not report screening these individuals for trafficking.

The government reportedly encouraged victims to assist in the investigation and prosecution of trafficking offenders, yet there were few known cases of victims successfully pursuing criminal cases against abusive employers due to lengthy delays in the immigration and justice system. During judicial proceedings, authorities reportedly gave trafficking victims the option to remain in the country—in protective custody or working for a new employer—or they could request an immediate exit visa; however, it was unclear 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 reportedly provided protection to witnesses involved in trafficking cases.

## PREVENTION

The government maintained efforts to prevent trafficking. The government continued to update its national anti-trafficking action plan and allocated substantial resources for its interagency anti-trafficking working group. The government continued to implement the wage protection system, which required employers to pay foreign workers through bank transfers, thereby allowing the MOL to ensure workers were paid appropriately. It remained unclear, however, whether the system effectively flagged potential trafficking cases for criminal investigation. MOL continued to employ 1,000 labor inspectors, and it conducted more than 260,000 labor inspections, withdrew the licenses of eight recruitment firms, and froze the operations

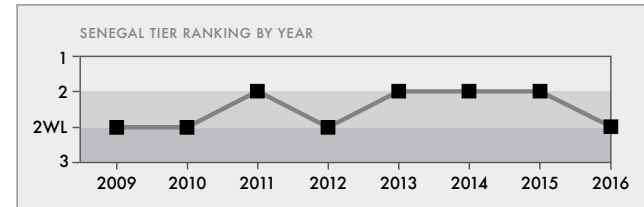
of 21 recruitment offices. MOL imposed penalties in nearly 2,500 cases of companies violating the government's mid-day work ban during the summer months. MOL continued to operate a hotline to receive labor dispute complaints with operators that spoke a variety of migrant worker languages. It was unclear, however, if any trafficking victims were identified through this hotline. MOL continued to distribute a guidebook to all migrant workers entering the country, which contained MOL's hotline number. The police also operated an emergency number, which could refer potential trafficking victims to protection services, but it did not report identifying any victims during the reporting period. 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 Niger, Uganda, and Nepal, which aimed to protect workers' contracts with their employers. The government did not conduct anti-trafficking public awareness campaigns, but government-controlled media continued to report trafficking issues in an effort to inform the public about the crime. The government provided anti-trafficking training for its diplomatic personnel. The government took actions to reduce the demand for commercial sex acts and forced labor. The government did not have extraterritorial authority to prosecute citizens engaged in sex tourism abroad.

## SENEGAL: Tier 2 Watch List

Senegal is a source, transit, and destination country for children and women who are subjected to forced labor and sex trafficking. Children, most of whom are *talibes*—students attending *daaras* (Koranic schools) run by teachers known as *marabouts*—are forced to beg throughout Senegal. In the region of Dakar alone, approximately 30,000 *talibes* are forced to beg in the streets, and the problem is prevalent throughout the country. 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, Mali, Guinea-Bissau, and Guinea have been subjected to forced begging and forced labor in artisanal gold mines in Senegal. Senegalese women and girls are transported to neighboring countries, Europe, and the Middle East for domestic servitude. NGO observers believe most Senegalese sex trafficking victims endure exploitation within Senegal, particularly in prostitution in the southeastern gold-mining region of Kedougou. Women and girls from other West African countries are subjected to domestic servitude and sex trafficking in Senegal, including for sex tourism.

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 identified an increased number of trafficking victims and provided funding to the only trafficking-specific shelter in the country. The government updated Senegal's two-year national action plan to combat trafficking, and made limited progress on its implementation during the reporting year. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Senegal is placed on Tier 2 Watch List. The government reported no prosecutions of suspected trafficking offenders in 2015, compared with four in 2014; it investigated and prosecuted three *marabouts* for exploiting *talibes* during the reporting period. The one *marabout* it convicted received an insufficiently stringent sentence of three months'

imprisonment and a second *marabout* was acquitted. Overall, it continued minimal and inadequate law enforcement efforts against unscrupulous *marabouts* exploiting children in forced begging, which remains Senegal's predominant trafficking problem, and enactment of the *daara* modernization law was delayed. Officials did not adequately regulate or inspect the informal sectors of the economy, such as mining, to prevent forced labor or use the national database for tracking law enforcement statistics.



### RECOMMENDATIONS FOR SENEGAL:

Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including those who exploit children in forced begging; provide anti-trafficking training to law enforcement, labor, and social welfare officials on how to adequately identify victims, investigate cases, and refer victims to appropriate services; ensure consistent application of standardized procedures for referring trafficking victims to NGO care services and sensitize government officials and the NGO community to these mechanisms; improve efforts to collect law enforcement data on trafficking offenses, including cases prosecuted for trafficking-related offenses under provisions other than the 2005 law; provide adequate funding to expand government-funded shelters or partner with international organizations or NGOs to provide additional care options for victims; expand 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 national action plan to combat trafficking; expand the *daara* mapping project to provide baseline information for the national database and increase coordination of efforts to prevent forced begging; and broaden efforts to raise public awareness about trafficking, including of adults, and forced child begging.

### PROSECUTION

The government did not demonstrate evidence of sustained 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 for violations, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. For the fourth consecutive year, the government did not maintain or publish comprehensive anti-trafficking law enforcement statistics. Compared to four prosecutions and convictions during the previous reporting period, Senegalese officials did not report any prosecutions of suspected trafficking offenders in 2015. Despite widespread, and often visible, forced begging by unscrupulous *marabouts*, for the second consecutive year the government reported only one conviction for this form of trafficking in December 2015; moreover, the offender was sentenced to three months in prison—an insufficiently stringent punishment compared to the severity of the crime, which serves as an inadequate deterrent. In addition, the lack of government action



to regulate the *daaras* and prosecute those who engage in or abet forced child begging allowed the problem to continue. Officials also did not report any prosecutions of perpetrators of child or adult sex trafficking during the reporting period, in part due to previous closures of artisanal mines.

The government, in collaboration with key stakeholders, developed and organized several training programs for law enforcement officials in 2015; it conducted two training programs the year prior. Many law enforcement and judicial personnel remained unaware of the 2005 anti-trafficking law, which, coupled with limited institutional capacity, continued to inhibit efforts to prosecute and convict traffickers under the law and to collect data on such efforts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government maintained modest efforts to identify and protect trafficking victims. Government law enforcement, immigration, and social services personnel have formal written procedures to proactively identify trafficking victims among high-risk populations. In 2015, the government identified 142 child trafficking victims, an increase from 61 child trafficking victims identified and assisted by the government in the previous reporting period. The Ginddi Center, the only government-run shelter in Senegal, provided temporary shelter and basic provisions for all 142 victims; the government provided FCFA 85.7 million (\$145,000) to the center for legal counseling, medical and psychological care, familial mediation and reconciliation services, and basic education and vocational training, up from 50 million FCFA (\$85,000) the previous year. However, the center lacked the resources to pay its staff adequately or provide specialized training for the social workers and volunteers who counsel and rescue street children, many of whom were potential trafficking victims. During the year, the Ginddi Center's child protection hotline was operational, but the total number of calls it received, including trafficking-related ones, was unknown.

The government made limited efforts to proactively identify victims among vulnerable groups, such as those residing in gold-mining communities or engaged in begging schemes, and referred an unknown number of child trafficking victims to NGO-run shelters. The victim referral system in Senegal is inconsistently applied and not available in all regions of the country. Victims identified along Senegal's borders were sent to an international organization and government center for questioning before being referred to NGOs for protective services. The anti-trafficking law provides alternatives to the removal of foreign victims who may face retribution or hardship upon returning to their home countries, including the option to apply for temporary or permanent residency and seek restitution; however, the government did not report offering this relief to any victims during the reporting period. The 2005 anti-trafficking 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 during the year.

## PREVENTION

The government made uneven efforts to prevent human trafficking. It finalized the 2015-2017 national action plan to combat trafficking and made limited progress on implementation during the reporting year. The government

maintained its funding of FCFA 30,000,000 (\$50,000) for the national taskforce's anti-trafficking activities in 2015. In February 2016, in collaboration with a local NGO, the anti-trafficking taskforce facilitated a discussion of forced child begging at the municipality level and sponsored a movie screening and conducted two workshops on the same topic targeting local officials, religious leaders, Koranic school representatives, and community members. During the reporting period, the taskforce raised awareness on the *daara* mapping findings in Guediawaye and Rufisque, to inform vulnerable populations of the magnitude of forced child begging and expand baseline information from which to track progress in addressing this crime. Although the taskforce completed design of a national trafficking database during the previous reporting year and trained law enforcement officials on its effective usage, the government did not fully implement it in 2015. The taskforce, in conjunction with international partners commenced implementation of the national action plan on forced child begging during the reporting period. Approval of a draft law to regulate and modernize *daaras* was delayed. The government assisted with the development of child protection committees in porous border areas, including the Kedougou mining region, to refer vulnerable children to social services; however, exploitation of children in this region continued to be a pervasive problem.

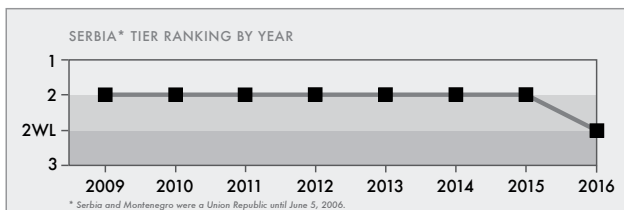
Approximately 70 percent of Senegal's economy operated in the informal sector, where most forced child labor occurred, yet labor officials did not demonstrate tangible progress to regulate this sector during the reporting year. The government made limited progress towards decreasing demand for forced labor or commercial sex acts, including the temporary closure and regulation of artisanal mines. In 2015, the taskforce reported the establishment of a tourism police force in Saly and Cap Skirring to patrol for indicators of child sex tourism and other abuses. The government, in cooperation with international partners, provided anti-trafficking training to Senegalese troops before their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

## SERBIA: Tier 2 Watch List

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 United Arab Emirates. Serbian children, particularly ethnic Roma, are subjected within the country to sex trafficking, forced labor, forced begging, and petty crime. Migrants and refugees from Afghanistan, Iraq, and Syria and from neighboring countries are vulnerable to being subjected to trafficking within Serbia. Alleged traffickers reportedly influenced some trafficking cases through bribery of the victim or judge.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period;

therefore, Serbia is placed on Tier 2 Watch List. While the government created a new office within the national police to coordinate and organize its anti-trafficking efforts, it did not provide the staff or resources for this new entity and current coordination structures were under-resourced, operating part-time, and/or not functional. Victim identification significantly decreased; observers stated this was due in part to anti-trafficking efforts becoming a lower priority overall as the government managed the increase in irregular migration through the country in 2015, a continued lack of collaboration between the government and NGOs on identification, and a reduction in referrals from the border police that were simultaneously charged with addressing smuggling and the influx of migrants and refugees. Care for victims of trafficking also suffered from a lack of government coordination with NGO service providers, and government social welfare centers were deficient in specialized programs, sensitivity, and trained staff necessary for working with trafficking victims. Investigations, prosecutions, and convictions decreased, and the government did not afford victims sufficient protection in criminal proceedings, which exposed them to intimidation and secondary traumatization.



## RECOMMENDATIONS FOR SERBIA:

Create and disseminate to first responders standard operating procedures for proactive victim identification and referral to protection services; increase efforts to identify victims, including among migrants, refugees, asylum-seekers, and unaccompanied children engaged in street begging; increase investigations and prosecutions of trafficking crimes and obtain convictions of traffickers with dissuasive sentences; train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases; provide victims testifying in court with a full range of protections to diminish intimidation and re-traumatization; enshrine in law non-penalization of victims for acts committed as a direct result of their being subjected to human trafficking; improve cooperation with NGOs to ensure victims have access to and receive all necessary reintegration services; improve training for government personnel on victim assistance and referral; allocate adequate staff and resources for new Office for Coordination against Trafficking in Persons and existing coordination structures to ensure effectiveness; adopt the national anti-trafficking strategy and action plan and involve NGOs in implementation; and elevate the national coordinator for combating trafficking in persons to a full-time position with independent authority.

## PROSECUTION

The government demonstrated decreased law enforcement efforts to counter trafficking. Article 388 of the Serbian criminal code prohibits all forms of trafficking, prescribing penalties ranging from three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 10 cases of commercial sexual exploitation and one case of forced labor in 2015, a decrease from 20 cases of commercial sexual exploitation and 35 cases

of forced labor in 2014. In 2015, the government initiated prosecutions of 18 defendants under article 388, a decrease from 25 defendants in 2014. Courts convicted 20 traffickers in 2015, a decrease from 26 convicted in 2014. Sentences ranged between 1.5 and 5.5 years' imprisonment. The government did not disaggregate data on convictions for sex and labor trafficking crimes. 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. Each police directorate in Serbia 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 also had multidisciplinary anti-trafficking teams that included prosecutors, social workers, and health officials; according to NGOs only four of these teams were active during 2015. The government provided training to consular officials and, in coordination with NGOs and international organizations, to police and border officials on recognizing and investigating trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government demonstrated decreased efforts in the identification of victims and maintained inadequate protection services. Authorities identified 36 trafficking victims in 2015, a significant decrease from 119 victims identified in 2014 and 76 identified in 2013. The majority of victims were minors exploited in Serbia. Twenty-one victims were subjected to sex trafficking, three to forced labor, 10 to forced begging, and two to forced criminality. A government center for protection of trafficking victims remained responsible for victim identification and assistance. During the reporting period, the center and an international organization trained 445 first responders, including police, social welfare center staff, and educators, on indicators for identifying human trafficking victims; however, observers maintained there were no written victim identification procedures. Officials who interviewed migrants and refugees upon arrival in Serbia did not provide screening to determine if the person was a potential trafficking victim. In 2015, police, NGOs, and social service personnel referred 106 suspected trafficking victims to the government's center, compared with 351 referrals in 2014; referrals from the police and border police decreased from 289 in 2014 to 38 in 2015. In a previous reporting period, the center stated referral guidelines needed updating.

In 2015, the government budgeted 19,718,146 Serbian dinars (\$177,000) for the operation of the center. The center has two units, the protection agency and the urgent reception center; however, the urgent reception center, designed to provide safe shelter and services, was not functional for the third consecutive year. Government social welfare centers provided social services, but they often lacked the specialized programs, sensitivity, and trained staff necessary for working with trafficking victims, including the center's protection unit, which did not have specific procedures on how to care for child trafficking victims. The government provided free medical assistance to victims at public clinics. The government did not have procedures outlining cooperation between the center and NGOs on victim services and it did not report how many victims it referred to NGOs for care. Observers asserted victims should have been referred to NGOs in much larger numbers, as social welfare

centers lacked specialized programs and trained staff to work with trafficking victims. An NGO operated the only shelter exclusively for female and child trafficking victims and NGOs provided medical, legal, psychological, educational, and other reintegration assistance to victims. NGOs relied on foreign sources of funding to assist victims. 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. Specialized shelters for child trafficking victims did not exist; child victims were returned to their families, sent to foster care, or accommodated in one of two centers for orphans. Government social welfare centers lacked the ability to remove children from their families, even if there was evidence the family had exploited the child.

Victims were required to cooperate with law enforcement investigations and testify during prosecution; NGOs reported some victims were threatened with prosecution for non-cooperation. Experts reported victims' rights were not adequately protected during lengthy court proceedings and victims had to frequently appear in front of their traffickers; traffickers often threatened or intimidated victims. The government center developed recommendations for prosecutors to use in working with victims; it is unclear how widely the recommendations were disseminated and utilized during the reporting period. Judges demonstrated limited understanding of the complexities of human trafficking cases. Serbian law entitles victims to file criminal and civil suits against their traffickers for compensation, but judges encouraged victims to seek compensation solely by filing civil suits, which were lengthy, expensive, and required the victim to face the abuser numerous times. To date, only one victim of trafficking has been compensated. Foreign victims were eligible for temporary residence permits renewable up to one year. Serbian law does not have a non-punishment or non-prosecution clause for trafficking victims who committed crimes as a result of being subjected to human trafficking; however during the year, in partnership with OSCE, a working group comprised of judges, prosecutors, police officers, and representatives from the center and civil society developed a manual for prosecutors and judges on non-punishment of trafficking victims. A sex trafficking victim forced to sign a murder confession by her trafficker began serving her 18-year prison sentence in 2014; during the reporting period, the constitutional court rejected her appeal and an NGO submitted a petition requesting amnesty to the president.

## PREVENTION

The government maintained limited prevention efforts. The government has not adopted the anti-trafficking strategy and action plan for 2014-2020 despite holding the final public debate on the strategy and plan in 2013. During the reporting period, the government created the Office for Coordination against Trafficking in Persons, under the national police, but had yet to provide it with staff, resources, or a mandate. 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 also the head of migration for the border police and did not have independent authority. The government created an anti-trafficking council in 2005 as a consultative body, which observers noted exists only on paper and did not meet in 2015. 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 enforced laws against purchasing commercial

sex and fined clients identified during raids on commercial sex establishments. The government licensed and regulated private employment agencies; however, in practice tourist agencies also performed labor recruitment and were largely unregulated. The government did not investigate fraudulent or exploitative job offers brought to its attention by NGOs. The government did not make efforts to reduce demand for forced labor. 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.

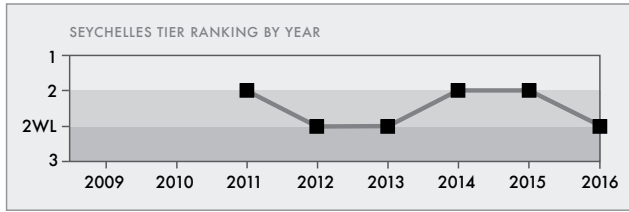
## SEYCHELLES: Tier 2 Watch List

Seychelles is a source country for children subjected to sex trafficking and a destination country for foreign men and women subjected to labor and sex trafficking, respectively. Seychellois girls and, according to some sources, boys are subjected to child sex trafficking—particularly on the main island of Mahe—by peers, family members, and pimps for exploitation in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are also vulnerable to being forced into prostitution. Eastern European women have been subjected to forced prostitution in hotels. Migrant workers—including those from China, Kenya, Madagascar, and various countries in South Asia—make up 20 percent of the working population in Seychelles and are primarily employed in fishing and construction. 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.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Seychelles is placed on Tier 2 Watch List. During the reporting period, the government finalized a victim assistance tool, which includes standard operating procedures for victim protection outlining the roles of government actors in the identification and protection of trafficking victims, including a formal referral mechanism and trained law enforcement officers and immigration and customs officials on these mechanisms. The government did not report any prosecutions or convictions of traffickers and did not formally identify any trafficking victims. The national anti-trafficking committee met four times during the reporting period; however, despite its strong leadership, implementation of the 2014-2015 national anti-trafficking plan was slow and many activities remained in early planning stages for the second consecutive year. The government does not acknowledge the existence of internal trafficking, which impeded the investigation of such crimes and assistance available for Seychellois victims. Lack of oversight and inspection of potential labor trafficking victims within the Seychelles International Trade Zone (SITZ) created vulnerability amongst the large migrant labor population in Seychelles. The government deports migrant workers working for state-owned or private companies for participating in strikes to protest poor employment conditions without conducting comprehensive



investigations and screenings to identify if the individuals are victims of forced labor. Despite complaints by migrant workers, primarily in the construction sector, about poor working conditions, non-payment of salaries, and retention of passports, the government has never formally identified a case of forced labor in the country.



## RECOMMENDATIONS FOR SEYCHELLES:

Use the anti-trafficking law to investigate and prosecute trafficking offenses and convict and punish traffickers; amend the penal code to harmonize its contradictory sections addressing sexual offenses to ensure the prohibition and penalization of the forced prostitution of adults is commensurate with rape; 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 how to identify victims of trafficking and refer them to appropriate services; implement the national action plan to combat human trafficking and dedicate appropriate resources for its implementation; criminalize the confiscation and retention of passports by employers of migrant workers; remove the required fee for a migrant worker to lodge a complaint with the labor tribunal; prosecute traffickers under the anti-trafficking law rather than arbitrating labor disputes that may involve trafficking offenses; provide adequate resources to labor inspectors to conduct regular, comprehensive inspections of migrant workers' work sites and inform the workers of their employment rights; create a standardized contract governing the employment of domestic workers within private homes; implement labor laws equally in all of Seychelles, including the international trade zone; and 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 demonstrated limited law enforcement efforts. The Prohibition of Trafficking in Persons Act of 2014 prohibits all forms of trafficking in adults and children. The law prescribes penalties of a maximum of 14 years' imprisonment, and in cases involving children or aggravating circumstances, a maximum of 25 years' imprisonment; these penalties are sufficiently stringent. The penalties for child trafficking are commensurate with those for other serious crimes, such as rape, but the penalties for adult sex trafficking are not. Elements of human trafficking are also prohibited under a variety of penal code statutes, including section 259 prohibiting slavery and section 251 prohibiting forced labor; the government prosecutes some human trafficking cases under these provisions. Although all forms of child sex trafficking are prohibited 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).

As in the previous reporting period, the government did not prosecute or convict any traffickers during the reporting period. Law enforcement officials identified two potential trafficking cases; however, it did not launch any investigations into these cases or formally identify any victims. One case involved two Indian migrant workers who gave official statements detailing abuse by their employer. The company bought them tickets to return to India, they left Seychelles, and authorities did not inquire further. In another case in October 2015, two Indian migrant workers claimed their employer took their passports because they owed her money; they chose not to press charges and one of the workers returned to India and the other remained in Seychelles working with a different employer. The Ministry of Labor Resources and Development (MOL) viewed cases of labor trafficking as a breach of contract between the employer and employee and preferred arbitration through the labor tribunal rather than prosecution, which impeded prosecution. Law enforcement officials lacked sufficient training to investigate trafficking cases effectively, and the government did not provide or support efforts to train officials on such methods. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government demonstrated minimal efforts to identify and protect victims, although it began to institute mechanisms to improve such efforts. It did not identify or provide protective services to any trafficking victims. There are no shelters specifically for trafficking victims in the country; however, the government began to develop comprehensive protective services for certified trafficking victims and standard operating procedures for their provision. The government also established a fund to finance provision of these services. In May 2015, the national anti-trafficking committee launched a victim assistance tool, which includes standard operating procedures on victim identification, protection, and a referral mechanism. The government, in collaboration with international donors, trained law enforcement, immigration, and customs officials on these mechanisms; however, front-line officers remained inadequately trained to identify and refer potential human trafficking cases. There were no reports of victims being penalized for unlawful acts committed as a result of being subjected to trafficking; however, migrant workers who strike are considered to be in breach of their work contracts and can be deported at the will of their employers. Several migrant workers who gathered to protest a variety of abuses relating to their employment were deported during the reporting period; these deportations took place without conducting comprehensive investigations or screenings to identify if the individuals were victims of forced labor.

## PREVENTION

The government maintained inadequate prevention efforts. The national anti-trafficking committee served as a coordinating body for collaboration and communication on trafficking matters; the committee met four times during the reporting period but did not receive a dedicated budget and relied on ad hoc funding from various government agencies. The implementation of the 2014-2015 national action plan was slow and many activities remained in early planning stages for the second consecutive year. The government did not conduct any anti-trafficking awareness campaigns during the reporting period. However, MOL provided 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.

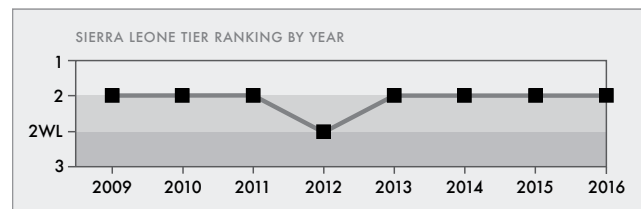
Numerous trafficking vulnerabilities in labor recruitment and monitoring persisted throughout the country during the reporting period. Migrant workers signed their employment contracts upon arrival in Seychelles, which increased their vulnerability to fraudulent recruitment tactics. There were reports of employers routinely retaining migrant workers' passports to prevent them from changing jobs prior to the expiration of their two-year contract. Seizure and retention of passports is not illegal under Seychellois law; however, the anti-trafficking committee has proposed amending the anti-trafficking law to criminalize this. MOL employed 12 labor inspectors, an increase of one from the previous reporting period, responsible for conducting inspections of all workplaces in the country and one labor officer assigned to inform all migrant workers of their employment rights; government officials acknowledged this number was inadequate and inspectors lacked basic resources to perform their duties adequately. MOL is unable 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); however, FSA did not provide adequate oversight of laborers working in the SITZ. Furthermore, as the Ministry of Health has authority over migrant worker dwellings, MOL could not inspect them or the residences where domestic workers reside. Despite complaints by migrant workers about poor working conditions, non-payment of salaries, and retention of passports, primarily in the construction sector, the government has never identified a case of forced labor in the country. The government made no discernible efforts to decrease the demand for commercial sex or forced labor during the reporting period. The government did not provide anti-trafficking training for its diplomatic personnel.

## SIERRA LEONE: Tier 2

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 the purposes of exploitation in prostitution, domestic servitude, and forced labor in artisanal diamond and granite mining, petty trading, portering, rock breaking, street crime, and begging. Trafficking victims may also be found in the fishing and agricultural sectors or subjected to sex trafficking or forced labor through customary practices, such as forced marriages. During the reporting period, transnational trafficking to and from Sierra Leone increased. Nationals from other countries, such as Kenya, endured domestic servitude in the country. Sierra Leonean girls were subjected to trafficking in Guinea and traffickers attempted to exploit boys and girls from Sierra Leone as "cultural dancers" 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 experience forced labor and forced prostitution. Sierra Leonean women continued to be subjected to trafficking in Kuwait and Lebanon as in previous years. Children from neighboring West African countries have been exploited in forced begging, forced labor, and prostitution. Indian, Sri Lankan, and Chinese men have been subjected to forced labor within Sierra Leone.

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. During the reporting

period, an outbreak of Ebola and its aftermath continued to severely affect the country and overwhelmed the government's resources and capacity to effectively address a variety of issues, including trafficking in persons. Trafficking in persons data collection and victim identification remained weak. The 2005 Anti-Trafficking in Persons Act (ATPA) includes sentences of only fines, which is not sufficiently stringent and not commensurate with penalties for other serious crimes, such as rape. However, the government's national anti-trafficking taskforce, which resumed activities in May 2015, approved a national action plan on trafficking in persons and began implementing a monitoring and reporting framework and national referral mechanisms for protecting and assisting trafficking victims. The government also finalized a trafficking in persons database and began reviewing the ATPA, with a view to raising penalties for trafficking offenses. During the reporting period, the government prosecuted six trafficking cases. The government also met with representatives of an international organization and the Government of Kuwait to discuss procedures for repatriating 40 Sierra Leonean women who had been subjected to trafficking in previous years to Kuwait and Lebanon, and repatriated nine women subjected to forced labor in Kuwait during the last reporting period.



### RECOMMENDATIONS FOR SIERRA LEONE:

Increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders using the ATPA; continue efforts to review and strengthen the ATPA, to include amending the law to restrict the ability of judges to make a person convicted of trafficking liable to a fine in lieu of prison time; in collaboration with civil society organizations, train police and prosecutors to identify, investigate, and prosecute trafficking cases; sufficiently fund anti-trafficking activities in the national budget and begin allocating funds to relevant entities, such as the national anti-trafficking taskforce, to assist in implementing the national action plan on combating trafficking in persons; train law enforcement officers and social workers to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants, and provide victims with protective services; improve coordination among government agencies responsible for combating trafficking in persons; increase partnerships with NGOs providing assistance to trafficking victims and support their efforts either financially or through in-kind support; continue to improve efforts to collect data on anti-trafficking law enforcement and victim assistance efforts; in collaboration with civil society organizations, increase efforts to raise public awareness about the dangers of trafficking, including adult trafficking; and take steps to address procedural delays in trafficking cases, which place undue burden on victims and often result in prosecutors dropping criminal charges against alleged offenders.

### PROSECUTION

The government modestly increased its anti-trafficking law enforcement efforts. The ATPA prohibits all forms of human

trafficking and prescribes a maximum penalty of 10 years' imprisonment or a fine of 50 million leones (\$6,000) for both sex and labor trafficking offenses. The ATPA's provision allowing convicted traffickers to be sentenced to just a fine provides for a penalty that is insufficiently stringent and not commensurate with the penalties for other serious crimes, such as rape. The government's national anti-trafficking taskforce reviewed the ATPA with an aim to revise the law, including by strengthening penalties for the trafficking of adults. The Sexual Offenses Act of 2012 prohibits child sex trafficking, prescribing penalties of a maximum of 15 years' imprisonment without the option of a fine, and requires the police to assist victims after receipt of a trafficking complaint and protect vulnerable witnesses.

During the reporting period, the government reported 54 investigations, six prosecutions, and no convictions of traffickers, compared with 21 investigations, one prosecution, and no convictions reported during the previous reporting period. Judicial inefficiency and procedural delays required victims to travel frequently to the capital for court appearances, which was difficult and costly; as a result, the vast majority of trafficking cases were not prosecuted. In addition, some victims were unwilling to testify. Rather than pursue cases in court, the government allowed some trafficking cases to be settled through mediation. Data collection remained weak, particularly within the judiciary; therefore, the Ministry of Justice was unable to provide comprehensive law enforcement statistics. The government did not report whether it provided training for police, prosecutors, or other law enforcement officials on trafficking in persons during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses during the reporting period; however, corruption, particularly within the judiciary, remained a problem.

## PROTECTION

The government sustained modest efforts to protect trafficking victims. Although the government did not gather comprehensive victim identification data, it reported the identification of 65 new trafficking victims during the reporting period; the majority of victims were women. NGOs assisted 85 trafficking victims (including nine whom they continued to assist from the previous reporting period), 65 new victims referred by the government, and 11 victims referred by other entities during the reporting period. In October 2015, the government requested from the Government of Lebanon the repatriation of two Sierra Leonean female domestic workers it believed were subjected to trafficking in Lebanon. The women remained in Lebanon at the conclusion of the reporting period. The government also worked to repatriate 40 Sierra Leonean women who had been subjected to trafficking in previous years in Kuwait and Lebanon and worked with an international organization and the Government of Kuwait to repatriate nine women subjected to forced labor in Kuwait during the last reporting period. There are no state-run shelters for trafficking victims and the government did not provide funding to any NGO shelters for their assistance to trafficking victims. However, government social workers and prosecutors continued to provide psycho-social services and legal representation to victims residing in NGO-run shelters. During the reporting period, the government and NGO partners began to use a national referral mechanism for trafficking victims adopted during the last reporting period. The law provides alternatives to removal to countries in which victims would face retribution or hardship, including temporary residency; however, no cases were identified during the reporting

period whereby victims could benefit from this provision. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking.

## PREVENTION

The government sustained modest efforts to prevent trafficking. During the reporting period, government personnel who would otherwise focus on trafficking issues were seconded to assist in Ebola response and recovery efforts. Nonetheless, the government included awareness-raising about trafficking in persons in its nationwide programs to sensitize local communities about Ebola. The national anti-trafficking taskforce approved and implemented, as of August 2015, the national action plan on combating trafficking in persons. In an effort to expand protections for migrant laborers, including foreign workers employed in Sierra Leone and Sierra Leoneans going abroad, the Ministry of Labor and Employment continued to conduct investigations of all recruitment agencies and implemented strict licensing procedures; during the last reporting period, the government banned the use of recruitment fees and prohibited foreign nationals from operating recruitment agencies within the country.

As a result of a government investigation in June 2014, the government publicly declared a recruitment agency to be disreputable for engaging in fraudulent transactions with persons seeking to obtain jobs in other countries, and shut down the company. The government continued investigating the company during the current reporting period. The government did not provide anti-trafficking training for its diplomatic personnel. The government took no discernible efforts to reduce the demand for commercial sex or forced labor during the reporting period.

## SINGAPORE: Tier 2

Singapore is a destination country for men, women, and girls from other Asian countries subjected to sex trafficking and forced labor, and a transit country for Cambodian and Filipino men subjected to forced labor on fishing vessels that transit through Singapore or its territorial waters. Some of the 1.37 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 in the commercial sex industry. NGOs report an increase in domestic workers from Cambodia and Burma, many of whom experience language barriers and lack access to mobile phones, increasing their isolation and vulnerability to trafficking. NGO-released research found that 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 lack of a weekly day off of work (though the latter is legally required). In September 2014, the Burmese government imposed a ban on legal emigration to Singapore for domestic work, citing concerns of abuse and non-payment of wages. Although Singapore law limits agency fees, many foreign workers assume large debts to recruitment agencies in both Singapore and their home countries, 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. Passport confiscation, although illegal, remains a widespread and largely accepted practice; research conducted by the government in 2014 found six out 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 being deported, 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 in Singapore 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. Child sex trafficking involving both foreign and Singaporean boys and girls occurs in Singapore, and there have been cases of Singaporean men engaging in child sex tourism in other countries. Men are subjected to forced labor on long-haul fishing vessels that depart from Singapore or dock in Singaporean ports; some agencies in Singapore use deceptive tactics to recruit Filipino and Cambodian men for this work. Some foreign seamen reportedly suffer severe abuse by fishing boat captains, the inability to disembark from their vessels—sometimes for years—the inability to terminate their contracts, and non-payment of wages. Some of these men transit Singapore before embarking onto vessels from ports in other countries.

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 increased training for front-line law enforcement officers and obtained its first conviction under the 2015 anti-trafficking law. In that case, the convicted sex trafficker received a stringent sentence of six years and three months' imprisonment and a fine of 30,000 Singaporean dollars (\$22,400). Authorities initiated one additional child sex trafficking prosecution, and 11 other suspects remained under investigation—including one for labor trafficking offenses. Singapore has never convicted a labor trafficker. The government expanded some assistance to victims through government programs for vulnerable groups, but did not ensure all victims systematically received protection. The government launched a new national approach against trafficking in persons to follow on the work completed under its national action plan, which was completed in 2015. Singapore acceded to the 2000 UN TIP Protocol in September 2015.



### RECOMMENDATIONS FOR SINGAPORE:

Using the 2015 anti-trafficking law, increase investigations and prosecutions of trafficking offenses, including debt bondage, and convictions and punishments of both sex and labor traffickers; increase specialized training for officials on use of the new law to identify victims and investigate cases, with a

focus on identifying non-physical forms of coercion; increase resources for investigative and prosecutorial training on human trafficking for Ministry of Manpower officials who handle labor violations; dedicate a budget for specialized trafficking victim protection, develop formal policies to ensure all victims receive robust protections, and provide increased funding to non-governmental shelters assisting potential victims; improve victim identification procedures, with a focus on psychological coercion, to ensure victims are not punished for acts committed as a result of being subjected to trafficking; provide all victims incentives to participate in investigations and prosecutions, including through legal assistance to seek compensation and temporary employment passes, transparent communication with service providers during the duration of court cases, and a victim-centered approach to law enforcement efforts; expand cooperation with and funding to NGOs, particularly in victim protection and support; and increase awareness campaigns to encourage public support of anti-trafficking efforts.

### PROSECUTION

The government achieved the first conviction under its trafficking law, but overall trafficking prosecutions and convictions remained limited. The Prevention of Human Trafficking Act prohibits all forms of human trafficking and prescribes penalties of up to 10 years' imprisonment and fines up to 100,000 Singapore dollars (\$75,700), which are sufficiently stringent and commensurate with those prescribed for other serious crimes. In addition, article 140 of the Women's Charter prohibits forced prostitution involving detention or physical force and article 141 prohibits the movement of women and girls for "trafficking" but does not define the term. Penalties prescribed for 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.

In 2015, authorities investigated 50 potential sex trafficking cases, four of which, involving 12 suspects, were substantiated as trafficking cases; 26 cases were dismissed without further action; and 20 cases involving 15 suspects were investigated for other offenses. Among the cases positively identified as sex trafficking, the courts prosecuted and convicted one suspect for child sex trafficking under the new trafficking law; the suspect was sentenced to six years and three months' imprisonment and a fine of 30,000 Singaporean dollars (\$22,400). One additional suspect was charged under the trafficking law for child sex trafficking and is pending court proceedings, and 10 other suspects remain under investigation for violation of the trafficking law. Authorities investigated 55 potential labor trafficking cases; one case remains under investigation for violation of the anti-trafficking law, and the others were addressed as employment-related complaints or dismissed. The government initiated prosecution of a Singaporean couple who allegedly starved a domestic worker, forced her to work excessive hours, and restricted her access to communication under the Employment of Foreign Manpower Act (EFMA) for a lesser offense which carries a maximum punishment of a one-year prison term or the option of a fine; the couple pled guilty and had not been sentenced by the close of the reporting period. Labor trafficking charges were dismissed in four cases initiated in the previous year; officials pursued lesser offenses under the EFMA. In comparison, the government prosecuted 11 suspects and did not convict any traffickers in 2014. The government incorporated anti-trafficking materials into its routine training for front-line police and Ministry of Manpower enforcement officers. However, authorities continued to face

challenges in identifying and building evidence in trafficking cases, particularly labor trafficking. Singapore has never obtained a labor trafficking conviction. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

## PROTECTION

The government continued limited efforts to protect victims, but victim identification was sometimes ineffective and services were provided only on a case-by-case basis. 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 total number of victims identified or provided services in 2015 is unknown; there were 34 potential victims in sex trafficking cases investigated by authorities and 94 in potential labor trafficking cases investigated. Of these, the government officially recognized seven as sex trafficking victims (six girls and one boy) and seven as labor trafficking victims (seven adults). The government and NGOs often disagreed as to whether specific cases amounted to trafficking. Local NGOs reported officials failed to recognize key indicators of trafficking when interviewing potential victims, particularly in cases where individuals were compelled into sex or labor exploitation through psychological coercion or debt bondage—rather than physical confinement—or among individuals who initially consented to migrate for work in a specific sector and were subsequently subjected to trafficking in that sector (including the commercial sex industry). Officials reportedly faced difficulty in legally substantiating cases of domestic servitude—even when physical abuse, restriction of movement, withholding of wages, or document confiscation were present.

Authorities had the discretion to provide services on a case-by-case basis; there were no formal policies ensuring victims' access to services, and not all victims received the same level of protection. The 2014 trafficking law mandates some protections for child victims, including access to shelter and a requirement that their testimony be held via videoconference. Government-provided benefits could include shelter, medical services, counseling, interpretation, and temporary work permits. NGOs report that counseling, medical, and interpretation services provided by the government were not always sufficient. The government provides funding and oversight to 22 shelters serving vulnerable children, and six shelters for adults. Some victims—including those the government did not formally acknowledge as victims—received shelter and services from NGOs that did not receive support from the government or shelters maintained by foreign embassies. The government granted an increasing number of victims special passes or work permits that allowed them to temporarily live or work legally in Singapore. Although access to this benefit is not guaranteed, NGOs report the majority of victims recognized by the government could obtain work permits under Singapore's Temporary Job Scheme. The Seafarers' Welfare Centre, run by NGOs with cooperation from the government, provided basic humanitarian assistance to distressed fishermen, including potential trafficking victims, or referred them to their respective embassies. The government reported such victims would be eligible to receive special passes to temporarily remain in Singapore legally and receive government services, though no such victims were identified or assisted during the reporting period.

The government reported a policy not to punish victims for crimes committed as a direct result of being subjected to

trafficking, although it was not clear there was a legal basis in Singaporean law on which victims could rely. According to NGOs and foreign embassies, inadequate victim identification resulted in the possibility that trafficking victims were among the individuals arrested and penalized for prostitution violations. The government offered limited assistance for some victims participating in investigations and prosecutions of trafficking offenses, but many victims declined participation. Some victims reportedly did not wish to file official complaints with authorities for fear of losing work permits or being forced to remain in the country and participate in a prosecution. The lack of overall incentives for victims to remain in Singapore and participate in court cases interfered with the success of law enforcement efforts to address trafficking. NGOs and foreign embassies reported coordination between public and private stakeholders has improved, but the government's lack of detailed feedback regarding ongoing cases remained a problem and interfered with service providers' ability to assist victims. The government did not provide long-term alternatives to removal to countries where victims may face hardship or retribution.

## PREVENTION

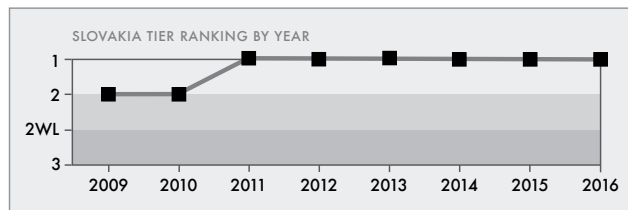
The government continued efforts to prevent trafficking. The government's interagency taskforce completed implementation of Singapore's national action plan and developed a new national approach against trafficking in persons—a strategy to guide its efforts following completion of the national action plan—which it launched in March 2016. The taskforce increased collaboration with U.S. government enforcement agencies and sought out and funded specialized training, including a high-level visit to the United States to study victim-centered approaches, which they subsequently incorporated into their local training. 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 government took law enforcement action against employers for workplace violations and investigated and imposed fines on some unlicensed employment agencies or for committed other illegal practices that could facilitate trafficking. NGOs report that some agencies still committed such acts, such as contract switching and charging workers fees over the legal limit. The government provided anti-trafficking training for its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts and forced labor. Singapore acceded to the 2000 UN TIP Protocol in September 2015.

## SLOVAKIA: Tier 1

The Slovak Republic, or Slovakia, is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in agriculture and construction in Western Europe, primarily in the United Kingdom (UK). Most victims are Slovak women, who are subjected to sex trafficking in Germany, Austria, the UK, Ireland, Switzerland, Poland, and other European countries. 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. Children without family or relevant support structures who leave institutional care facilities are subjected to sex and labor trafficking.

The Government of the Slovak Republic fully meets the minimum standards for the elimination of trafficking. The government increased investigations, prosecutions, and convictions of traffickers; however, courts issued low and suspended sentences for most convicted traffickers, which were incommensurate with the seriousness of the crime and failed to deter trafficking offenses or protect victims. The government increased funding for victim services, but identified fewer victims than in the previous reporting period. The government continued to struggle to identify foreign trafficking victims, with NGOs reporting that the government did not identify potential victims among migrants because they did not adequately screen them and encouraged them to take advantage of assisted voluntary return. 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 challenges with effective participation in the expert working group.



### RECOMMENDATIONS FOR SLOVAKIA:

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to jail terms; strengthen training and capacity building for investigators, prosecutors, and judges on a victim-centered approach to law enforcement efforts; 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; establish 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 better consultation with NGOs in the expert working group; amend the law to formally prohibit the prosecution of trafficking victims for offenses committed as a result of being subjected to trafficking; improve data gathering on Slovak victims of trafficking abroad; and support an effective and independent national anti-trafficking rapporteur to produce assessments of government anti-trafficking efforts.

### PROSECUTION

The government maintained efforts to prosecute and convict traffickers, but short and suspended sentences remained a serious weakness in its anti-trafficking efforts. There is no comprehensive anti-trafficking law; 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. During the reporting period, officials initiated 18 new investigations and

prosecutions of 22 defendants, compared with 15 investigations and 18 defendants in 2014. These included eight cases of trafficking for sexual exploitation, eight for sexual exploitation combined with forced marriage; 18 for forced begging; and 12 for forced labor; victims were in some cases subjected to multiple forms of exploitation. Authorities prosecuted 17 defendants under article 179 of the criminal code in 2015, including nine plea bargains, compared with 18 in 2014. Courts convicted 21 traffickers during the reporting period, compared with 19 in 2014, 14 of whom were convicted under paragraph 179 of the criminal code. Of these 14 convictions, one sentence resulted in a prison sentence of 16 months. The 13 remaining convictions resulted in suspended prison sentences; eight traffickers received suspended sentences of three years' imprisonment and five received suspended sentences of two years' imprisonment. Seven traffickers were convicted under paragraph 246 of the former criminal code for sex trafficking offenses committed before 2005; of these, five traffickers received sentences of three years' imprisonment and two traffickers received suspended sentences of two years' imprisonment.

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. Experts believed law enforcement in some cases placed too much emphasis on victim testimony and made insufficient attempts to secure other types of evidence. The Irregular Migration Unit continued to be involved in a joint investigation team with UK police that resulted in the conviction of six traffickers in UK courts, with sentences ranging from 11 months to four years. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The interior ministry provided the first trafficking training for judges and prosecutors at the Judicial Academy, but no NGOs received details on the training content.

### PROTECTION

The government demonstrated mixed efforts to protect trafficking victims. In 2015, the government identified 25 victims and NGOs identified three additional trafficking victims, a decrease from the 41 victims identified by the government and civil society in 2014. Of these 28, 21 victims of trafficking and four victims of trafficking and forced marriage entered the government-funded victim care program in 2015, compared with 34 in 2014. In 2015, the government allocated 307,927 euros (\$350,700) for the protection of trafficking victims, an increase from 225,100 euros (\$256,400) in 2014. Of this amount, the government provided 212,927 euros (\$242,500) to three NGOs to provide victim services, including repatriation assistance, in comparison with 145,661 euros (\$165,900) allocated in 2014. The government did not have a unified system to refer identified victims to protection services, but some government institutions had procedures to refer victims to the National Coordinator or care facilities. NGOs have criticized the government's victim care program for placing too high a burden of proof on the victim and allowing too much discretion by law enforcement, which decides whether a potential victim can enroll in the program. A trial court ruled that the government's decision not to enroll a suspected victim into the victim care program required justification, indicating the government's process to recognize victims and enroll them in its victim care program included unnecessary barriers. The case remains pending on appeal. NGOs provided victims shelter and care services,



including financial support, repatriation to Slovakia, healthcare, and psycho-social support. Shelters for domestic violence victims accommodated trafficking victims, but housed them separately. Child trafficking victims could be accommodated in government-run children's homes or an NGO-run crisis home for children; no children entered into the care program in 2015. NGOs noted that Slovak police may lack the capacity to effectively supervise victims during investigations, particularly Romani victims in marginalized communities, who often return to the same environments in which they were subject to trafficking. NGOs deemed the legal advice available to victims insufficient; at least two victims received legal assistance from an NGO during the reporting period.

The Slovak Embassy in London did not report potential Slovak victims in 2015, compared with 151 in 2014. An international organization reported a potential Slovak minor victim of trafficking and forced marriage had been identified in Ireland, and three other Slovak minor victims of sex trafficking destined for Austria, Czech Republic, and Switzerland were identified. These victims either declined to enter the government's victim care program or ceased cooperation with the international organization that provides repatriation assistance, so these numbers were not reflected in the government's official statistics, suggesting a need for the government to improve its tracking of Slovak victims abroad. One foreign victim, who was not subjected to trafficking in Slovakia, was entered into the government's victim care program. The government continued to struggle to identify foreign trafficking victims, with NGOs reporting that it 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. Foreign victims were eligible for up to 180 days of tolerated residency and care support. Slovak law allows foreign victims to seek employment, but other obstacles, such as the length of stay, could prevent them from actually securing employment while participating in an investigation. The tolerated limited-term residency status issued to foreign victims entered into the victim care program may place some victims with existing residency status at a disadvantage. In some circumstances, tolerated residency may be a more limiting form of residency, thus causing some victims to decline enrollment in the program. Limited funding for legal representation impaired foreign victims' ability to justify their cases for temporary residency. The law authorizes the extension of permanent residency to foreign trafficking victims who faced hardship or retribution if returned to their country of origin; however, authorities have issued no such residence permits. Court proceedings were not always sufficiently adapted nor law enforcement professionals sufficiently trained to avoid re-victimization, thus discouraging victims from participating in trafficking investigations. Victims provided testimony multiple times and in close proximity to suspected traffickers during the pre-trial and trial process. The government did not report penalizing victims for unlawful acts committed as a direct result of being subjected to trafficking, although Slovak law does not formally prohibit the prosecution of trafficking victims. Judges did not award damages in the majority of criminal and civil cases, and victims lacked legal support to pursue damage claims. The government did not report cases of victims being awarded compensation.

## PREVENTION

The government maintained efforts to prevent human trafficking.

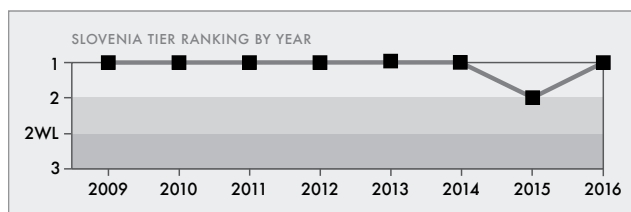
A national program to fight trafficking, covering 2015-2018, continued to guide all government anti-trafficking efforts. The interior ministry's crime prevention office coordinated the government's anti-trafficking activities, including overseeing victim care services, training officials on victim identification, conducting awareness campaigns, and convening the expert working group, consisting of government and NGO representatives. Some NGOs continued to report challenges with collaboration and transparency in the expert working group. The crime prevention office housed an information center to collect statistics on the government's anti-trafficking efforts, but it had difficulty reconciling data across institutions and did not conduct critical assessments. The government supported training activities for social field workers who work with marginalized communities. In March 2015, the government launched a public awareness campaign that utilized a fake job webpage to advertise lucrative employment offers, reaching 750,000 Slovak-language Facebook users with a prevention message, and during the reporting period launched a website that allows the family of Slovaks traveling abroad for employment to receive alerts should the user cease usual online activity. The government also sponsored a theatre performance that reached 1,300 high school students and an interactive conference for high school students that involved role play with various trafficking situations; financially supported a trafficking-themed film festival organized by NGOs; and funded a second information center in Eastern Slovakia that provides information on the dangers of trafficking for Slovaks traveling abroad for employment purposes. The government continued to support an anti-trafficking hotline operated by an NGO, which received over 200 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. Approximately 500 military personnel eligible to serve in peacekeeping missions abroad received anti-trafficking training. One Slovak soldier was accused of sexual abuse or exploitation while serving as a UN peacekeeper; investigations by UN and Slovak military police, as well as local police, led to no charges being filed. In coordination with an international organization, the government provided anti-trafficking training for its diplomatic personnel.

## SLOVENIA: Tier 1

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 subsequently subjected to forced labor. Women and children from Slovenia, as well as other European countries and the Dominican Republic, are subjected to sex trafficking within the country. Migrant workers and ethnic Roma are particularly vulnerable to trafficking in Slovenia.

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. During the reporting period, authorities vigorously prosecuted and obtained convictions of five traffickers, an increase from none the previous year. The government provided training for law enforcement officials, who identified more victims in 2015. The government sustained funding for NGOs that provided assistance to victims and ran awareness campaigns. The inter-ministerial working group and

national coordinator continued to lead the implementation of a new national action plan, which included training of law enforcement, consular officers, and other personnel during the year. Authorities, however, did not address bureaucratic obstacles that inhibited victims from obtaining restitution from their traffickers.



### RECOMMENDATIONS FOR SLOVENIA:

Vigorously investigate and prosecute sex and labor trafficking offenses, and convict traffickers under the trafficking in persons law with sentences that reflect the severity of their crime; increase efforts to identify victims of both sex and labor trafficking among vulnerable populations, including individuals in prostitution, dancers in nightclubs, foreign migrant workers, unaccompanied children, and children in begging; provide adequate funding to the national coordinator's office; increase efforts to facilitate victims' access to compensation, such as through court-ordered restitution from convicted traffickers; continue to strengthen specialized training for investigators, prosecutors, and judges in applying the human trafficking statute; provide proper and safe facilities to assist child victims of trafficking; continue prevention outreach to vulnerable populations, such as Roma; and continue to raise awareness of forced labor and sex trafficking among the general public.

### PROSECUTION

The government demonstrated improved law enforcement efforts. Article 113 of the criminal code prohibits 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. The government conducted six trafficking investigations in 2015, compared with 11 in 2014. Authorities initiated or continued prosecutions of 23 defendants under article 113, compared with six initiated prosecutions in 2014. The government convicted three traffickers under article 113 in 2015, compared with zero in 2014. The convicted traffickers received prison sentences of 13 months to 37 months. Following appeals, authorities also issued final convictions for two additional traffickers under a former statute of the criminal code covering trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Slovenian law enforcement cooperated with Serbia in at least one trafficking case. In February 2016, the government trained 43 police investigators, as well as prosecutors, judges, labor inspectors, and tax inspectors, on trafficking.

### PROTECTION

The government demonstrated progress in victim protection efforts. The government allocated 85,000 euros (\$92,500) for victim protection, the same amount as in 2014. The government identified 47 sex trafficking victims in 2015, compared with 36 trafficking victims in 2014, and referred all 47 to care services; and seven of these victims received shelter in a government-

funded, NGO-operated safe house or crisis accommodation. NGOs identified an additional 28 potential trafficking victims in 2015. GRETA previously reported Slovenian authorities' efforts to identify victims focused on women subjected to sex trafficking and noted authorities should increase attention to labor trafficking generally, as well as trafficking among unaccompanied children. Experts noted more training was needed for health care providers and social workers. The government funded two NGOs that provided services for adult trafficking victims and assisted 75 potential victims in 2015, compared with 43 in 2014. 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 for up to 30 days, after which victims from non-EU countries can elect to stay in safe accommodation for an additional three-month period, regardless of whether they cooperate with law enforcement. In cases of participation in pre-trial and criminal proceedings, foreign victims could receive a temporary residence permit for the duration of the legal proceedings and could receive additional services, including long-term accommodation. In 2015, two victims, including one Slovenian, cooperated with law enforcement on trafficking cases, compared with four in 2014. The foreign victim received a temporary residence permit. No victims sought restitution in 2015; GRETA previously reported no victims have ever received compensation from their traffickers. Victims of trafficking were not explicitly listed as eligible for compensation from the state fund for crime victims; the government did not take action to improve victims' access to restitution. There were no reports of victims inappropriately penalized for unlawful acts committed as a direct result of being subjected to human trafficking.

### PREVENTION

The government strengthened prevention efforts. The Ministry of Interior's Interdepartmental Working Group (IWG), led by the national coordinator, continued to organize national efforts and produce an annual monitoring report. The working group continued to implement the 2015-2016 action plan, including promoting trafficking-specific training for law enforcement, consular officers, and other personnel most likely to encounter and be able to identify victims. The IWG allocated approximately 20,000 euros (\$21,800) for awareness campaigns targeting potential trafficking victims, particularly schoolchildren and migrant workers. In 2015, the government allocated an additional part-time staff member to support the office. The government provided anti-trafficking training for its diplomatic personnel. The government made efforts to reduce the demand for commercial sex and forced labor.

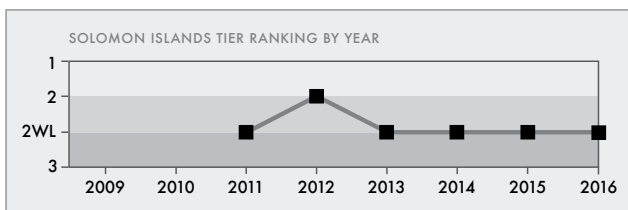
## SOLOMON ISLANDS: Tier 2 Watch List

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.

Local children are subjected to sex trafficking and forced labor within the country, sometimes in exchange for money or fish, particularly near foreign logging camps, on foreign and local commercial fishing vessels, and at hotels and entertainment establishments. Some parents receive payments for sending young women and girls into forced marriages with foreign workers at logging and mining companies; some of them are exploited in domestic servitude and prostitution. Local boys and girls are put up for "informal adoption" by their families in order to pay off debts; some are subjected to sexual servitude by the adopted family or guardians, or forced labor as domestic servants. Boys are forced to work as domestic servants and cooks in logging camps.

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. During the reporting period, the government finalized and published guidelines on the identification, referral, and treatment of transnational trafficking victims, and it allocated funding for implementation of activities outlined in the 2015-2020 national action plan on human trafficking and people smuggling. Authorities identified 15 foreign labor trafficking victims and referred them to organizations to receive temporary shelter. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Solomon Islands is placed on Tier 2 Watch List for a fourth consecutive year. Per the Trafficking Victims Protection Act, Solomon Islands was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government did not provide additional services for trafficking victims or prosecute or convict any traffickers. Authorities did not make efforts to identify victims or investigate cases involving internal trafficking offenses or the forced prostitution of foreign women.



## RECOMMENDATIONS FOR THE SOLOMON ISLANDS:

Investigate and prosecute both sex and labor trafficking offenses, and convict and punish traffickers; amend relevant laws to criminally prohibit all forms of human trafficking and to give prosecutors more authority and restrict judges' ability to offer fines in lieu of prison time; continue and increase efforts to identify trafficking victims among foreign workers, including those in the fishing, logging, and mining industries, and adopt and implement proactive procedures to identify victims of

sex trafficking and internal trafficking; increase government support for victim services, including through the allocation of funding; institute a campaign to raise public awareness of human trafficking; provide training for immigration officials, law enforcement officers, and social service providers, including at the provincial level; implement the draft national action plan for combating trafficking in persons; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government demonstrated limited progress in anti-trafficking law enforcement efforts, but did not prosecute or convict any traffickers. The immigration act prohibits and punishes transnational forms of trafficking in persons and prescribes a penalty of up to five years' imprisonment or a fine of up to 45,000 penalty units (\$5,700), 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 (\$11,500), or both for the trafficking of children. These penalties are not sufficiently stringent, due to the option of paying a fine, and are not commensurate with penalties for other serious offenses, such as rape. The law also prohibits and punishes the withholding of travel or identity documents for the purpose of facilitating human trafficking; the penalty is imprisonment not exceeding two years, a fine of up to 20,000 penalty units (\$2,500), or both. During the reporting period, the Ministry of Justice and Legal Affairs Commission updated a draft amendment to the penal code (Sexual Offenses Bill) that, if approved, would define and prohibit some forms of internal trafficking and prescribe sufficiently stringent penalties.

There were no prosecutions or convictions of trafficking offenses. The immigration division led multiagency monitoring and investigation operations at logging companies and, through these efforts, identified two suspected cases of forced labor. Authorities referred one of these cases to the director of public prosecutions; however, prosecutors did not determine by the end of the reporting period whether there is sufficient evidence to move the case to trial. The government hosted trainings on human trafficking, funded and delivered by a foreign donor. Lack of adequate human resources and sufficient expertise in evidence collection continued to hinder effective law enforcement efforts to combat trafficking. The government did not conduct any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

## PROTECTION

The government made modest efforts to protect trafficking victims. In December 2015, the government finalized and published guidelines on the identification, referral, and treatment of transnational trafficking victims, although no such procedures existed for internal victims. Through its monitoring and investigation activities of logging companies, the immigration division identified 15 adult male victims from Indonesia and Malaysia exploited in transnational labor trafficking and referred them to international and local organizations to receive temporary accommodation; such effort represents an increase from no victims identified in 2014. A government agency provided temporary accommodation to an unknown number of victims, but the government continued to rely primarily on civil society organizations to provide limited services to victims of human trafficking on an ad hoc basis. NGOs reported providing services to two individuals who may have been victims of internal trafficking. No trafficking-specific services existed in the country.



The government has the authority to provide temporary residence permits—valid for up to three months—to allow foreign victims to assist the police in investigations. Due to lengthy legal processes and a lack of incentives to remain and participate in cases, most identified victims opted to return to their home countries, which hindered prosecutions. The government coordinated the repatriation of 10 victims, and an international organization facilitated the repatriation of four victims. One victim remained in the country; it is unclear whether the government assisted him in obtaining the necessary legal documents to do so. The government reported victims were able to seek compensation from their traffickers through civil suits, although no trafficking victims have ever filed such suits. The law protects trafficking victims from prosecution for crimes committed as a result of being subjected to trafficking, such as illegal entry into the country, illegal residency or procurement, or possession of a false identity document; however, this protection does not extend to victims of trafficking crimes that are not defined in Solomon Islands law. Thus, women in prostitution may have been repeatedly arrested and prosecuted during the year without efforts by officials to determine whether they were trafficking victims.

### PREVENTION

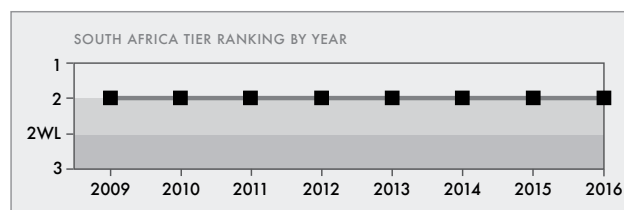
The government increased efforts to prevent trafficking. The Trafficking in Persons Advisory Committee met on a quarterly basis to coordinate anti-trafficking activities, and the government allocated funding for implementation of activities outlined in the 2015-2020 national action plan on human trafficking and people smuggling. In December 2015, authorities conducted a public lecture to raise awareness of human trafficking, with support from an international organization; this marked the first government-organized public awareness event. The government took no 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.

## SOUTH AFRICA: Tier 2

South Africa is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. South Africans constitute the largest number of victims within the country. 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, exposing some of these girls to forced labor and sex slavery. Local criminal rings organize child sex trafficking, Russian and Bulgarian crime syndicates operate in the Cape Town sex trade, and Chinese nationals organize the sex trafficking of Asian men and women. Nigerian syndicates dominate the commercial sex trade in several provinces. To a lesser extent, syndicates recruit South African women to Europe and Asia, where some are forced into prostitution, domestic service, or drug smuggling. Law enforcement reported traffickers employ forced drug use to coerce sex trafficking victims.

Thai women remained the largest identified foreign victim group, but officials reported an increased number of Chinese victims. Women and girls from Brazil, Eastern Europe, Asia, and neighboring African countries are recruited for legitimate work in South Africa, where some are subjected to sex trafficking, domestic servitude, or forced labor in the service sector, or taken 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. NGOs reported a new trend of Central African women in forced labor in hair salons. Foreign and South African LGBTI persons are subjected to sex trafficking. Foreign male forced labor victims were discovered aboard fishing vessels in South Africa's territorial waters; NGOs estimated 10 to 15 victims of labor trafficking each month disembarked 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 province. Government and NGOs report an increase in Pakistanis and Bangladeshis subjected to bonded labor in businesses owned by their co-nationals. Official complicity—including among 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 acknowledgment.

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. In August 2015, the government promulgated the Prevention and Combating of Trafficking in Persons Act (PACOTIP), which criminalizes all forms of human trafficking, mandates a coordinated government program to prevent and combat trafficking, requires consolidated reporting of trafficking statistics, and outlines victim assistance measures. The government developed implementing regulations for PACOTIP, including on victim identification and referral, and began training officials on the law. The government increased law enforcement efforts—convicting 11 traffickers and initiating prosecution of five sex traffickers in 2015 in comparison to three convictions and 19 prosecutions in 2014. The Department of Social Development (DSD) continued its oversight of victim shelters, which assisted 103 victims—a significant increase compared to 41 during the previous reporting year. Officials did not implement procedures to identify trafficking victims among vulnerable groups, including illegal migrants and women in prostitution. The government did not address labor trafficking offenses systematically. A serious lack of capacity and widespread corruption among the police force hindered anti-trafficking law enforcement efforts. The government did not systematically prosecute or convict individuals involved in major international syndicates responsible for much of the sex trafficking in the country.



### RECOMMENDATIONS FOR SOUTH AFRICA:

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; increase efforts to investigate, prosecute, and convict traffickers, especially labor traffickers, under PACOTIP; continue to train law enforcement and social service officials to implement PACOTIP and related regulations and hold officials accountable for implementing the training they receive; investigate and prosecute officials suspected of trafficking complicity; verify law enforcement and social service providers use a victim-centered approach when interacting with potential victims and recognize initial consent is irrelevant; prosecute employers who use forced labor; 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; provide interpreters to assist victims in obtaining care, cooperating with law enforcement, and testifying in court; extend the availability of drug rehabilitation services for 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 increased anti-trafficking law enforcement efforts. In August 2015, the government promulgated the PACOTIP. PACOTIP prohibits all forms of human trafficking and prescribes punishments ranging from fines to a maximum of five years' to life imprisonment. Articles 4-11 provide a range of penalties for the offence of trafficking in persons depending on the severity of the offence. Article 4(1) establishes the criminal offence of trafficking in persons and sets forth the "acts," "means," and "purpose" according to the general framework for the criminal offense. The most severe penalty prescribed for trafficking is life imprisonment and/or a fine not exceeding R100 million. The penalties for the trafficking offenses are commensurate with those prescribed for other serious crimes, but not sufficiently stringent as the law provides a fine may be imposed in lieu of a prison sentence. The implementing regulations for PACOTIP's immigration provisions covered in Sections 15, 16, and 31(2)(b)(ii) have not been promulgated. The Sexual Offenses Act (SOA) prohibits 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, prohibits forced labor and prescribes maximum penalties for forced labor for both children and adults from three to six years imprisonment. The Children's Amendment Act prescribes penalties of five years to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. Authorities sometimes used the Prevention of Organized Crime Act of 1998 in combination with SOA to add additional charges—including money laundering, racketeering, and criminal gang activity—and stiffer penalties against offenders.

The government convicted 11 sex traffickers and initiated prosecutions of five suspected sex traffickers—compared with three convictions and 19 prosecutions in 2014. In 2015, the government sentenced two sex traffickers convicted under section 71 of the SOA to 25 years in prison and a 10,000 rand (\$660) fine for one and 16 years for the second. Prosecution of 19 alleged sex traffickers remained ongoing from previous reporting periods. Officials investigated cases involving

Nigerian, Thai, and Chinese traffickers, but the government has rarely convicted traffickers connected to international syndicates involving these or Russian or Bulgarian traffickers, who dominate the sex trade in several South African cities. The government did not prosecute or convict any officials allegedly complicit in trafficking offenses.

While the majority of trafficking victims in South Africa are labor trafficking victims, the government did not prosecute or convict any labor traffickers in 2015. 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 BCEA as their core enforcement mechanism and rarely referred cases for criminal investigation. Stakeholders reported the failure of police to proactively identify sex trafficking victims or pursue investigations and noted prosecutors were often unwilling to take difficult cases. NGOs reported some police officers solicited commercial sex acts from victims.

In collaboration with an international organization, the government hosted 15 workshops on human trafficking and PACOTIP and trained 376 law enforcement and social services officials, including from the South African National Defense Force, South African Police Service (SAPS), South African Revenue Services, Department of Health, Department of Agriculture and Fisheries, and Airport Company South Africa. Department of Home Affairs (DHA) and DOL continued to include trainings developed by an international organization within their academy trainings for new staff.

## PROTECTION

The government increased efforts to protect victims. DSD continued oversight of and funding to 13 accredited multipurpose shelters, which hosted 103 victims—a significant increase compared with 41 in 2014. DSD 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 bases to the safe houses. There was only one shelter, in Gauteng Province, available for male trafficking victims. Some shelters declined to accept trafficking victims because of concerns about the government's ability to provide security. 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. 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 Provinces 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, National Prosecuting Authority (NPA), DHA, and Department of Justice (DOJ) developed 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. The 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.

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, at times, provided security and long-term care to foreign victims who did so. PACOTIP provides trafficking victims relief from deportation; however, regulations to implement this provision had not been promulgated. Law enforcement may petition DHA on behalf of foreign victims to prevent their deportation. Law enforcement reported difficulty placing suspected victims in shelters if they failed to provide evidence of force, fraud, or coercion immediately after their rescue; leaving DSD unable to immediately classify persons as victims of trafficking and delaying victims' placement in facilities. Suspected criminals could only be held for 48 hours without evidence, and many traumatized victims were unable or unwilling to provide statements within that time frame, leading to the release of suspected offenders.

## PREVENTION

The government sustained efforts to prevent trafficking. The DOJ/victim support directorate supported awareness-raising efforts, including an information kiosk at Johannesburg's international airport for passengers and airport staff on identifying trafficking victims. The government allocated 2.7 million rand (\$180,000) to anti-trafficking training and awareness raising during the 2014-2015 fiscal years. NPA and DOJ oversaw six provincial task teams coordinated through the national task team. Various task teams undertook awareness raising; for example, the provincial task teams, led by its Department of Education members, conducted 17 awareness raising sessions in 51 schools, reaching approximately 34,410 primary school students, 1,100 teachers, and 1,200 parents during child protection week. In October, DHA set up roadblocks near border crossing points during human trafficking week where it conducted vehicle spot inspections and distributed anti-trafficking brochures.

Amendments to the 2012 Employment Services Bill, passed in 2013, were enacted on August 9, 2015. Though the bill does not ban labor brokers, it requires DOL to license and regulate private employment agencies and prohibits those agencies from charging fees for their services unless explicitly authorized by the labor minister. The government made efforts to reduce the demand for commercial sex but did not make any efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training to its peacekeepers prior to their deployment abroad on international peacekeeping missions or for its diplomatic personnel.

## SOUTH SUDAN: Tier 3

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 in Yei, Bor, Wau, Torit, Nimule, Juba, and elsewhere in 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, some as young as 10 years old, are subjected to sex trafficking in restaurants, hotels, and brothels in urban centers—at times with the involvement of corrupt law enforcement officials. Child sex trafficking remains a problem. 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 as young as 9 years old in Eastern Equatoria are forced into marriages, at times as compensation for inter-clan killings; some may have been subsequently subjected to sexual slavery or domestic servitude.

Women and girls from Uganda, Kenya, Ethiopia, Eritrea, and Democratic Republic of the Congo migrate willingly to South Sudan with the promise of legitimate work and are subjected to sex trafficking. South Sudanese and foreign business owners entice men and women from these countries, as well as South Sudanese women and children, with offers of employment in hotels, restaurants, and construction; many are forced to work for little or no pay or are subjected to sex trafficking. Kenyan and Ugandan children are subjected to domestic servitude and forced labor in construction and street vending in South Sudan. Local civil society organizations reported instances of trafficking continued to increase during the reporting period, which predominantly affected South Sudanese victims as general insecurity and the fast deterioration of the economy led more foreigners to flee the country. Some traffickers may operate in organized networks within the country and across borders. Authorities occasionally assisted traffickers in crossing international borders, and some 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.

Violent conflict continued throughout the year, increasing the number of internally displaced people to nearly 1.7 million and the number of refugees to nearly 830,000. These groups, including orphaned children, were at increased risk of trafficking. The UN Mission in South Sudan (UNMISS) 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 Warrap, Northern Bahr el-Ghazal, and Lakes states abduction was also widespread. Some abductees were subsequently 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, as in previous years. During the North-South civil war, members of the Missiriya and Rizeigat ethnic groups abducted and enslaved thousands of Dinka women and children and a smaller number of Nuban children. Some of those enslaved remained in Sudan with their captors.

According to the Agreement on the Resolution of the Conflict in South Sudan, signed by the warring parties in August 2015, the Sudan People's Liberation Army (SPLA) and the SPLA in Opposition (SPLA-IO) committed to the immediate and



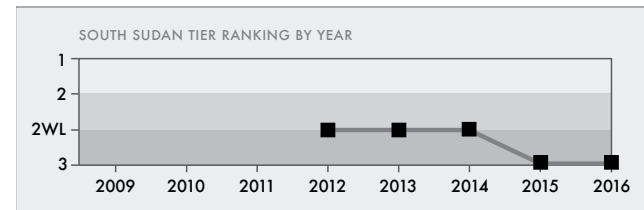
unconditional release of child soldiers under their command or influence, to be carried out by UNICEF and International Committee of the Red Cross (ICRC). Also in December 2015, both SPLA and SPLA-IO signed or recommitted to action plans with the UN for demobilization of child soldiers and reintegration. However, throughout the reporting period both groups continued to retain and recruit child soldiers, at times by force. SPLA, as well as armed opposition groups in South Sudan, recruited an unknown number of child soldiers, often by force, during the reporting period. Since the start of the conflict in December 2013, the UN estimates warring parties have recruited between 15,000-16,000 child soldiers, most between 15 and 16 years old, but some as young as 9 years old. Multiple sources reported widespread use of children by SPLA and government-allied groups, including on the front-line. An NGO research report released in December 2015, which included interviews with 101 child soldiers, reported one-third of the boys were forcibly and violently recruited: SPLA and opposition groups recruited boys at gunpoint, arrested and detained them until they agreed to fight, or abducted them and gave them a gun, forcing them to fight on the front lines. Boys were seen in military uniforms manning checkpoints and acting as bodyguards for military commanders. In July in Western Bahr el-Ghazal State, observers reported a deployment to an undetermined location of approximately 400 children associated with SPLA; the children were observed being airlifted from Wau airport. In Unity State, SPLA abducted and forcibly recruited large numbers of children who were used as combatants and porters from the start of its offensive in April continuing for several months after. SPLA continued to force girls to marry soldiers; these girls experienced systematic rape tantamount to sexual slavery.

During the reporting period, the UN, in partnership with the National Disarmament, Demobilization, and Reintegration (DDR) Commission, 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's 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. SPLA agreed on the full integration of Yau Yau and his soldiers on the condition that all child soldiers under his command be demobilized prior to integration; however, approximately 1,200 children remained within the forces previously associated to Yau Yau, now under SPLA during the reporting period. Furthermore, SPLA continued to recruit child soldiers despite the DDR program to release all children associated with the SSDM/A-CF as it integrated with SPLA. In Jonglei State, observers reported 14 boys in military uniform associated with Yau Yau and reported the re-recruitment of seven other boys, separated earlier in 2015, by these integrated forces within SPLA. SPLA-North (SPLM/A-N), a Sudan-based group formerly aligned with SPLA and reportedly continuing to receive support from the South Sudanese government, conducted periodic campaigns in which it forcibly recruited adults and children in refugee sites in South Sudanese territory, including in Yida, Unity State and Maban, Upper Nile State. SPLM/A-N reportedly used child soldiers in Southern Kordofan and Blue Nile states in Sudan to fight against the Sudan Armed Forces and aligned militias. The Lord's Resistance Army (LRA) continued to harbor enslaved South Sudanese children in neighboring countries and exploited them as cooks, porters, combatants, and for sexual slavery.

Child soldiers were also present in large numbers within the SPLA-IO, primarily in the White Army and within groups

affiliated with the opposition. In Upper Nile state, recruitment campaigns by elements allied to SPLA-IO continued to take place; observers reported 152 boys were recruited between April and June 2015. During the reporting period, reports also indicated boys were abducted from their houses and schools to fight with the insurgent Arrow Boys—self-defense groups in Western Equatoria originally established to defend communities against the LRA but newly mobilized following mostly ethnic skirmishes between local agriculturalists and Dinka pastoralists supported by fellow Dinkas in SPLA; observers reported local children stopped attending school for fear of abduction. UNMISS received reports that Arrow Boys also recruited child soldiers in refugee camps across the border in the Democratic Republic of the Congo.

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. Although the government committed to an action plan for the immediate and unconditional release of child soldiers under its command or influence, the government failed to uphold the agreement and implement this plan during the reporting period, as it continued to recruit, often by force, child soldiers. It failed to hold SPLA officers criminally accountable for these unlawful actions and did not investigate or prosecute other trafficking crimes or train law enforcement officials, who possessed little or no awareness of existing laws prohibiting human trafficking. The government did not provide adequate protective services for trafficking victims and continued to indiscriminately arrest and imprison individuals for prostitution, including child sex trafficking victims.



## 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, including local defense 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, SPLA-IO and affiliated militias in conjunction with the ICRC and UNICEF for transfer to appropriate civilian rehabilitation and reintegration programs that include educational and vocational training as well as counseling; punish military officials found to be in violation of laws related to recruitment, use, and exploitation of children; investigate and prosecute suspected trafficking offenses, and convict and punish trafficking offenders, 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; appoint new leadership to the Child Protection Directorate to enable thorough investigation of child soldiering issues; train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups,

particularly individuals in prostitution and children in street vending, construction, and domestic service; establish and implement procedures to prevent prosecution 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 NGOs so they may provide adequate care to victims; work with NGOs to develop an inventory of service providers, and train government officials on procedures to refer victims to these organizations to receive care; allow unimpeded access to all military barracks, including unannounced inspections by the UN to identify and remove any children; enact the draft labor act to ensure adequate prohibitions of forced labor; form an interagency committee to develop and implement a national anti-trafficking policy; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government made no anti-trafficking law enforcement efforts and did not investigate or prosecute government officials complicit in trafficking. South Sudanese law does not prohibit all forms of trafficking, but the penal code of 2008 prohibits 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 cause or allow their child to be involved in the sex trade. South Sudan's Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities, and prescribes punishments of up to 10 years' imprisonment for such crimes.

The government reported no investigations, prosecutions, or convictions for trafficking crimes, including offenses allegedly committed by officials, including members of the SPLA and the allied militias. The government has never formally punished an offender for the recruitment and use of child soldiers. In addition to ongoing recruitment of child soldiers by the SPLA and its allied militia, soldiers frequently engaged child sex trafficking victims. SPLA's Directorate for Child Protection, responsible for investigating allegations of child soldiering and headed by a brigadier general, did not investigate any of the numerous instances of child soldiering throughout the country.

Capacity of law enforcement officers in most regions of the country remained limited, and courts often lacked adequate human and physical resources to investigate and prosecute crimes, including human trafficking. Pervasive corruption in the judicial sector, including the use of intimidation and bribery, hindered prosecutions of traffickers. Law enforcement and judicial officials continued to have little or no awareness of South Sudan's laws prohibiting human trafficking and the

government did not provide specialized anti-trafficking training to such personnel to rectify this concern during the year. The national legislature did not pass the omnibus labor act, drafted by the Ministry of Labor in 2009 to provide further protections against forced labor.

## PROTECTION

The government made minimal efforts to protect trafficking victims and, at times, law enforcement efforts were harmful to victims. The government did not formally identify any trafficking victims and law enforcement continued to indiscriminately arrest individuals in prostitution, including trafficking victims, as there was no process to distinguish or identify potential victims among these or other vulnerable populations. During the reporting period, law enforcement officers arrested 15 girls for prostitution and detained them; an NGO successfully advocated for their release, but the girls did not receive protective services. Multiple sources reported law enforcement made sweeping arrests of women and girls in prostitution in Yei and Juba and often beat and extorted money from the incarcerated women and girls before releasing them. A local NGO, supported by the Ministry of Social Development, the UN, and other international donors, provided protective services for orphaned and adolescent girls, some of whom were trafficking victims. UNICEF, in partnership with the government, continued to demobilize children within the SSDM/A-CF, during the reporting period. UN agencies and NGOs provided temporary shelter to 1,758 child soldiers demobilized by the government, but the government did not provide financial or other support to these organizations.

There were no specialized services available for trafficking victims or for any victims outside Juba. Front-line officers failed to remove trafficking victims from exploitative situations. 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. Social stigma and justified fears of punitive law enforcement actions discouraged victims, particularly sex trafficking victims, from communicating with law enforcement authorities. NGO staff observed law enforcement officers stationed at the entries and exits to Juba brothels acting as security. There were no laws or policies to protect victims from prosecution for crimes committed as a direct result of being subjected to trafficking. In previous years, the government arrested foreign victims for lack of proper documentation, though it is unknown if this continued during the reporting period.

## PREVENTION

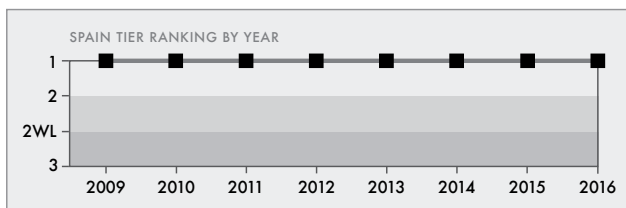
The government made minimal efforts to prevent trafficking. In December 2015, the government agreed to utilize the existing National Aliens Committee to serve as the National Coordination Mechanism on Migration, which will address trafficking issues in the country. The Police Services Act of 2009 designates the South Sudan Police Service as the lead on investigation of potential trafficking crimes and enforcement of the law. The SPLA continued to deny the presence of child soldiers in its ranks, continued to actively recruit child soldiers, at times by force, and failed to implement the action plan to demobilize child soldiers. The government did not have a national action plan against trafficking and trafficking awareness remained low among government officials and the public. The government did not conduct any anti-trafficking awareness campaigns or partner with civil society to do so. Authorities

took no known steps during the reporting period to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. The government had memoranda of understanding with Kenya, Rwanda, Ethiopia, and Uganda to facilitate information exchanges, including on human trafficking. 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.

## SPAIN: Tier 1

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, Bulgaria, Ukraine, and Russia), South America (particularly Paraguay, Brazil, Colombia, and Ecuador), China, and Nigeria are subjected to sex trafficking in Spain. Men and women from China, India, and Pakistan are subjected to forced labor in the domestic service, 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 other regions of the EU. A large percentage of individuals in prostitution in Spain are believed to be victims of human trafficking. 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, though victims are increasingly subjected to trafficking by individuals and smaller groups of traffickers. Unaccompanied migrant children in Spain continue to be vulnerable to sex trafficking and forced begging. Police and other officials have been investigated, charged, and convicted for complicity in human trafficking crimes.

The Government of Spain fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government prosecuted and convicted fewer traffickers than in 2014, while the number of ongoing investigations increased. Law enforcement efforts continued to focus on sex trafficking, but increased attention to labor trafficking resulted in more victims identified. The number and proportion of trafficking prosecutions involving forced labor was higher in 2015 than in previous years (15 of 45 defendants prosecuted in 2015 were for labor trafficking, compared with six defendants in both 2013 and 2014). The government identified more trafficking victims, maintained funding for victim assistance and law enforcement efforts, and cooperated closely with NGOs on victim identification and referral to services. The government updated its national anti-trafficking action plan and increased public awareness campaigns aimed at preventing trafficking.



### RECOMMENDATIONS FOR SPAIN:

Increase prosecutions and convictions of trafficking offenses,

particularly for forced labor; establish specialized services for men and labor trafficking victims; 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; ensure victims who do not testify against perpetrators are not detained or deported; train all prosecutors and judges on a victim-centered approach to law enforcement, not just those specializing in trafficking cases; establish national procedures for proactive identification of child victims and ensure coordination between prosecutors and child protective services to avoid re-victimization; continue to prosecute and punish government officials complicit in trafficking; and conduct awareness campaigns on forced labor.

### PROSECUTION

The government maintained strong law enforcement efforts in 2015. Article 177 of the criminal code prohibits all forms of both sex and labor trafficking and prescribes penalties from five to eight years' imprisonment, which are sufficiently stringent and commensurate with the prescribed penalties for other serious crimes, such as rape. The government updated its criminal code in March 2015 to include trafficking for the purpose of the commission of crimes as a punishable form of trafficking in persons. The impact of this change was evident in the May 2015 arrest of 48 members of a Serbian trafficking ring that kidnapped and bought women as young as 13 and forced them to commit crimes. As of December 2015, the Office of the Prosecutor was investigating 344 cases for sexual or labor exploitation, an increase from 293 cases under investigation as of December 2014. The government initiated prosecutions of 30 defendants for sex trafficking and 15 for labor trafficking in 2015, compared with 98 and six, respectively, in 2014. Courts convicted 58 traffickers in 2015, a slight decrease from 62 in 2014, with 56 for sex trafficking and two for labor trafficking (compared with 60 for sex trafficking and two for labor trafficking in 2014). While the government did not provide comprehensive sentencing data, it sentenced the leader of a sex trafficking ring to 44 years in prison and gave 13 other members of the network prison sentences ranging from one to 31 years' imprisonment. Two individuals convicted of child sex trafficking received sentences of 11 years' imprisonment. In a separate case, a trafficker was sentenced to 11 years in prison for the sex trafficking of a woman. The government did not report any new investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government provided specialized training on trafficking to law enforcement officials developed with input from NGOs. In 2015, the government trained 110 police and civil servants in rural areas.

### PROTECTION

The government sustained strong protection efforts. Authorities reported identifying 169 trafficking victims in 2015, an increase from 153 in 2014; of the 169, 65 were reported victims of sex trafficking and 104 of labor trafficking. The government maintained funding levels equal to those of the prior year, allocating 4.9 million euros (\$5.6 million) for trafficking victims across ministries, including 2 million euros (\$2.3 million) for NGOs providing services and shelter to 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, including NGO participation in raids on brothels and locations where victims may have been present.



The government provided free health care, legal assistance, social welfare benefits, and funds for repatriation to trafficking victims, but also referred some victims to NGOs for care. A network of anti-trafficking NGOs ran most facilities with funding from both the government and private sources. NGOs provided victims temporary shelter and access to legal, medical, and psychological services. One NGO assisted 113 victims in 2015, some of whom were referred to the organization by government institutions and security forces. Another NGO in Catalonia assisted 189 victims, nearly half of whom were referred by law enforcement agencies in accordance with a cooperative agreement. Specialized centers for child victims of crime and seven trafficking shelters—all NGO-run—were available to assist child trafficking victims. Two multipurpose, NGO-run shelters were available specifically for adult male victims.

In April 2015, the government approved laws providing additional protections to sex trafficking victims, including more time to appeal the dismissal of cases against alleged traffickers, the ability to appeal penitentiary authority decisions regarding the terms of their traffickers' incarceration and release, and the proactive provision of information about the status of criminal cases. The government has not yet reported on how these provisions have been implemented. Under the law, 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, unless participating in a criminal prosecution. The government granted reflection periods—time during which victims from outside the European Union could recover while deciding whether to assist law enforcement—to 44 victims in 2015, compared with 35 victims in 2014. In 2015, the 30-day reflection period was lengthened to a minimum of 90 days. Citizens of EU member states, however, are not subject 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 sustained strong prevention efforts during the reporting period. The Ministry of Health managed the national anti-trafficking working group, which included the Ministries of Interior, Justice, and Labor, and advised on all aspects of the government's anti-trafficking efforts. Throughout the reporting period, the national rapporteur, who fills a deputy minister-level position in the Ministry of the Interior, held bi-monthly meetings with representatives of all ministries, NGOs, the judiciary, and security forces, with the goal of creating a unified anti-trafficking plan. The government updated its national action plan to combat trafficking in September 2015, with input from a range of government and non-government stakeholders. The new three-year action plan focuses on protection of women and girls, identification of and provision of services to victims, and multi-sector coordination. The government committed 104 million euros (\$119 million) to the plan over four years. The government expanded prevention efforts through several public awareness campaigns, including a television series, traditional media, and digital media, which received extensive press coverage. It operated three hotlines for the reporting of suspected sex trafficking cases, fielding approximately 83,000 calls, some of which led to victim identification and opening of new cases. In 2015, the government began monitoring efforts

to assist trafficking victims, and shared its assessments with domestic and international organizations. The government also continued to publish detailed information on the numbers of prosecutions, victims, and accused traffickers.

The government conducted 1,248 inspections related to sex trafficking in 2015, a decrease from 1,406 in the previous year, and 710 inspections related to labor trafficking, a decrease from 889 in 2014. While the government discouraged newspapers from publishing classified ads for sexual services offered by individuals engaged in prostitution, many of whom were likely trafficking victims, it did not make efforts to reduce demand for commercial sex acts. NGOs argue that regional and municipal government efforts to bar solicitation for prostitution on highways and in other public places penalize victims of trafficking. The government maintained strict prohibitions on international sex tourism, warning Spanish citizens they may be prosecuted and convicted under Spanish law for such acts committed overseas. While the government dramatically increased the number of investigations, inspections, operations, and arrests for labor exploitation and trafficking, it did not make efforts to reduce demand for forced labor. Spanish troops received anti-trafficking training prior to their deployment abroad as part of international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel. The government maintained several bilateral accords with countries that are sources of trafficking victims in Spain, cooperated regularly with foreign governments on the investigation and prosecution of trafficking cases, and organized anti-trafficking programs, seminars and training in countries of origin.

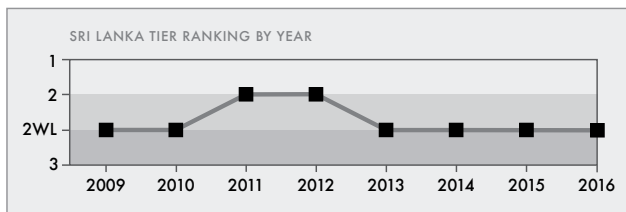
## SRI LANKA: Tier 2 Watch List

Sri Lanka is primarily a source and, to a lesser extent, a destination 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 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 Jordan, Maldives, Malaysia, Singapore, and elsewhere.

Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for 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 from the Tamil tea estate sector, are subjected to physical, sexual, and mental abuse, non-payment of wages, and restrictions of movement—indicators of labor trafficking. A small number of women from Asia, Central Asia, Europe, and the Middle East have been subjected to forced prostitution in Sri Lanka in recent years. Police 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.

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. During the reporting period, the government ratified the 2000 UN TIP Protocol and the Cabinet approved the government's national action plan to combat human trafficking. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore Sri Lanka is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Sri Lanka was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. Authorities slightly increased investigations and prosecutions of trafficking cases; however, convictions stagnated at one trafficker convicted—the same number as in 2014—and the sentence of two years' imprisonment was not sufficiently stringent to deter future trafficking crimes. Provisions for victim protection were inadequate, as the government arrested sex trafficking victims and charged them with crimes committed as a direct result of being subjected to trafficking, provided no specialized services to male victims, and mixed child victims with criminals in state institutions.



## RECOMMENDATIONS FOR SRI LANKA:

While respecting due process, improve efforts to investigate and prosecute suspected traffickers under article 360(c) and convict and punish offenders, including allegedly complicit officials; continue to train officials on victim identification and referral procedures, especially to ensure victims are not detained or otherwise penalized for unlawful acts committed as a direct result of having been subjected to human trafficking, such as migration violations or prostitution; 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 licensed labor recruiters and instead ensure they are paid by employers; expand the Bureau of Foreign Employment's mandate to include the regulation of sub-agents; and promote safe and legal migration rather than imposing discriminatory policies.

## PROSECUTION

The government demonstrated limited progress in law enforcement efforts to address human trafficking. Article 360(c) of the penal code prohibits all forms of trafficking, although the law also covers 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 initiated investigations of six trafficking cases in 2015, compared with 20 cases investigated in 2014. The government reported 12 prosecutions in 2015,

five under article 360(c) and seven under the procurement statute, compared with a total of 10 prosecutions in 2014. The procurement statute criminalizes obtaining a person to become a prostitute and carries lesser penalties than article 360(c); procurement cases, unlike trafficking cases, are not considered grave offenses and are brought before a magistrate judge generally without a prosecutor from the attorney general's office. As in 2014, courts did not convict any traffickers under article 360(c). Authorities convicted one trafficker under the procurement statute, the same number as in 2014, and sentenced the offender to two years' imprisonment and a fine of 5,000 Sri Lankan rupees (\$35). The government's reliance on procurement charges, and the absence of prosecutions under the trafficking statute, resulted from police not thoroughly investigating potential human trafficking cases for elements of force, fraud, or coercion. Most complaints migrant workers filed with police officers in the Bureau of Foreign Employment (SLBFE) were automatically categorized as an "employment or contract dispute" and were not screened for labor trafficking; instead, if a crime was alleged the case was prosecuted under the Foreign Employment Act before a magistrate judge who could only issue penalties up to two years' imprisonment.

Official complicity in trafficking offenses remained a serious problem. Allegations continued that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Some sub-agents reportedly worked with officials to procure forged or modified documents, or genuine documents with falsified data, to facilitate travel abroad. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, during the reporting period the government charged a supreme court judge with sexual abuse and assault—potential indicators of trafficking—following his alleged mistreatment of a domestic worker employed in his home.

## PROTECTION

The government maintained inadequate protection services for female trafficking victims and provided no specialized care for male trafficking victims. The police and the National Child Protection Authority reported identifying 30 trafficking victims, compared with 29 victims in 2014. The Ministry of Women and Child Affairs continued to operate a shelter for female trafficking victims; during the reporting period the shelter accommodated one victim, although all other identified female victims were offered shelter. The government allocated 1.5 million Sri Lankan rupees (\$10,400) for the operation of the shelter. SLBFE continued to operate short-term shelters in Sri Lankan embassies overseas and a transit shelter near the international airport for returning female migrant workers who encountered abuse abroad. The transit shelter provided medical, counseling, and protection services to 645 women returning from abroad, some of whom may have been trafficking victims. The government did not have other specialized care available to female trafficking victims and did not have any care services for male victims. Until they could be placed in a state-run or state-approved home, authorities held child victims in facilities housing juvenile criminals.

The government had standard operating procedures (SOPs) for the identification of victims and their subsequent referral to protection services. An international organization held several trainings on the SOPs for government officials, including 44 SLBFE officers; the government provided the venues and materials for the trainings. However, officials' ability to

implement these procedures and ensure victims were not jailed or penalized for crimes committed as a direct result of being subjected to human trafficking remained impaired. Observers continued to report Sri Lankan authorities jailed and charged some sex trafficking victims for prostitution or immigration offenses. The Victims and Witnesses Protection Act and the SOPs call for the consideration of protection mechanisms when victims testify in court; however, it is unclear if these provisions were used during the year. The SOPs provide foreign victims who cooperate in prosecutions 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 demonstrated increased efforts to prevent trafficking. In June 2015, the government ratified the 2000 UN TIP Protocol, and in February 2016 the Cabinet approved the government's national action plan to combat human trafficking. The inter-ministerial anti-trafficking taskforce and some government agencies continued to conduct awareness campaigns and disseminate information on the consequences of human trafficking. However, SLBFE maintained its ban on migration of domestic workers younger than age 23 to the Middle East and, as of August 2015, required all female migrant workers 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 risks of human trafficking. During the reporting period, SLBFE's legal division filed a total of 189 cases against illegal recruiters and recruitment agencies for fraudulent practices, compared with 172 cases in 2014. The government did not have the ability to regulate sub-agents under SLBFE, which officials recognized as a problem contributing to trafficking. The government did not report any 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 for its diplomatic personnel.

## SUDAN: Tier 3

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and, to a lesser extent, sex trafficking. Street children in Khartoum—including Sudanese and migrant children primarily from West Africa—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 vulnerable to trafficking. Children observed in gold mining are exposed to threats, physical and sexual abuse, and harsh and unsafe working conditions, with limited access to schooling or health services. Unverified reports indicate South Sudanese children are seasonally contracted out or sold to families for agricultural work, particularly in agricultural states like West Kordofan; these children are vulnerable to exploitation. 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 military and security forces

and non-governmental armed groups and militias. In 2015, an international organization reported that the Sudanese Armed Forces (SAF) recruited and used some children aged 16-17 years, while unverified reports indicate the Sudanese Rapid Response Forces recruited 12 boys. In addition, South Sudanese rebels reportedly abducted children from West Kordofan to fight in South Sudan. 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 child sex trafficking rings and profit from such crimes.

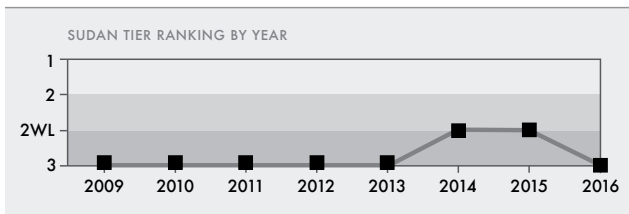
Migrants, unaccompanied minors, refugees, and asylum-seekers, primarily from East and West Africa, are highly vulnerable to sex trafficking and forced labor in Sudan. Ethiopian women are particularly vulnerable to domestic servitude in private homes in Khartoum and other urban centers; some Ethiopian women are forced into prostitution in Khartoum and experience debt bondage. A substantive number of Filipina women subjected to trafficking in Sudan work as domestic employees in Sudanese homes. Anecdotal reports indicate Syrian refugees, including children, are increasingly observed begging on the streets in Khartoum and are vulnerable to exploitation. Anecdotal evidence also suggests that Chinese women working for Chinese companies, especially restaurants, may be subjected to forced labor or prostitution. Bangladeshi adults migrate to Sudan for work and have been reported to be victims of trafficking. South Sudanese citizens, who lack formal immigration papers due to unimplemented agreements between Sudan and South Sudan on the legal status of South Sudanese in Sudan, are vulnerable to exploitation in Sudan. Many migrants from East Africa and the Middle East, including Yemenis and Syrians fleeing conflict, who transit Sudan en route to Europe are highly vulnerable to trafficking along this route. 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, including Libya, 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 tribe; some of those abducted are forced to perform domestic or manual labor and experience severe physical and sexual 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 Sudanese government reported the use of Sudanese children in Saudi Arabia for forced begging and street vending, especially during the Hajj season. Sudanese criminal gangs falsely promise Sudanese nationals jobs in Libya, but sell them to Libyans who force them to work in agriculture. In March 2016, the media reported a Sudanese youth was allegedly sold by his uncle for forced labor in a mine in Libya. Some Sudanese citizens who migrate to Europe via Egypt are reportedly detained in the Sinai Peninsula; these individuals are highly vulnerable to exploitation and severe physical and sexual abuse.

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. Although the government reported



law enforcement efforts against trafficking offenders, officials frequently conflated trafficking with other crimes, such as smuggling and kidnapping, and convicted offenders received severely weak sentences that were insufficient to deter the crime. Moreover, the government continued to deny the existence of sex trafficking of adults and children, and it did not report on forced labor or the recruitment and use of child soldiers by government security forces. The government identified a significant number of victims of abuse, including some trafficking victims, during security operations; however, the government failed to identify victims of sex trafficking or forced labor. Authorities continued to punish trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking, such as immigration violations. The government lacked capacity and resources to provide adequate protective services to victims of all forms of trafficking. In March 2016, the government finalized an action plan—negotiated with an international organization—to end the recruitment and use of child soldiers. Despite this positive effort, authorities were unable to fully prevent or end the use of children in the armed forces and failed to provide protective services or reintegration support to demobilized child soldiers.



## RECOMMENDATIONS FOR SUDAN:

Prevent the recruitment of child soldiers by all armed groups and demobilize all child soldiers from the ranks of government forces, aligned militias, and rebel groups and provide them access to protective services; criminalize child prostitution in the absence of coercion, and amend the anti-trafficking law to include a definition of exploitation and exclude the requirement to prove gain or advantage to the trafficker; implement the anti-trafficking law to increase prosecutions and convictions of traffickers as distinct from smuggling perpetrators, and significantly increase penalties imposed for trafficking offenders to deter the crime; 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; train law enforcement authorities on how to distinguish trafficking cases 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, and do not detain victims and witnesses of trafficking crimes and allow them full freedom of movement; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers; implement and dedicate adequate resources to the national anti-trafficking action plan; allow victims of all forms of trafficking protective services, including open shelter, security, legal aid, psycho-social and rehabilitative care, and translation services, regardless of their participation in the investigation of their trafficker, and ensure protective services to those willingly participating in trafficking investigations; institute regular anti-trafficking training for

relevant government officials and Sudanese diplomats overseas; and implement awareness campaigns that address all forms of trafficking, including forced labor and sex trafficking.

## PROSECUTION

The government demonstrated insufficient and questionable anti-trafficking law enforcement efforts, especially as officials continued to conflate trafficking and smuggling, impairing effective implementation of anti-trafficking legislation. The 2014 anti-trafficking law does not criminalize all forms of human trafficking. Contrary to international law, it does not prohibit child prostitution in the absence of coercion and fails to adequately define “exploitation.” The law prescribes between three and 10 years’ imprisonment for acts of trafficking, between five and 20 years’ imprisonment for aggravated trafficking, and capital punishment in cases where the trafficking victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape, but were rarely imposed to the full extent. 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.

Law enforcement and judicial officials failed to appropriately apply the national anti-trafficking law and often utilized other legal frameworks, some carrying lesser penalties, to punish trafficking offenders. In some instances, the government prosecuted victims under immigration laws and charged perpetrators of other crimes, such as smuggling, under the national anti-trafficking law. The national anti-trafficking committee reported the government initiated 127 investigations in 2015, of which 42 were ongoing at the end of 2015. Security forces reported police initiated an investigation of 13 criminal syndicates operating child begging rings in Khartoum at an unspecified time during the reporting period. It was unclear, however, if any perpetrators were arrested or prosecuted for trafficking crimes. The government prosecuted and closed 85 cases, but it was unclear how many of them resulted in convictions or what sentences were imposed. Further, as the government did not provide details of the charges, it could not be determined if they involved human trafficking or other crimes, such as smuggling, kidnapping, organ trafficking, or immigration violations. In fact, 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. The government reportedly convicted at least nine traffickers in 2015, who received minimal financial penalties in lieu of prison sentences or prison terms of only two to three months; some convicted offenders were set free on bail. Weak sentences for convicted traffickers were far below the minimum penalty established under the 2014 anti-trafficking act and provided no deterrent to perpetrating trafficking crimes in the future. Despite reports that security and law enforcement officials were complicit in human trafficking crimes, the government did not report any investigations, prosecutions, or convictions of such officials. Furthermore, the government did not disclose investigations or prosecutions of officials in the SAF or other security and military elements allegedly complicit in the use and recruitment of children. The government did not directly provide anti-trafficking trainings to officials or diplomats stationed abroad and continued to rely on international organizations to do so.

**PROTECTION**

The government demonstrated limited efforts to identify trafficking victims, while authorities continued to punish victims for unlawful acts committed as a direct result of being subjected to human trafficking. The government did not report identifying any victims of internal sex trafficking, domestic servitude, forced begging, or forced child labor—including those exploited in child soldiering—or Sudanese nationals exploited abroad. The government did not have systematic procedures to identify trafficking victims among vulnerable populations, nor did it consistently utilize a standard referral mechanism to refer victims to protection services. The Commission for Refugees, however, reportedly screened new refugees for vulnerabilities to trafficking and referred an unknown number of victims to an international organization for care. Throughout 2015, the government allowed a local NGO access to detention facilities in eastern Sudan to screen for and identify trafficking victims among detainees, but it was unclear how many—if any—victims it identified. Security officials reported rescuing 1,296 foreign migrants during security operations, some of whom may have been trafficking victims and most of whom were likely smuggled or extorted for ransom. It was unclear if authorities referred any of these migrants to appropriate protective services. The government continued to arrest, detain, prosecute, or deport trafficking victims among vulnerable populations for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration violations. During the reporting period, the government regularly rounded up children who were forced to beg in the streets of Khartoum and placed them in holding facilities, including 20 unaccompanied minors placed in a detention center in Khartoum in November 2015; authorities failed to screen these children for trafficking. Authorities—particularly in eastern Sudan—continued to charge some trafficking victims for immigration violations in order to prevent their movement and use them as witnesses in trafficking investigations. Moreover, some investigative authorities pressured trafficking victims to cooperate in trafficking investigations, making their stay in protection facilities contingent on their cooperation. Some victims participating in investigations risked retaliation by their perpetrators, but authorities did not provide effective mechanisms to protect victims from such harm. During the reporting period, authorities regularly deported unidentified trafficking victims among vulnerable populations, failing to screen them for trafficking or refer them to NGOs for care.

The government did not fund shelters or other care facilities that provided appropriate services to trafficking victims. It relied heavily on international organizations and civil society to provide assistance to victims, but it did not independently fund such entities assisting vulnerable groups, including trafficking victims. A safe house for vulnerable refugees in Kassala state, which was formally supported by the government but funded by an international organization, provided secure shelter, medical treatment, and psycho-social support to 35 trafficking victims from April to September 2015. The safe house, however, was frequently overcrowded, and government authorities did not allow all victims to leave freely. Moreover, government-appointed social workers in the safe house were unable to provide continuous psycho-social support to victims. During the reporting period, the Ministry of Health reportedly hired a psychiatrist in Kassala State Hospital to provide mental health assistance to trafficking victims that sought assistance at the hospital. It was unclear, however, if the hospital assisted any trafficking victims during the reporting period. The Law of 1955 Regarding Domestic Servants outlined a process for employing and registering domestic workers and provided

limited labor rights and protections for them. The government, however, did not report if any domestic workers were registered and protected under the law during the reporting period. The government reportedly provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution.

**PREVENTION**

The government made insufficient efforts to prevent trafficking, and some government policies may have caused the exploitation of some vulnerable populations. In March 2016, President Bashir announced that South Sudanese immigrants would be considered illegal unless they formally registered within one week of arriving in Sudan. This policy restricts South Sudanese access to legal work and potentially exposes them to exploitative work situations. Authorities continued to deny that forced labor and sex trafficking of adults and children occurred in the country. Because the government continued to deny commercial sex and forced labor existed in Sudan, it 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 continued to deny that it recruited and used child soldiers. The government expressed a commitment to ending the recruitment and use of children in the armed forces. It was not clear, however, that any officials who carried out these practices were held accountable for their actions. The SAF's Child Protection Unit continued to partner with international organizations to address the recruitment and use of child soldiers, and in October 2015 the government formed a taskforce composed of multiple ministries to address this issue. In March 2016, the government endorsed and finalized an action plan to end the recruitment and use of children in armed conflict, which it drafted and negotiated with international organizations. Nevertheless, Sudan's Disarmament, Demobilization, and Reintegration Commission remained a weak entity that lacked capacity and financial resources to carry out its mandate.

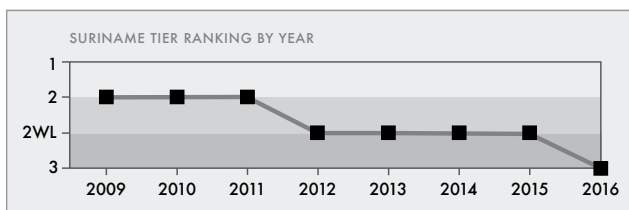
The government's national anti-trafficking committee continued to meet on a regular basis, yet it struggled to coordinate across relevant ministries and had limited collaboration with civil society. Furthermore, the committee lacked a dedicated budget to carry out its mission, limiting its effectiveness. In March 2016, the government approved a national anti-trafficking action plan, valid from 2016 to 2017. The government, however, did not allocate a budget for implementation of the activities and programs listed in the plan. The government did not implement anti-trafficking awareness campaigns and continued to rely on international organizations to undertake such efforts. The government continued to participate in regional processes and committees addressing trafficking and smuggling in the Horn of Africa and irregular migration from Africa to Europe. The government did not provide anti-trafficking training for its diplomatic personnel.

**SURINAME: Tier 3**

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. During the reporting period, authorities discovered parents who subjected their daughters to sex trafficking, citing increasing poverty as the cause. Venezuela's deteriorating economy may render Venezuelan women more vulnerable to sex trafficking in Suriname. Officials note 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 and territories engage in prostitution and may be vulnerable to sex trafficking. Traffickers from Suriname exploit 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. During the reporting period, the government began an investigation of Alien Affairs Department staff for selling residence permits to Hong Kong criminal networks that allegedly facilitated the networks' fraudulent recruitment of Chinese workers to Suriname for forced labor.

The Government of Suriname 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. Having been placed on Tier 2 Watch List in the preceding four years, Suriname is not making significant efforts to meet the minimum standards and is therefore placed on Tier 3. The government reconvened its anti-trafficking working group and continued efforts to raise awareness. It devoted more office space to the police anti-trafficking unit, which continued to investigate and prosecute trafficking offenses. However, the government did not provide adequate staff or resources to the anti-trafficking police unit or convict any traffickers—a large decrease from 10 convictions the previous reporting period. For the third year, it failed to open a proposed government shelter for female and child trafficking victims, and it did not provide funding or support to the NGOs and police that it relied upon to provide the majority of victim care. The lack of long-term protection measures, including witness support and psychological counseling, caused some foreign victims to leave the country after providing statements to the authorities, which led to the dismissal of trafficking investigations and acquittals of alleged traffickers.



### RECOMMENDATIONS FOR SURINAME:

Provide adequate long-term shelter to male and female trafficking victims of all ages, and open the proposed government shelter for female and child victims; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including officials complicit in human trafficking; continue to increase resources, especially additional staff, to the police anti-trafficking unit; increase efforts to identify trafficking victims, including forced labor victims in the interior; provide

additional training to law enforcement, immigration, health care, labor, and judicial officials to better identify and protect victims; develop programs to support and facilitate victims' participation in investigations against their traffickers; continue to develop and implement formal standard operating procedures for the referral of identified victims to care, and train officials to use such procedures; broaden labor inspectors' mandates to include monitoring of informal sectors, including gold mining; provide reintegration support for trafficking victims, including long-term psychological counseling; increase training for social workers and victim shelter staff on proper victim care protocols; strengthen and sustain partnerships with NGOs to identify victims and provide protective services; provide sufficient funding and resources to the anti-trafficking working group for implementation of the national anti-trafficking strategy; and increase efforts to raise awareness of trafficking.

### PROSECUTION

The government made inadequate law enforcement efforts. Suriname prohibits all forms of human trafficking through a 2006 criminal code amendment that 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 seven investigations—six for sex trafficking and one for forced labor—involving 16 suspects, a decrease from 15 investigations—11 for sex trafficking and four for forced labor—in 2014. The prosecutor's office initiated nine prosecutions—eight for sex trafficking and one for forced labor—and continued one forced labor prosecution from the previous year; all prosecutions remained ongoing at the end of the reporting period. This is consistent with 10 prosecutions reported in 2014; however, the government did not convict any traffickers during the year, which is a significant decrease from 10 convictions in 2014. Prosecutions of five alleged sex traffickers initiated in 2015 were discontinued, in some cases because foreign victims had returned home before the defense could conduct interviews or for lack of sufficient evidence.

Police operated a specialized 13-person anti-trafficking unit charged with investigating cases; however, officials acknowledged the unit's staff required additional training, and the staff was inadequate in number. While the government provided additional office space to the unit during the reporting period, it did not improve the capacity of its staff. Nonetheless, the unit provided training to other specialized police units on the links between trafficking and other crimes and began to develop a standard anti-trafficking training. Due to a lack of anti-trafficking training, some law enforcement and judicial officials conflated trafficking with human smuggling and may have prosecuted some smuggling offenses under human trafficking laws. Despite the government's recognition that its officials needed specific anti-trafficking training, it did not provide such training for law enforcement or judicial officials. The government conducted an awareness session for law enforcement and police in March 2016. The government allocated insufficient resources for trafficking investigations in the country's interior.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, it did launch an investigation into government corruption allegedly related to trafficking. During the reporting period, authorities discovered employees in the Alien Affairs Department sold residence permits to Hong Kong criminal networks that allegedly used the documents to fraudulently bring Chinese workers into Suriname for forced labor. While the employees involved were relieved of their



duties in the Alien Affairs Department, some maintained employment in different departments or were relocated to other government ministries. The investigation was ongoing at the end of the reporting period, and authorities had yet to file formal charges. General government corruption and possible complicity continued to impede anti-trafficking efforts. Brothels are illegal in Suriname but many officials tolerate their operation, which hinders law enforcement's ability to identify and investigate possible cases of trafficking. Surinamese police cooperated with the Governments of Guyana and Venezuela on anti-trafficking law enforcement efforts during the reporting period.

## PROTECTION

The government decreased its efforts to identify trafficking victims and continued to provide inadequate victim assistance. Police reported identifying 11 sex trafficking victims and one victim of forced labor—three Surinamese and nine foreigners—a decrease from 59 potential victims identified in 2014, including 42 forced labor victims. Suriname lacked specialized, long-term shelter for trafficking victims, and protective services for adults and children were inadequate. Police frequently took responsibility for providing basic, immediate services to victims—including food, clothing, and emergency medical care—and provided such services to victims identified during the reporting period. Police could refer adult victims to short-term, government-run shelters for victims of domestic abuse, and they referred approximately eight victims to such shelters during the reporting period. NGOs provided shelter and additional services to child trafficking victims; however, the shelter and services were not trafficking-specific. Due to the lack of victim shelters, police continued to place some child victims in juvenile detention facilities. In 2013, the Ministry of Social Affairs launched a process to open a government-run shelter for female and child trafficking victims; in 2015, authorities identified a potential building for the shelter but did not fund, staff, or open the shelter. The government did not report what funding—if any—it provided to NGO shelters or for victim assistance. Authorities employed some formal procedures to identify victims, though health care workers did not screen for trafficking indicators among persons in prostitution, and victim identification in the interior was limited. The government did not have a formal process to refer victims to care, but a subgroup of the anti-trafficking committee began drafting such procedures during the reporting period.

The government did not sponsor any programs to facilitate victims' reintegration, such as a witness-protection program or long-term psychological counseling. Victims had the option of pursuing civil suits against their traffickers, but no such cases were reported. The government did not have a formal policy in place to encourage victims to participate in the investigations against their traffickers. As a result, some foreign victims left the country after providing statements to the authorities, which led to the dismissal of trafficking prosecutions and acquittals of alleged traffickers. The attorney general implemented a new procedure in January 2016 that allows for the judiciary to commence judicial investigations immediately after it receives a trafficking allegation so the defense may question victims earlier in the investigation; it is unclear if the government employed this procedure in any trafficking cases during the reporting period. The government had no specialized mechanism to provide foreign victims with alternatives to their removal to countries where they faced hardship or retribution. After a trafficking court case concluded, foreign victims could apply for the same work or residence permits available to other foreign citizens; however, no victims did so during the year. There

were no reports of victims penalized for crimes committed as a direct result of being subjected to trafficking.

## PREVENTION

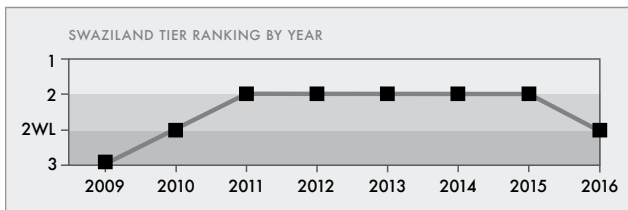
The government maintained modest prevention efforts. The anti-trafficking working group reconvened in January 2016 after having been inactive since December 2014; the reconstituted group included representatives from six government agencies and focused on awareness-raising programs, interagency coordination on anti-trafficking efforts, and developing protocols for victim care. The working group made minimal progress towards implementing the 2014 national anti-trafficking strategy; it did create an anti-trafficking awareness campaign and informational materials for press, radio, television, and social media. The police anti-trafficking unit continued to raise awareness of trafficking through radio programs to sensitize the general public and newspaper ads that warned workers of fraudulent recruitment and youth about the risk of traffickers using social media. The police anti-trafficking unit and the youth police continued to work with an NGO to run a child and youth hotline. While the hotline did not receive any reports of trafficking during the reporting period, the police units provided anti-trafficking training to hotline staff and operators. Labor inspectors trained to identify trafficking victims were limited by law to inspecting formal workplaces, which rendered much of Suriname's workforce—employed in informal sectors—invisible to such inspections. Police reports indicate labor inspectors did not inspect formal workplaces where workers were at an increased risk of trafficking, such as fisheries, even when authorities noted specific cases of potential trafficking in those sectors. Although many Surinamese businesses hire foreign laborers, the government did not have formal procedures to oversee or regulate foreign recruitment agencies. The government made no efforts to reduce the demand for commercial sex acts or forced labor. The police anti-trafficking unit provided anti-trafficking training for diplomatic personnel and other staff within the Ministry of Foreign Affairs.

## SWAZILAND: Tier 2 Watch List

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. The HIV/AIDS pandemic has contributed immensely to the increasing number of orphans and other vulnerable children at risk of exploitation through trafficking. Swazi chiefs coerce children and adults—through threats and intimidation—to work for the king. 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 of these boys become victims of 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 transit Swaziland en route 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 recent downturn in the textile industry has led textile workers to follow promises of employment in neighboring countries, potentially increasing their vulnerability to trafficking.

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. In collaboration with the Southern African Development Community and an international organization, the government launched victim identification guidelines, completed in the previous reporting period, and a national referral mechanism, finalized in 2015. The government piloted a data collection and reporting system developed by an international organization to guide victim assistance and investigations. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Swaziland is placed on Tier 2 Watch List. During the year, the government investigated two suspected trafficking cases, in comparison to nine the previous year, and did not prosecute or convict any suspected traffickers during the reporting period. The government has not yet convicted a trafficker under its anti-trafficking act, in effect since 2010. The government continued to assist victims with basic necessities such as food, clothing, shelter, toiletries, counseling, and medical care in collaboration with NGOs. Nonetheless, the limited availability of space in NGO-run shelters remained a significant concern, and the government neglected victims of internal trafficking as it predominantly focused on cross-border trafficking. The anti-trafficking taskforce and its secretariat continued to guide national anti-trafficking efforts and maintained awareness-raising efforts; however, inadequate financial and in-kind support for their work stymied the effectiveness of national anti-trafficking efforts.



## RECOMMENDATIONS FOR SWAZILAND:

Enact and implement the draft Trafficking in Persons and Migrant Smuggling Bill; implement the anti-trafficking law through vigorous investigations and prosecutions of trafficking crimes, including internal trafficking cases, and convict and punish trafficking offenders; ensure the activities of the taskforce, secretariat, and implementing departments are sufficiently funded, particularly to enable adequate accommodation and care to victims; 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; begin regulating labor brokers and investigate allegations of fraudulent recruitment; implement a unified system for collecting trafficking case data for use by all stakeholders; develop and implement an updated multi-year national anti-trafficking strategy and action plan; and conduct anti-trafficking public awareness campaigns, particularly in rural areas.

## PROSECUTION

The government made decreased anti-trafficking law enforcement

efforts. Section 12 of the People Trafficking and People Smuggling (Prohibition) Act, 2009, which became effective in 2010, prescribes penalties of up to 20 years' imprisonment for the trafficking of adults. Section 13 of the act prescribes penalties of up to 25 years' imprisonment for trafficking of children, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not drafted or enacted implementing regulations for the law or used it to successfully convict a trafficker. A 2011 trafficking case revealed inconsistencies between the anti-trafficking act and the Immigration Act of 1992, leading to the deportation of six victims. In response, the attorney general's office and the secretariat, in partnership with an international organization, drafted the Trafficking in Persons and Migrant Smuggling Bill intended to repeal the existing People Trafficking and People Smuggling (Prohibition) Act; however, this legislation still awaited passage and enactment at the end of the reporting period.

The government investigated two suspected trafficking cases—one case each of forced labor and sex trafficking—in comparison to nine the previous year. The government did not prosecute or convict any suspected traffickers during the reporting period. 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. The government uploaded 20 total victim profiles from previous years to the data collection and reporting system developed by an international organization to gather case data to guide victim assistance and investigations. In February 2015, the government participated in a regional workshop hosted by an international organization to orient key stakeholders on the regional data collection system.

During the reporting period, the secretariat continued hosting training for the police and labor inspectorate, including victim identification and protection procedures, as well as training to improve communication and cooperation between officials. Two part-time instructors continued to provide anti-trafficking training at the police college for all in-service and pre-service police officers during the reporting period. The government continued its collaboration with Mozambican and South African authorities on cross-border issues, including human trafficking, now guided by the work of a formal coordinating committee.

## PROTECTION

The government made minimal efforts to protect trafficking victims. The government identified and sheltered two victims—one forced labor victim from Lesotho and one sex trafficking victim from Mozambique—during the reporting period in a secure, government-owned witness protection facility. The government provided victims with basic necessities such as food, clothing, shelter, toiletries, counseling, and medical care in collaboration with NGOs. There are no government-run shelters specifically for trafficking victims and NGO-run shelters had limited ability to house trafficking victims among their general populations. The government maintained its allocation of 10,000 Swazi Lilangeni (\$645) to a victim assistance fund for these services.

In November 2015, the government launched its victim identification guidelines and national referral mechanism developed in partnership with an international organization; however, it did not yet train officials on or begin implementation of these mechanisms by the end of the reporting period. A day

after the launch authorities rescued a trafficking victim. The government referred the victim to care and provided support. 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 continued reviewing amendments to the immigration act to provide immunity from prosecution to victims and witnesses of trafficking, to conform to the provisions of the People Trafficking and People Smuggling (Prohibition) Act, and to create a renewable permit specific to trafficking victims, allowing them to remain in Swaziland for up to two years. While under review, the government developed an *ad hoc* process among relevant ministries to permit victims to remain in Swaziland even if discovered to be present illegally.

## PREVENTION

The government demonstrated modest efforts to prevent trafficking through awareness campaigns; however, limited public awareness in rural areas remained a concern. The government began development of an updated national action plan. The TaskForce for the Prevention of People Trafficking and People Smuggling and its secretariat, which coordinates the work of the taskforce, held regular meetings and continued to be instrumental in guiding the government's anti-trafficking response. In 2015, for the first time, the government commemorated the World Day Against Trafficking in Persons. The 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 also 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; it received only one potential trafficking tip, in comparison to seven the previous reporting period.

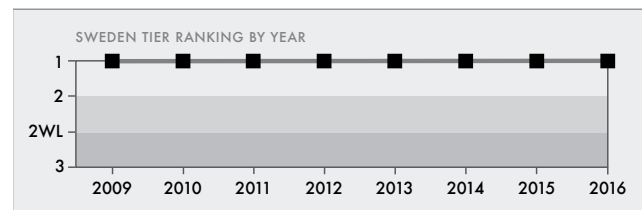
The Ministry of Labor had three investigators dedicated to its child labor unit; however, there were no labor inspections conducted solely to address child labor violations in 2015. Two alleged violations of child labor prohibitions that were previously identified, one in domestic service and the other in retail, remained unresolved at the end of the reporting period. Officials from the Ministry of Labor educated employers and employees on forced labor and trafficking legislation. Labor brokers are wholly unregulated in Swaziland and some are thought to operate in an unethical manner. In 2015 the secretariat and Ministry of Labor established a committee to analyze vulnerabilities within the recruitment of Swazis seeking employment abroad. 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.

## SWEDEN: Tier 1

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. Identified and suspected victims of sex trafficking largely originate from Eastern Europe, West Africa, Asia, and—

a lesser extent—Western Europe. Forced prostitution remains the most common form of trafficking in Sweden, although reported cases of labor trafficking are increasing. Identified and suspected victims of labor trafficking, who largely originate from Eastern Europe, Africa, the Middle East, and Asia, face exploitation in domestic service, hospitality, construction, agriculture, forestry, and as seasonal berry pickers. Roma are vulnerable to forced begging and criminality and originate primarily from Romania and Bulgaria. The more than 162,000 migrants who applied for asylum in 2015, primarily from Syria, Afghanistan, Iraq, and East Africa, are vulnerable to human trafficking. Unaccompanied children are especially vulnerable; more than 35,000 unaccompanied foreign children applied for asylum in Sweden in 2015, primarily teenage boys from Afghanistan, Syria, Somalia, and Eritrea. A study published in December 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 study found between 4,000 and 5,000 Swedes commit child sex tourism offenses abroad annually. Swedish women and girls are also vulnerable to sex trafficking within the country.

The Government of Sweden fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government instituted a national mechanism to identify and refer victims to care and identified more victims. However, the European migration crisis overwhelmed government institutions, hindering authorities' ability to conduct sufficient screenings of migrants to identify potential instances of trafficking. The migration agency created regional anti-trafficking coordinators and a national advisory group of experts. The government increased efforts to prevent labor trafficking and forced begging through employer inspections and worker outreach. Authorities nearly doubled the number of investigations for both sex and labor trafficking; however, very 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 an updated national action plan that incorporates labor exploitation; expand authority to grant 30-day reflection and recovery periods to non-law enforcement authorities such as social workers to ensure all victims, including those not already in contact with law enforcement, are able to receive these benefits in practice; vigorously prosecute Swedish child sex tourism offenders; establish a permanent national anti-trafficking coordinator; strengthen efforts to identify and provide trafficking-specific assistance to child trafficking victims; provide specialized housing to trafficking victims, including adult male victims; train judges on the anti-trafficking law; and raise awareness of labor trafficking.

## PROSECUTION

The government demonstrated limited progress in law



enforcement efforts. Sweden's 2002 anti-trafficking law prohibits sex trafficking and forced labor 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. In June, the government initiated a legal review of its anti-trafficking law to strengthen prohibitions against, and punishments for, sex trafficking. Police investigated 58 sex trafficking cases in 2015 (including 11 child sex trafficking cases), compared with 31 in 2014. Authorities prosecuted and convicted two sex traffickers, compared with one prosecution and conviction in 2014. They were sentenced to 26 and 30 months' imprisonment, fined 82,200 kronor (\$9,736) each in damages, and will be deported following their prison terms. The government increased efforts to identify and investigate cases of forced begging. Police investigated 122 cases of forced labor in 2015 (including 30 child forced labor cases), 55 of which were cases of forced begging, compared with 62 forced labor cases in 2014. There were no prosecutions or convictions for labor trafficking in 2015. The national anti-trafficking coordinator and national rapporteur noted the ongoing reorganization of the police hindered law enforcement efforts. Observers reported many judges continued to lack sufficient understanding of human trafficking, which may result in fewer convictions and less stringent sentences. The national rapporteur conducted training for police and judges, and the prosecutor's office and national rapporteur offered online training for prosecutors and national police, respectively. Swedish authorities collaborated with foreign governments on transnational investigations. The government reported one ongoing investigation of a government official suspected of involvement in a trafficking-related corruption case; however, it did not report any prosecutions or conviction of government officials complicit in human trafficking. There were no reports of wider complicity in trafficking offenses among government officials.

## PROTECTION

The government increased victim protection efforts. During the reporting period, the government instituted a national referral mechanism to identify victims and refer them to care. Authorities identified approximately 58 victims of sex trafficking and 122 victims of forced labor and forced begging in 2015, compared with 31 sex trafficking and 63 forced labor victims in 2014; 41 of these new victims were children. Despite these measures, implementation of the new referral mechanism was limited. Although authorities identified significantly more victims during the reporting period, the ongoing European migration crisis overwhelmed government institutions, hindering authorities' ability to conduct sufficient migrant screening to identify potential trafficking victims. Additionally, the migration agency's anti-trafficking coordinator identified 195 suspected trafficking cases among asylum-seekers (66 of which involved children), a 76 percent increase in suspected cases from 2014. 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. NGOs operated most shelters with public and private funding. The government provided 300,000 kronor (\$35,500) to a civil society platform representing 23 NGOs for a pilot program to strengthen civil society's role in providing 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 victims of trafficking could receive services at general women's shelters. 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 and victim support centers. The national anti-trafficking coordinator provided 15 training sessions for professionals who come into contact with victims. Police received training in victim identification and the migration agency trained 600 staff members; beginning in April 2015, all new migration agency staff received anti-trafficking instruction as part of their introductory training.

The Aliens Act entitles victims to a 30-day reflection period to recover and contemplate cooperation with law enforcement; however, authorities stated that because only an investigating police officer or prosecutor could file this application, such temporary residency was in practice primarily available to victims already in contact with law enforcement. Victims and witnesses in trafficking cases who cooperated with authorities were granted temporary residence permits; 12 trafficking victims and 29 witnesses received these permits in 2015. 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 2015, the government repatriated 22 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 2015 or 2014. There were no reports the government penalized victims for acts committed as a direct result of being subjected to human trafficking, although in past years 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. GRETA also previously expressed concern that foreign victims who were not ready to provide evidence to law enforcement were quickly removed from Sweden, which did not permit adequate risk assessments of repatriating victims.

## PREVENTION

The government increased prevention efforts. The migration agency created six regional anti-trafficking coordinators and a national advisory group of experts. The government extended the national anti-trafficking coordinator's mandate through 2016 and allocated 6.5 million kronor (\$770,000) for the office in 2015; however, the government did not establish a permanent office, which limited the coordinator's ability to develop and implement long-term anti-trafficking programs and projects. The national police rapporteur on trafficking continued to provide an annual report of the trafficking situation and the government's progress. However, the government did not have a current national action plan to address trafficking. Authorities put increased focus on preventing foreign labor exploitation through a national study, outreach to vulnerable groups, and increased monitoring efforts. In January 2016, authorities began conducting mandatory interviews with foreign workers employed in at-risk sectors who were seeking to extend their work permits. 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. The

government continued to fund a national helpline to assist victims and public authorities seeking guidance. Authorities conducted awareness training for taxi, hotel, and restaurant staff to detect trafficking at their places of work. The government continued to conduct activities to reduce the demand for commercial sex and forced labor. Sweden’s law prohibiting child sexual offenses has extraterritorial reach, allowing the prosecution of suspected child sex tourists for crimes committed abroad. In May, the government signed a bilateral agreement with Cambodia, a destination country for Swedish child sex traffickers, to improve efforts to identify Cambodian victims and Swedish perpetrators of sex trafficking. The government has not prosecuted a Swedish citizen for committing child sexual offenses abroad 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.

## SWITZERLAND: Tier 1

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor, including forced begging and criminal activities. Trafficking victims originate primarily from Central and Eastern Europe—particularly Romania, Hungary, and Bulgaria—although victims also come from Brazil, Cameroon, China, the Dominican Republic, Nigeria, and Thailand. Forced labor exists in the domestic service sector and in agriculture, catering, construction, and tourism. During the reporting period, Thai transgender individuals were subjected to sex trafficking within the country.

The Government of Switzerland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government co-hosted several awareness campaigns, provided training to law enforcement officials, allocated 400,000 Swiss francs (\$417,000) in funding to NGOs, and a government-supported NGO assisted the most trafficking cases in its history. Authorities also continued to prosecute and convict sex traffickers, although law enforcement action did not focus as heavily on labor trafficking and many convicted traffickers did not receive prison sentences commensurate with the crime committed. Officials did not consistently identify and protect victims among vulnerable populations, particularly asylum applicants and victims of labor trafficking. NGOs said that some victims were occasionally penalized for actions committed as a direct result of being subjected to human trafficking. This, however, occurred prior to their identification as victims. The government did not finalize a new national action plan during the reporting period.



### RECOMMENDATIONS FOR SWITZERLAND:

Increase the number of convicted traffickers who receive

sentences commensurate with the severity of the crime; amplify training on and enforcement of labor trafficking laws, including laws covering forced begging and forced criminal activities; finalize and implement a current national action plan; enhance efforts to provide specialized care for trafficking victims seeking asylum; increase trafficking-specific services for children and male victims; continue efforts to identify and assist victims of forced labor; improve the collection and compilation of law enforcement and victim assistance data; and continue to raise public awareness about trafficking in persons.

### PROSECUTION

The government sustained law enforcement efforts. Switzerland prohibits all forms of trafficking through articles 182 and 195 of the Swiss penal code, with penalties of up to 20 years’ imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. In 2015, authorities investigated 306 cases of human trafficking, compared with 300 in 2014. The government initiated prosecutions of 46 defendants under article 182 and 50 defendants under article 195 in 2014—the most recent year comprehensive government data were available—compared with 51 under article 182 and 77 under article 195 in 2013. In 2014, authorities reported 15 convictions under article 182 and 26 convictions under article 195, compared with 12 and 21, respectively, in 2013. Some traffickers were convicted under both articles 182 and 195. Only 11 of the 41 convicted traffickers were sentenced to prison in 2014, with terms ranging from 182 days to 14 years. The government did not disaggregate data on law enforcement efforts between sex trafficking and forced labor; however, Swiss officials could only confirm two convictions for forced labor to date, demonstrating potentially inadequate efforts to address this form of the crime, especially when compared to the increasing number of forced labor victims receiving assistance from NGOs. In 2015, authorities provided training to law enforcement officials on investigating trafficking cases and victim identification, as well as training and awareness seminars for asylum personnel to improve victim identification among migrant and refugee populations. Additionally, a federal court provided the country’s first judicial training for 60 officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

### PROTECTION

The government improved its victim protection efforts. Trafficking victims were entitled to shelter, free medical aid, living stipends, and psychological, social, and legal assistance from government-funded victim assistance centers. Three government-supported NGOs offered specialized shelter for female victims; one of the shelters was opened in June 2015 and also had services in place for children and male victims. Authorities placed male victims in assistance centers, hotels, or NGO-operated shelters for men. Several cantons maintained counseling centers for male victims of violence, including trafficking; however, none of these centers provided specialized services for trafficking victims. The federal government allocated 400,000 Swiss francs (\$410,000) to the country’s anti-trafficking NGOs in 2015.

A leading NGO reported assisting 229 trafficking cases in 2015—the most ever assisted, compared with 226 in 2014. Thirty-seven of the 57 newly identified victims in 2015 assisted in investigations or prosecutions during the year, compared with 45 of the 64 victims identified in 2014. Cantonal immigration

offices granted a three-month reflection period for victims to consider whether to participate in an investigation to 25 victims and issued 54 short-term residence permits to victims for the duration of legal proceedings against their traffickers in 2015, compared with 25 reflection periods and 52 short-term residence permits in 2014. The government also granted 15 victims long-term residence permits on personal hardship grounds in 2015, a decrease from 19 victims in 2014. Twenty-eight victims received restitution payments from their traffickers following their convictions. NGOs expressed concern that it remained difficult for victims to obtain victim protection and hardship residence permits without the assistance of a judge, making it particularly difficult for victims who were not prepared to testify against traffickers. Observers reported victim identification among vulnerable populations, particularly asylum seekers and victims of labor trafficking, remained a problem. NGOs said that victims were occasionally penalized for unlawful acts committed as a direct result of being subjected to human trafficking, although this occurred prior to their identification as victims.

### PREVENTION

The government maintained prevention activities. A specialized unit within the federal police coordinated national efforts, including anti-trafficking policy, information exchange, cooperation, and training. The unit organized the second national meeting of the heads of the cantonal roundtables focused on trafficking to exchange information and best practices. The government's national action plan expired in 2014 and it did not finalize or implement a new national action plan during the reporting period. In October 2015, the government co-hosted and co-funded several awareness-raising events in collaboration with NGOs. Also in October, the city of Zurich issued a new law reducing the hours persons in street prostitution could solicit clients, from 10 to four hours a night, in an effort to reduce the number of clients in this area and increase protection of persons in prostitution; however, NGOs reported that this and other related efforts aimed at limiting street prostitution had a negative effect on victim protection and identification by pushing street prostitution underground. In November 2015, the government supported the OSCE's launch of a French-language handbook to prevent the exploitation of domestic workers in diplomatic households. Officers from the federal police's child sexual exploitation unit participated in several international conferences on child sex tourism and supported the production of a documentary on the subject, which was broadcast on public television in June 2015. Authorities continued to regulate the employment of domestic servants in diplomats' homes, including monitoring salaries and working conditions of domestic workers. The government provided anti-trafficking training for its diplomatic personnel.

## SYRIA: Tier 3

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 250,000 persons have been killed since the beginning of protests against the Bashar al Assad regime in March 2011. Incidents of human trafficking continue to increase and trafficking victims remain trapped in Syria, particularly as the

designated terrorist organization, Da'esh—also known as the Islamic State of Iraq and the Levant (ISIL), Islamic State of Iraq and Syria (ISIS), or the Islamic State (IS)—consolidated control of the eastern governorates of Raqqa. In June 2014, Da'esh announced the establishment of an Islamic "Caliphate" in Iraq and Syria, and during 2015, Da'esh seized control of areas in southern Syria in and around Palmyra, Homs, Damascus, and Aleppo. More than half of Syria's pre-war population of 23 million has been displaced; over 4.5 million have fled to neighboring countries and roughly 6.5 million are internally displaced. Syrians, both those that remain in the country and refugees in neighboring countries, continue to be highly vulnerable to trafficking.

Da'esh continues to target women and girls for sexual slavery and forced labor. In December 2014, Da'esh 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 Da'esh militants is a central element of the terrorist group's ideology. Da'esh continues to force local Syrian girls and women in Da'esh-controlled areas into marriages with its fighters, and it routinely subjects women and girls from minority groups to sexual slavery. In 2014 and 2015, Da'esh abducted thousands of women and girls from the Yezidi and other minority groups in Iraq and sold them in Syria in human trafficking rings or to provide to fighters where they experience forced marriage, domestic servitude, systematic rape, and sexual violence. Da'esh routinely forces Iraqi and 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. Additionally, following the February 2015 Da'esh incursion into Assyrian villages in the northeastern province of Hasaka, it captured as many as 30 Assyrian Christian women and forced them into sexual slavery.

In June 2015, an international organization reported the recruitment and use of children in combat in Syria has become "commonplace." Syrian government forces, pro-regime militias, armed opposition forces, and designated terrorist organizations recruit and use children as soldiers, human shields, suicide bombers, and executioners, as well as in support roles. In November 2014, children were among the civilians forced at gunpoint to shield Syrian government forces' tanks entering the town of al-Sheikh Meskin in Dar'a to secure the Dar'a-Damascus highway. Militants also use children for forced labor and as informants, exposing them to retaliation and extreme punishment. An international organization verified hundreds of cases of boys and some girls who have been recruited and used by the Syrian government and armed groups, including the Free Syrian Army (FSA) and FSA-affiliated groups, Kurdish forces, Da'esh, and al-Nusra Front (ANF). Some armed groups fighting with the Syrian government, such as Hezbollah and pro-regime militias known as the National Defense Forces (NDF) or "shabiha," forcibly recruit children, some as young as 6 years old. Reports of the recruitment and use of boys by Da'esh and ANF increased significantly in 2015. Da'esh actively deploys children—some as young as 8 years old—in hostilities, including coercing children to behead Syrian regime soldiers; the terrorist group has deliberately targeted children for indoctrination and used schools for military purposes, endangering children and preventing their access to education. Da'esh 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, Da'esh has violated international humanitarian law and perpetrated war crimes on a mass scale.

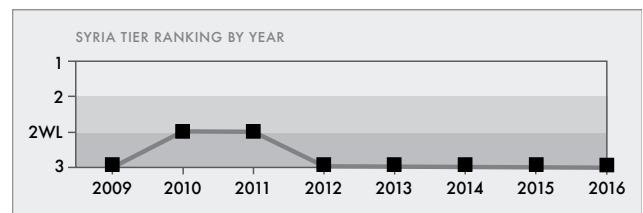
The Kurdish People's Protection Units (YPG) continued to recruit and use boys and girls, including children younger than 15 years old, reportedly taking them to indoctrination and training camps, despite signing a pledge of commitment with an international organization in June 2014 to demobilize all fighters younger than 18 years old. In May 2015, the YPG and the Women's Protection Units (YPJ) announced compulsory "self-defence duty" for all those aged 18 and older in the Kurdish canton of Afrin in the northern part of the Aleppo Governorate; however, in April 2015, a 16-year-old girl in Aleppo was allegedly recruited by the YPJ against the wishes of her family. An NGO reported in January 2016 instances in which the Iranian government forcibly recruited or coerced male Afghan refugees and migrants, including children, living in Iran to fight in Syria. Some foreigners, including migrants from Central Asia, children, and western women, are reportedly forced, coerced, or fraudulently recruited to join extremist fighters, including Da'esh.

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 2015, there were credible reports of South Asian women fraudulently recruited to Syria as domestic servants or forced into prostitution, including hundreds of Nepalese women who transited India, Oman, and United Arab Emirates to Syria under false pretenses of employment. According to the media, some Bangladeshi women migrate to Lebanon or Jordan for domestic work with the help of Bangladeshi recruitment agencies but are sold and transported to Syria, where they are subjected to forced labor and sex trafficking.

The Syrian refugee population is highly vulnerable to trafficking in neighboring countries, particularly Jordan, Lebanon, and Turkey. In 2015, an international organization reported a high number of child marriages among Syrian girls among refugee populations, which can lead to commercial sexual exploitation and forced labor. In previous years, there were isolated reports of Syrian refugees forced into "temporary" marriages—for the purpose of prostitution and other forms of exploitation—by men from Jordan and the Gulf states. Arab men reportedly visit refugee camps in Jordan in search of Syrian brides; most reports, however, remain second-hand and very few have been documented and corroborated by the Jordanian government or international organizations working with Syrian refugees. Reports continue of illicit prostitution rings of Syrian refugee women and girls, which are administered by local men, in Turkey and Lebanon, while the Lebanese police issued reports in 2014 detailing the sale of Syrian refugee women by local men. Syrian refugee children continue to engage in street begging in Turkey, Lebanon, and Jordan, some of which may be forced; Syrian women and children begging in the streets in Yemen are highly vulnerable to forced labor and sex trafficking. Syrian gangs inside Lebanon force refugee men, women, and children to work in agriculture in Lebanon's Beqaa Valley, 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. Syrian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait. 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 could be at risk of trafficking along this route. Likewise, displaced Syrians seeking illegal sea passage to Europe through the use of smugglers may be at risk of trafficking.

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. The government's actions directly contributed to the vulnerability of the population to trafficking and continued to perpetrate human trafficking crimes routinely. As the conflict continued, the government maintained its forcible recruitment and use of child soldiers, subjecting children to extreme violence and retaliation by opposition forces; it also failed to protect and prevent children from recruitment and use by government and pro-regime militias, armed opposition forces, and designated terrorist organizations such as Da'esh. 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-regime militias, and—to the extent possible in a civil war—armed opposition forces and designated terrorist organizations such as Da'esh; 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 armed opposition and extremist groups; implement the anti-trafficking law through increased 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 increasingly 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, though 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 terrorists 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 did not identify or protect trafficking victims. The government failed to 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, whom opposition groups forcibly recruited and used; 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

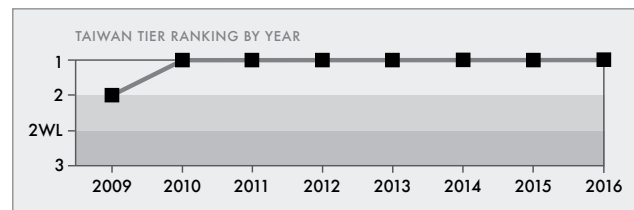
The government did not prevent human trafficking; the government's actions continued to amplify the magnitude of human trafficking crimes. The government failed to implement measures to prevent children from recruitment and use as combatants and in support roles by government, government-affiliated militias, 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.

## TAIWAN: Tier 1

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. Most 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 587,000 migrant workers are hired in their home countries through recruitment agencies and brokers, some of which are from Taiwan, to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, construction, and fishing industries. Some migrant 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 often 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, 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. Women from China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking. There have been reports of men and women from Taiwan engaged in illegal business operations overseas that present indicators of human trafficking, as well as women from Taiwan being lured into forced prostitution in the United States.

Taiwan authorities fully meet the minimum standards for the elimination of trafficking. During the reporting period, authorities continued to prosecute trafficking offenses, including both forced labor and sex trafficking, trained law enforcement and other officials on trafficking indicators, took steps to make the system of direct hiring of employees without the use of brokers more accessible, promulgated interagency procedures for handling cases involving trafficking of foreign workers on fishing vessels, and raised public awareness of trafficking. There were, however, no arrests or convictions for trafficking violations on Taiwan fishing vessels. Prosecutors and judges continued to treat many cases involving trafficking indicators as lesser crimes and, in many cases, sentenced traffickers to lenient penalties not proportionate to the crimes.



## RECOMMENDATIONS FOR TAIWAN:

Increase efforts to prosecute and convict traffickers under Taiwan's anti-trafficking law; sentence convicted traffickers to sufficiently stringent punishments; vigorously investigate and prosecute, using the newly established procedures, the owners of Taiwan-owned or -flagged fishing vessels that allegedly commit abuse and labor trafficking onboard long haul fishing vessels; clearly define roles and responsibilities for the agencies that oversee Taiwan-flagged fishing vessels; differentiate the process of victim identification from prosecution, such that victim identification is not tied to the successful prosecution of traffickers; increase efforts to reduce brokers' exploitation of migrant workers by continuing to simplify the process of direct hiring and build public awareness of the Direct Hiring Service Center and by strengthening broker evaluation and accountability systems; improve the effectiveness of anti-trafficking training and increase prosecutors' and judges' understanding of human trafficking; pursue legislative changes that would address gaps in basic labor protections for household caregivers and domestic workers; establish a systematic information-sharing process to foster more robust interagency anti-trafficking coordination; enhance cross-border efforts to identify victims and prosecute offenders; and continue efforts to increase public awareness of all forms of trafficking.

## PROSECUTION

Authorities sustained anti-trafficking law enforcement efforts. Taiwan's 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. Despite the anti-trafficking law, authorities prosecuted the majority of trafficking cases under other laws, such as the criminal code, and the Children and Youth Sexual Transaction Prevention Act.

Authorities initiated prosecutions against 30 suspected traffickers, compared with 71 in 2014, and convicted 22 traffickers, compared with 17 in 2014, under the HTPCA; sentences imposed on the majority of the traffickers were six months to less than one year, which are inadequate to serve as an effective deterrent to the commission of trafficking crimes. Under the Children and Youth Sexual Transaction Prevention Act, authorities initiated prosecutions against 30 alleged traffickers, compared with 57 in 2014, and convicted 31 traffickers, compared with 25 in 2014, with the majority receiving sentences of three to five years' imprisonment. Under the criminal code, authorities initiated prosecutions against 50 alleged traffickers, compared with nine in 2014. In 2014 a Cambodian court convicted six Taiwan nationals for enslaving 74 Cambodians onboard Taiwan fishing vessels, but at the end of the reporting period Taiwan's investigation was still underway, and Taiwan authorities had not convicted any traffickers associated with this case (five of the six remained at-large in Taiwan). During the year, authorities continued to train law enforcement officers, prosecutors, and judges through various workshops, seminars, and conferences; however, many prosecutors and judges continued to demonstrate a limited understanding of trafficking crimes. As part of the Ministry of the Interior's action plan to eliminate sexual crime, Taiwan police arrested over 10,000 suspects accused of lewd and lascivious acts. Authorities did not report any investigations, prosecutions, or convictions of Taiwan officials complicit in human trafficking offenses.

## PROTECTION

Authorities sustained efforts to protect victims of trafficking. Authorities identified 278 trafficking victims (197 sex trafficking victims and 81 forced labor victims), compared with 292 in 2014; 192 of these victims were referred to shelters for assistance. 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. The National Immigration Agency (NIA) operated three shelters dedicated to trafficking victims, and the Ministry of Labor subsidized an additional 20 shelters and a 24-hour hotline trafficking victims could access. These 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 against their traffickers by offering temporary residence and work permits. Authorities made available permanent residence visas to foreign trafficking victims who faced retribution or hardship if they returned to their country of origin. Victims were able to obtain restitution or file civil suits against traffickers, and one victim was awarded civil restitution during the reporting period. Although victims could receive immunity for crimes committed as a result of being subjected to trafficking, NGOs reported authorities occasionally treated trafficking victims as criminals. NGOs also noted authorities did not permit victims from China to stay in non-NIA operated shelters and were deported if courts found them not to be trafficking victims, unlike other victims

who could remain in NGO-operated shelters even if a judge determined they were not trafficking victims.

## PREVENTION

Authorities sustained efforts to prevent trafficking through numerous awareness campaigns, workshops, and conferences. A cabinet-level minister-without-portfolio continued to implement the national plan of action and oversee an interagency working group, which met twice in 2015. Various agencies continued to fund advertisements and public service announcements on human trafficking prevention in newspapers, magazines, and on the radio; distributed anti-trafficking materials; and held trainings for vulnerable populations, such as youth, foreign spouses, and fishing sector workers. Authorities continued to operate foreign-worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them on their rights. To address exploitation associated with labor recruitment, authorities fined 89 perpetrators in cases of illegal brokerage activities and excessive fees and ordered 12 of those individuals to terminate business operations. Authorities streamlined procedures to allow employers to hire foreign workers directly through the Direct Hiring Service Center, instead of utilizing brokers. Most employers; however, continued to deem it easier and more expedient to hire brokers. 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. Authorities provided anti-trafficking training for diplomatic personnel.

## TAJIKISTAN: Tier 2

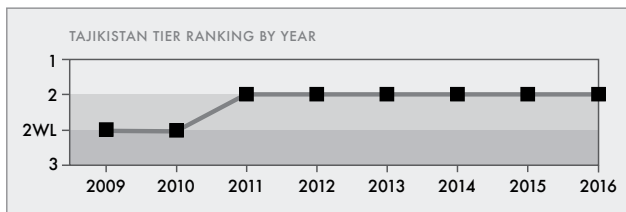
Tajikistan is a source and, to a lesser extent, destination country for men, women, and children subjected to forced labor, and a source country for women and children subjected to sex trafficking. Extensive economic migration exposes Tajik men, women, and children to exploitation. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, United Arab Emirates (UAE), and, to a lesser extent, in neighboring Central Asian countries. Women and children from Tajikistan are subjected to sex trafficking primarily in UAE and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Women are increasingly vulnerable to trafficking after they are informally divorced from their absent migrant husbands and need to provide 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 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 agricultural forced labor in Tajikistan—mainly during the fall cotton harvest. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan.

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 made increased law enforcement efforts, initiating prosecution of 24 suspected traffickers and convicting 10. The government made slow



progress in the implementation of its 2014 law, Counteracting Trafficking in Persons and Providing Support to Victims of Trafficking in Persons, which created a legal framework for designating a person a “victim of trafficking” and established programs to protect and provide services to such victims. The government offered training for government officials on identifying, investigating, and prosecuting trafficking crimes, but continued to lack procedures to identify trafficking victims proactively among vulnerable populations and remained unable to provide adequate victim protection services. In particular, budget limitations and high turnover of officials with the necessary specialized knowledge to assist trafficking victims constrained such efforts. Nonetheless, the government increased its anti-trafficking law enforcement efforts, investigating and prosecuting an increased number of cases in 2015.



## RECOMMENDATIONS FOR TAJIKISTAN:

While respecting due process, vigorously investigate and prosecute suspected trafficking offenders, including officials complicit in trafficking, and convict and appropriately sentence perpetrators; develop standard operating procedures for identifying trafficking victims; dedicate funding or provide in-kind assistance specifically for combating human trafficking and offering comprehensive victim assistance; protect victims and encourage their assistance in the investigation and prosecution of traffickers; 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; 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; improve the collection of anti-trafficking law enforcement data; approve a national action plan and national referral mechanism for assisting trafficking victims; ensure the inter-ministerial commission meets quarterly to continue coordinating governmental anti-trafficking efforts; and 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 increased 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 the prostitution of minors as trafficking without regard to the use of coercive means, as required by international law. Article 132 criminalizes recruitment for sexual or other exploitation through fraud—but not if done by coercion—and carries a maximum penalty of five years. Contrary to international law, it also does not criminalize child sex trafficking in the

absence of force, fraud, or coercion. Article 167 prohibits the buying and selling of children, prescribing five to 15 years’ imprisonment; this provision goes beyond the scope of trafficking, as it does not require that exploitation be the intent of the transaction. Several other amendments to the criminal code include trafficking crimes; for example, article 130.2, “Use of Slave Labor”, and article 241.2, “Use of minors with the purpose of production of pornographic materials and products.” In 2015, Tajikistan’s Inter-ministerial Commission to Combat Trafficking in Persons led a working group to harmonize and ensure uniformity between existing legislation and the 2014 law, more clearly delineate interagency responsibilities, enable effective implementation of the 2014 law, and establish a state fund for trafficking victim services.

The government investigated 25 cases, involving 39 suspected traffickers, and prosecuted 13 cases, involving 24 suspected traffickers in 2015, an increase from 28 suspected traffickers investigated and 22 prosecuted in 2014. Courts convicted 10 traffickers, with sentences ranging from six months’ to 12.5 years’ imprisonment and with a median sentence of six years’ imprisonment, compared with one conviction in 2014. Endemic corruption inhibited law enforcement action during the year and facilitated trafficking across borders and through inspection points; however, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

## PROTECTION

The government continued modest efforts to identify and assist trafficking victims. The government made slow progress in implementing the 2014 Law on Counteracting Trafficking in Persons and Providing Support to Victims of Trafficking in Persons, enacted during the previous reporting period, which extensively defined human trafficking; outlined victim services and government standards for service delivery among providers, including governmental agencies and NGOs; and created a national referral mechanism. In partnership with NGOs, the government delivered training for officials on victim-centered approaches to identifying, investigating, and providing services to trafficking victims. However, these services will not be available to victims until existing legislation is amended to align with the 2014 law.

Authorities remained without a formal system for identifying and referring victims to assistance during the reporting period, as the referral mechanism remained under review. Officials sometimes temporarily detained sex trafficking victims, but later released and referred them for assistance. Furthermore, as law enforcement officials did not attempt to identify trafficking victims proactively among men and women in prostitution, it was possible officials prosecuted or penalized sex trafficking victims for prostitution crimes. During the reporting period, the government identified and referred eight victims to international organizations for assistance, a decrease from 26 victims in 2014. Civil society groups and international organizations provided protective services to 56 Tajik trafficking victims in 2015, including eight victims of sex trafficking.

The government did not directly provide shelter or services to victims; it relied on NGOs, which provided medical and psycho-social care, legal and vocational training, and assisted in family reunification. Although the government did not provide financial support to any organizations assisting trafficking victims, it funded the utilities for two shelters, one in Khujand, which closed in September 2015, and another in Dushanbe.

The government provided free basic education and vocational training to trafficking victims through its adult training centers. 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 the right to request temporary legal residency, which can be extended for one year following the completion of a criminal case. The 2014 law does not link victim benefits to a victim's participation in a trial and provides victim services regardless of legal status or prior consent to participate in trafficking activities.

## PREVENTION

The government continued efforts to prevent human trafficking. The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest and conducted inspections of schools in cotton-growing districts to ensure students remained in attendance. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. NGOs monitored the cotton harvest in 17 districts, and did not report any evidence of forced child labor.

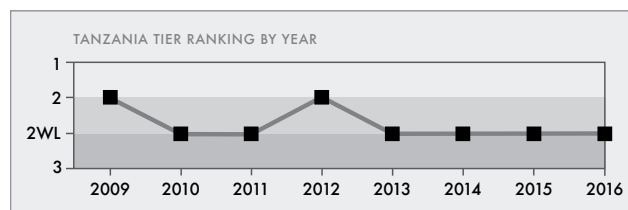
The 2014 law established a framework for the government to address human trafficking, and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. In May 2015, the government appointed a chair to the commission, which held its first dialogue in October 2015, after nearly two years of inactivity. The government drafted, but has not yet approved, its 2014-2016 national action plan. The Committee for Youth, Sports and Tourism and the Ministry of Internal Affairs' anti-trafficking department jointly operated a hotline to receive calls from female victims of crime, including trafficking. 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 obtain licenses from migration authorities. 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 for victims at migration service support centers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting consumers of commercial sex. The government did not report any efforts to reduce the demand for forced labor.

## TANZANIA: Tier 2 Watch List

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 sex trafficking particularly in tourist hubs and along the border with Kenya. Boys 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, as well as in sex trafficking. 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 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, and the United States. Trafficking victims from other countries—particularly children from Burundi and Kenya, as well as adults from India, Nepal, and Yemen—are forced to work 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 forced into domestic service or prostitution in South Africa, Europe, and the Middle East.

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 allocated a sufficient budget to its anti-trafficking committee for the second consecutive year and closed 70 recruitment agencies suspected of fraudulently recruiting Tanzanians for employment in the Middle East. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tanzania is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Tanzania was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. While the government updated its national action plan to incorporate implementing regulations for the 2008 anti-trafficking law, it did not widely apply the implementing regulations for the 2008 anti-trafficking law to overhaul its victim protection capabilities. The government has not allocated funding to its victims' assistance fund since its creation in 2008. The government obtained one conviction and sentenced the trafficker to an unprecedented one-year prison term; however, reforms to mandate stringent jail sentences for trafficking crimes in lieu of fines did not progress during the year and law enforcement efforts remained disproportionate to the prevalence of the crime.



## RECOMMENDATIONS FOR TANZANIA:

Increase efforts to enforce the 2008 Anti-Trafficking in Persons Act by prosecuting trafficking offenses, convicting trafficking offenders, and applying stringent penalties upon conviction; amend the anti-trafficking act to remove the sentencing provision of fines in lieu of prison time; operationalize the updated 2015-2017 national action plan to fully implement the protection provisions of the anti-trafficking act, as outlined

in the implementing regulations, including by allocating resources to the victim assistance fund; implement policies and procedures for government officials to proactively identify potential trafficking victims among vulnerable groups and refer them to protective services; train judges and prosecutors to delineate differences between trafficking and smuggling; provide training to law enforcement authorities on how to effectively detect and investigate trafficking crimes; compile trafficking-specific law enforcement and victim protection data at the national level; and continue budget allocation for the anti-trafficking committee and anti-trafficking secretariat to implement the national action plan to combat trafficking.

## PROSECUTION

The government maintained its limited 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 1 and 150 million Tanzanian shillings (TZS) (\$465 and \$70,000), or both. For sentences that only include a fine, penalties are not sufficiently stringent or commensurate with those prescribed for other serious crimes, such as rape. A provision allowing offenders to pay a fine in lieu of serving prison time is insufficient to the gravity of the crime and an ineffective deterrent. The government remained without a system to compile comprehensive law enforcement statistics and relied on press reports or officials' recollections. In 2015, the government reportedly initiated investigations of 12 suspected trafficking cases, but dismissed 10, in comparison to the four cases it investigated during the previous year. It reported 10 prosecutions in 2015, an increase from five in 2014, and convicted one individual, who was sentenced to one year in prison after the defendant was deemed by the judge to be unable to pay the imposed fine. Four prosecutions initiated the previous year remained pending at the close of the reporting period. The government continued to include human trafficking components into standard police academy training for an unknown number of new recruits. The government also incorporated trafficking information into the curricula of a gazetted training for law enforcement officials, including root causes and effective use of victim referral manuals. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses; however, general corruption within the judicial system remained an issue.

## PROTECTION

The government provided insufficient and uneven protective services for trafficking victims. Officials remained without comprehensive statistics to track victims identified or assisted. During the reporting year, officials inconsistently applied the implementing regulations for the protection provisions of the 2008 anti-trafficking law. For example, officials did not establish a statistical database to track and compile information on victims identified and referred for protective services, which the implementing regulations required. In addition, although the implementing regulations required police and immigration authorities to follow standardized procedures for victim investigation, identification, and referral, such procedures were not widely used in 2015. An international organization reported it identified 45 domestic and five foreign potential trafficking victims. The government did not identify any victims during the year, however, which marks a reduction from the 22 foreign victims it identified the previous year. The government relied primarily on NGOs to operate shelters for trafficking victims, though government officials continued to provide

psycho-social support for the victims in those shelters and streamlined referral services to enable government officials to more effectively place victims in such shelters. During the previous year the government supported the repatriation of 22 victims and provided them with protection and housing.

There were no reports the government arrested or punished trafficking victims for unlawful acts committed as a direct result of being subjected to trafficking. While implementing regulations mandated the government to proactively assess for potential trafficking indicators among vulnerable groups, officials detained a large number of African migrants for immigration offenses without such screening during the reporting year. The 2008 anti-trafficking law provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered. In 2015, the government provided an unknown number of foreign victims with travel documents and safe passage to respective country borders. It diplomatically facilitated repatriation with foreign governments or attempted to resettle victims in a third country; the government did not grant residency or temporary stay to any victims during the reporting period.

## PREVENTION

The government slightly increased its efforts to prevent trafficking. For the second consecutive year, the government allocated a budget of TZS 80 million (\$37,000) to its anti-trafficking committee. In February 2015, the anti-trafficking committee drafted an updated national action plan, effective through 2017, which incorporated the implementing regulations of the 2008 anti-trafficking law; however, the extent to which the government implemented the revised plan or allotted funding for its implementation was unknown, although it did commit in-kind support. During the reporting period, the government closed 70 recruitment agencies that were alleged to be complicit in subjecting Tanzanians to forced labor in the Middle East under pretenses of employment. Local officials in the semi-autonomous region of Zanzibar continued to conduct anti-trafficking public awareness campaigns across the island, and immigration officials on the mainland disseminated informational brochures on trafficking for use at public events; however, the government remained without sufficient resources to effectively sensitize the public on trafficking issues. Officials made no discernible efforts to reduce the demand for forced labor or 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.

## THAILAND: Tier 2 Watch List

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Thai victims of trafficking and some of the estimated three to four million migrant workers in Thailand are forced, coerced, or defrauded into labor or sex trafficking. Some labor trafficking victims are exploited in commercial fishing and related industries, factories, agriculture, and domestic work, or forced into street begging. Migrant workers who are trafficking victims may be deported without effective screening for indicators of trafficking. Sex trafficking remains a significant problem in Thailand's extensive commercial sex industry.



Women, men, boys, and girls from Thailand, Laos, Cambodia, Vietnam, and Burma are subjected to labor and sex trafficking in Thailand. 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, hotel rooms, and private residences. Local NGOs report the use of social media to recruit children into sex trafficking. Some parents or brokers force children from Thailand, Cambodia, and Burma to sell flowers, beg, or work in domestic service in urban areas. Reports indicate separatist groups in southern Thailand continue to recruit and use children to commit acts of arson or serve as scouts.

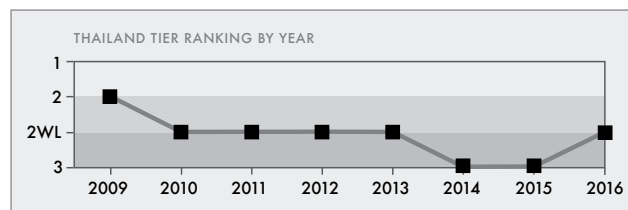
Many foreign trafficking victims migrate willingly to Thailand seeking employment, often with the assistance of relatives and community members or informal recruitment networks. Most migrate through irregular channels without identity documents or travel documents from their countries of origin. Instances of human trafficking, smuggling, abduction, and extortion of migrants occur as migrants move between Thailand and neighboring countries. Traffickers, including 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 migrant workers incur significant debts to obtain employment and are subjected to debt bondage. A number of 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, and Indonesian men 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. Migrant workers, especially those who are undocumented, are fearful of reporting trafficking crimes and cooperating with authorities due to minimal protections both in Thailand and in countries of origin and lack of awareness of their rights. Reports persist that some government officials 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. Some officials

allegedly profit from trafficking and other criminal offenses committed against trafficking victims. Credible reports indicate some corrupt officials protect brothels and other commercial sex venues from raids and inspections and collude with traffickers.

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 amended its 2008 anti-trafficking laws and other laws related to forced labor in the fishing and seafood industry, which increased criminal and civil penalties on traffickers, allowed for the closure of businesses involved in forced labor, and provided legal protection for whistleblowers. The government increased the numbers of investigations, prosecutions, convictions, and victims identified in 2015, compared with 2014. Labor trafficking investigations increased; however widespread forced labor in Thailand's seafood sector continued to occur. The government increased efforts to hold government officials complicit in trafficking crimes criminally accountable; however, official complicity continued to impede progress in combating trafficking. The government established a specialized anti-trafficking prosecution division and an anti-trafficking court division and increased anti-trafficking training for police, prosecutors, judges, labor inspectors, social workers, and navy personnel. Multidisciplinary teams inspected sea vessels and land-based seafood processing workplaces and found 430 cases of labor violations, including human trafficking cases. The government solicited multi-stakeholder feedback to improve victim identification questions and procedures and hired more interpreters; however effective, proactive screening for victims remained limited, and officials often failed to identify trafficking cases involving non-physical coercion or debt bondage. Only 10 percent of trafficking victims in government shelters worked outside of shelters during the reporting period. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries. The court dismissed criminal defamation cases against two journalists who reported on trafficking and official complicity; however, fear of retaliation or defamation suits discouraged reporting on trafficking crimes.



## RECOMMENDATIONS FOR THAILAND:

Prosecute officials allegedly complicit in trafficking, and convict and punish those found guilty with sufficiently stringent sentences; increase efforts to identify victims among vulnerable populations, including migrants, stateless persons, children, and refugees; prosecute and convict traffickers through proactive law enforcement and systematic cooperation with civil society; increase resources for the specialized human trafficking investigation, prosecution, and court divisions; increase training and resources for multidisciplinary teams, including labor inspectors, at ports and on vessels to better detect indicators of forced labor and debt bondage, and refer cases for criminal investigation; improve the consistency for victim identification, screening, and interview procedures, and prioritize the rights and safety of potential victims; increase roles of labor inspectors in actively screening and assisting potential labor trafficking victims; regulate, investigate, and

improve labor recruitment practices for migrant workers; fully implement new rules conferring legal status and work permits for trafficking victims and ensure that adult trafficking victims be able to travel, work, and reside outside shelters in accordance with the anti-trafficking law; continue to increase the availability of qualified interpretation services across government agencies with responsibilities for protecting workers, migrants, refugees, and victims of trafficking; enhance government capacity to implement anti-trafficking laws and regulations, especially at state and local levels; foster press freedom including on human trafficking reporting; promote an environment conducive to robust civil society participation in all facets of fighting human trafficking; 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 deportation to countries in which they would face retribution or hardship and providing witness protection services; continue to develop specialized law enforcement and social welfare services for child sex trafficking victims; continue to increase anti-trafficking awareness efforts directed at employers and clients of the sex trade, including sex tourists; and improve migrant workers' rights, legal status, and labor migration policies to minimize the risk of trafficking.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties ranging from four to 10 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. A 2015 amendment to the law imposed harsher penalties in cases resulting in death, to include up to life imprisonment and a maximum fine of 400,000 baht (\$13,333). The amendment also includes measures to protect whistleblowers and gives authorities power to temporarily halt operations and immediately suspend licenses of businesses involved in human trafficking. An October 2015 amendment to the Anti-Money Laundering Act enabled the Anti-Money Laundering Office (AMLO) to freeze assets with a court order during trafficking investigations and to allocate a portion of the seized assets to victim compensation.

The government reported investigating 317 trafficking cases (280 in 2014), prosecuting 242 traffickers (155 in 2014) and convicting 241 traffickers (104 in 2014). Despite the prevalence of forced labor in Thailand, the government reported only 72 investigations (58 in 2014) involving suspected cases of forced labor and prosecuted only 33 cases of forced labor involving 71 suspected traffickers. The government did not report how many convictions it obtained for forced labor. Sixty-four percent (29 percent in 2014) of convicted traffickers received prison sentences greater than five years; and 84 percent (68 percent in 2014) received sentences of more than three years' imprisonment. AMLO investigated 40 cases reportedly tied to human trafficking. It reported dropping four cases, and the other 36 remained pending.

The government initiated prosecutions of cases involving abused Rohingya asylum-seekers and Bangladeshi migrants, some of whom were suspected trafficking victims. Of the 155 arrest warrants issued, 92 perpetrators were arrested during the reporting period, including a senior military officer, and several other police, military, and local officials. All were charged with human trafficking offenses, as well as other related criminal charges. AMLO seized 210 million baht (\$5.8 million) and provided evidence of related financial transactions for use in

ongoing criminal proceedings. Court proceedings for the cases were expected to last several years. Despite new whistleblower protections, one of the lead police investigators resigned and subsequently left the country, reportedly in fear for his safety.

The government investigated ship owners, captains, and brokers for labor trafficking in the fishing industry in 41 cases, with 31 vessels seized; 24 of the cases related to the Indonesian islands of Ambon and Benjina in which the government issued arrest warrants for 98 suspects, 19 of whom have been arrested. Most cases remain under prosecution, but in one case the criminal court sentenced one broker to 12 years and six months' imprisonment. Of the 1,476 Thai workers who returned to Thailand from Indonesia, the government identified 57 trafficking victims and assisted 150 workers subjected to wage violations; however, companies reportedly sent home others to avoid allegations of trafficking. With evidence from an NGO, the government arrested and began prosecution of a business owner in Kantang province and seven others during the reporting period in connection to an investigation into forced labor on fishing boats started in 2013. Fifteen perpetrators, including a former Buddhist abbot and a former military officer, were arrested in a case involving seven child sex trafficking victims. The former Buddhist abbot was sentenced to 50 years' imprisonment. A local NGO noted that the number of child beggars overall fell significantly due to the government's policy of seeking out and disrupting street begging rings. The government successfully prosecuted two cases of child forced labor and one case of child forced begging.

The government enacted legislation in December 2015 that criminalizes the possession and distribution of child pornography and leveraged the new legislation to build probable cause in cases involving internet-facilitated child trafficking and sexual exploitation. Foreign and Thai traffickers were arrested and charged with crimes including sex trafficking following the creation of the Thai Internet Crimes Against Children (TICAC) Task Force. TICAC represents a multi-agency and multidisciplinary response to child trafficking in the digital age. TICAC officers have made several arrests and enforcement actions that have resulted in human trafficking charges.

The government maintained robust anti-trafficking training efforts. It funded anti-trafficking training for 2,640 police, prosecutors, judges, labor inspectors, social workers, and navy personnel. Separate trainings focused on amendments to the 2008 Anti-Trafficking Act, guidelines on forced labor and debt bondage, joint inspections of human trafficking in the fishing industry, victim identification, child-friendly and gender-sensitive investigation procedures, and enhanced cooperation within the judiciary on human trafficking. Law enforcement officials cooperated with foreign counterparts to investigate foreign nationals involved in child sex trafficking and Thai national sex trafficking victims abroad. While there have been improvements in coordination between prosecutors and police and in the trafficking expertise of the multidisciplinary teams, limited interagency coordination and frequent personnel changes among law enforcement, prosecutors, and multidisciplinary team members hindered prosecution efforts. The government continued efforts to establish a national database that could improve interagency information sharing.

The government established specialized anti-human trafficking divisions within the Bangkok Criminal Court and the Office of the Attorney General in 2015 to address the need for quicker judgments and trafficking expertise among prosecutors and judges. The government reported that, on average, judgments

were rendered more quickly than in prior years with more than 43 percent of cases convicted within six months, although some trafficking cases continued to take two years or longer to complete. Some victims were reluctant to remain in shelters while waiting to participate in lengthy trials. With the new anti-trafficking division, the government stated new cases should be completed within one year. Some suspected offenders fled the country or intimidated victims after judges granted bail, further contributing to a climate of impunity for trafficking crimes. The government amended the Criminal Procedure Act No. 30, effective on December 2015, to require the court to be more stringent in considering bail requests.

The government made some efforts to address official complicity, but corruption and official complicity in trafficking crimes continued to impede anti-trafficking efforts. In 2015 it filed criminal charges against 34 officials, including several mid- to high-level officials for involvement in human trafficking, as compared with seven officials charged in 2014. The government also reported investigating five additional cases involving several officials who received bribes from entertainment venues where victims of trafficking were found. Of the seven officials charged in 2014, five of those cases remain pending while two were convicted in 2015. One local administrative official was convicted of charges of subjecting a Rohingya man to trafficking in 2015, sentenced to 22 years and six months in prison, and ordered to pay 126,900 baht (\$3,520) in compensation to the victim. A second official was sentenced to 16 years' imprisonment and ordered to pay 60,000 baht (\$1,708) in compensation to each of six sex trafficking victims. The government issued an administrative order to prevent public officials' involvement in trafficking and clearly define complicity as any sort of facilitation of trafficking. The order requires commanding officers to take action within 10 days on any allegations, encourages monetary rewards for those who come forward with actionable reports of official complicity, and established a national committee to coordinate anti-complicity policy. Given the extensive nature of corruption, however, efforts to combat trafficking-related corruption, including official involvement, remained insufficient. Fear of defamation suits or retaliation likely discouraged some journalists, government officials, and civil society members from reporting and law enforcement officials from pursuing trafficking cases.

## PROTECTION

The government maintained efforts to identify and protect trafficking victims, although overall victim screening and protection efforts remained inadequate. The government identified 720 trafficking victims in 2015, compared with 595 victims in 2014. The Ministry of Social Development and Human Security (MSDHS) reported providing assistance to 471 victims at government shelters (compared with 303 in 2014), including 126 Thai victims (67 in 2014) and 345 foreign victims (236 in 2014); 320 were victims of forced labor and 151 were victims of sex trafficking. Authorities assisted in the repatriation of 401 victims (211 Thai victims and 190 foreign victims). Thailand signed onto the ASEAN Convention against Trafficking in Persons, especially women and children (ACTIP) on November 21, 2015.

The government improved victim identification procedures, but proactive screening remained inadequate. There continued to be insufficient interpreters available in some areas; an uneven understanding of trafficking indicators among front-line officers; and a lack of private spaces to screen potential victims. The government successfully registered 138 qualified

interpreters and trained 89 volunteer interpreters. It trained 910 police officers and 300 other government officials on victim identification and referral systems. It also deployed multidisciplinary teams in some cases to screen for indications of trafficking among women in prostitution and potential victims of child sex trafficking, Thai workers, some Rohingya and Bangladeshi migrants identified during raids on onboard fishing vessels, and other vulnerable populations. Multidisciplinary teams' composition and level of expertise varied; some were very effective in interviewing potential victims, while others lacked adequate training or protocols to conduct effective screening. Some law enforcement officers failed to recognize debt bondage (exploitive debt) or traffickers' manipulation of undocumented migrants' fear of deportation as non-physical indicators of trafficking. Investigators and multidisciplinary teams may also have failed to recognize trafficking cases where victims originally consented to work, but were deceived about working conditions and subjected to trafficking conditions. Labor inspectors were not required to have a background in labor law and could be held personally liable for claims of abuse of power, which limited their ability to perform their work. The government continued to screen for trafficking indicators among fishermen returning to Thailand and on fishing vessels. Interviews were sometimes brief and conducted in open environments where brokers and ship captains were sometimes present in the same room, which may have led to many unidentified trafficking victims. Through consultations with civil society, the government revised its standard interview guide for potential trafficking victims that detailed indicators of forced labor and debt bondage; the new procedures were deployed in January 2016.

The government maintained the availability of protective services for victims. The government continued to refer victims to one of 76 short-stay shelters or one of nine long-term regional trafficking shelters run by the MSDHS, where they reportedly received counseling, legal assistance, and medical care, civil compensation and financial aid, victim/witness protection, education or vocational trainings and employment either inside or outside shelters. While multidisciplinary teams could conduct additional interviews with potential victims not initially identified as trafficking victims, many undocumented migrants were quickly deported or unwilling to collaborate due to fearing of long stays in shelters with limited employment opportunities, making this less effective in practice. As a result, some front-line immigration officers reportedly deported potential labor and sex trafficking victims. In some complicated cases, MSDHS hired human rights lawyers to be co-plaintiffs, participate in interviews, and coordinate and prepare witnesses for trial. Following a significant influx of Rohingya and Bangladeshi migrants in 2014-2015 and the discovery of largely abandoned smuggling/trafficking camps on the Thai-Malaysian border, 514 Rohingya and Bangladeshi remained in Thailand at the end of the reporting period. The government reported identifying 119 Rohingya and 83 Bangladeshi as trafficking victims. In coordination with UNHCR and IOM, 99 Rohingya resettled to a third country, while 146 were in the process of resettlement at the end of the reporting period; some of these were trafficking victims. There were likely additional trafficking victims among those not formally identified. Accommodations remained limited for Rohingya men not identified as trafficking victims due to insufficient space at immigration detention centers (IDCs). There have been reports of violence against several Rohingya men by IDC authorities.

Although most (53 percent) identified victims were younger than 18 years old, the government had limited specialized services



for child trafficking victims. Some children picked up in police raids were separated from their parents and, if undocumented, forced to choose between spending years in a shelter or being deported by themselves. However, police maintained effective cooperation with international law enforcement counterparts in child sex trafficking cases involving foreign perpetrators. Judicial officials did not always follow procedures to ensure the safety of witnesses; victims, including children, were at times forced to testify in front of alleged perpetrators or to disclose personal information such as their address, which put them at serious risk of retaliation. Although the government passed the Anti-Human Trafficking Amendment No. 2, reportedly to enhance protection and reduce the threat of intimidation against whistleblowers, NGOs reported witnesses remained vulnerable to intimidation even in government-run shelters. In response, the government expanded witness protection to 82 victims; many of whom were trafficking victims. NGOs reported concerns over the lack of appropriate options for foreign children whose families were complicit in their trafficking or who could not be identified.

The government did not make significant progress in ensuring that all adult trafficking victims were able to travel, work, and reside outside shelters as provided by Thailand's anti-trafficking law. Of the 497 victims in government shelters, the government issued 58 work permits and visas (compared with 57 in 2014), to work temporarily in Thailand during the course of legal proceedings. Only 47 victims worked outside the shelter. Others were either formally repatriated, chose not to work, could not find work, were too young to work, or accepted paid work in the shelter. On March 15, 2016, the Cabinet approved additional measures to permit migrant trafficking victims and witnesses to stay in Thailand for up to one year (previously six months), allowed foreign victims to renew work permits after the completion of a case, streamlined the process of obtaining work permits from 45 days to 10 days, and stated that all witnesses of human trafficking cases would be automatically entitled to the witness protection program. On February 2016, a new regulation on financial rewards and compensation came into force, which allows the government to disburse financial rewards and/or compensation of \$846 – \$2,828 for persons assisting in arrest and prosecution of human traffickers.

In 2015, the government disbursed 7.1 million baht (\$197,222) from its anti-trafficking fund to 472 victims (463 in 2014). The government filed petitions on behalf of 77 victims (57 in 2014) and received civil compensation of 3.3 million baht (\$93,020). The law protects victims from prosecution for acts committed as a result of being subjected to human trafficking; however, flaws in the government's victim identification procedures and its efforts to arrest and soft-deport immigration violators increased victims' risk of being re-victimized and treated as criminals. Unidentified victims were likely among migrants subjected to government citations for lack of proper documentation during the year detained in sometimes-overcrowded immigration detention facilities.

A 2005 cabinet resolution established stateless trafficking victims in Thailand could be given residency status on a case-by-case basis; however, the Thai government had yet to report granting residency status to a foreign or stateless trafficking victim. The government did not provide legal alternatives to victims who faced retribution or hardship upon return to their home countries but coordinated with international organizations to resettle 99 victims to a third country. The government systematically repatriated 401 Thai and foreign victims through a government-to-government process if they

were unwilling to testify or following the conclusion of legal proceedings.

## PREVENTION

The government maintained efforts to prevent trafficking. It significantly increased funding for migrant labor management and anti-trafficking efforts from 1.53 billion baht (\$42 million) in fiscal year 2015 to 2.08 billion baht (\$57 million) in fiscal year 2016. It conducted campaigns through radio, television, billboards, and handouts to raise public awareness of the dangers of human trafficking throughout the country. Given the low literacy rate and the diversity of languages among at-risk persons, however, this information remained inaccessible to many. The Ministry of Social Development and Human Security and the Ministry of Labor increased the number of non-Thai language speaking hotline operators, but NGOs deemed the quality of the service variable and at times insufficient in informing callers of whether labor laws had been violated.

In 2015, courts acquitted two journalists of criminal defamation after their 2013 reporting on Navy complicity in trafficking Rohingya in Thailand. Advocates, however, expressed concerns that ongoing cases against an anti-trafficking proponent, despite the dismissal of one case against him, had the effect of silencing other human rights advocates. A lead investigator on high-profile official corruption and trafficking cases resigned and reportedly sought asylum in Australia after publicly indicating he faced threats and intimidation. These developments impeded a climate conducive to preventing trafficking, discovering and reporting trafficking crimes, identifying victims, and apprehending additional traffickers.

The government strengthened border control enforcement to prevent the crossing of both traffickers and vulnerable populations. The government registered and offered work permits to 149,623 migrant workers in the fishing and seafood sector in an attempt to regularize their legal status in Thailand. The government made limited efforts to regulate recruiters or employment service agencies that provide service to migrant workers. While the number of migrant workers using the formal government-to-government migration system for foreign workers to work in Thailand modestly increased from 217,111 in 2014 to 279,311 in 2015, most migrant workers did not use this mechanism due to high costs tied to corruption on both sides of the border, lengthy processing times, and difficulties in changing employers. The Supreme Court ruled in August 2015 that employers could not deduct migration and documentation expenses from workers' wages. The government granted citizenship to 8,038 stateless persons, an increase from 5,667 in 2014.

The government acknowledged the labor shortage in the fishing sector was due in large part to some workers' unwillingness to work in the industry due to poor working and living conditions. The government established a Command Center for Combating Illegal Fishing (CCCIF) to combat illegal unreported and unregulated (IUU) fishing, and with some responsibilities to identify trafficking victims and improve working conditions. The CCCIF established 28 port-in-port-out centers, 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. From May 2015 – January 2016, the multidisciplinary teams of the CCCIF inspected 8,398 vessels at sea and 152 on land seafood processing workplaces, in addition to port inspections. These inspections led to the investigation of 430 cases of labor violations under various laws,

four trafficking cases, suspension of operations at 19 workplaces, one arrest, and non-trafficking criminal charges against 27 workplaces for labor violations. A shortage of government interpreters meant, however, that many labor inspectors were unable to speak with many migrant workers, and interviews were often conducted in front of ship captains, which prevented workers from speaking freely. During the reporting period, 4,562 vessels were equipped with vessel monitoring technology, and the government approved and implemented regulations to prohibit workers younger than age 18 from working in seafood processing industries. Exploitative labor practices in the fishing industry, however, remained a significant issue, partly exacerbated by weak law enforcement, delays to hold business owners or boat captains criminally accountable, nascent efforts to improve data linkage among relevant agencies, and fragmented coordination among regulatory agencies. Due to training and staffing limitations, officials on multidisciplinary teams focused primarily on whether workers were in legal immigration status and had legal documentation, rather than on indicators of forced labor.

In 2015, the government found unlawful practices in 10 of the 433 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 seven agencies. It further initiated prosecutions against 68 illegal brokers under the Employment and Job-Seeker Protection Act in 73 cases involving 287 Thai laborers. The government also implemented government-to-government programs with four countries to reduce the costs to Thai workers going to work abroad in guest worker programs. The government, however, remained ineffective in regulating the excessive formal and informal fees incurred by some Thai workers to obtain employment abroad, which made them vulnerable to debt bondage or exploitative working and living conditions.

To prevent child sex tourism, the government reported it denied entry to 511 known foreign sex offenders, compared with 98 in 2014. The Ministry of Tourism organized four trainings for 647 local government officials, tourism sector workers, and civil society organizations on prevention of child sexual exploitation in the tourism industry, and held an anti-trafficking seminar for 200 members of the tourism industry. The government reported operating a surveillance network on child sex tourism by training business operators in high-risk areas to identify and report cases to the police. 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 of those found to be involved in child sexual exploitation. The government set up the Thai Internet Crimes Against Children Taskforce to combat internet-facilitated child sex trafficking and exploitation. The government made efforts to decrease demand in forced labor. It passed a new Royal Ordinance on Fisheries, which allows the government to close or revoke business licenses of a factory and significantly increase criminal penalties on employers in fishing and seafood processing facilities that employ workers without a permit to stay and work. The government investigated and prosecuted prominent forced labor cases in the export-oriented commercial fishing and seafood processing sectors this year involving 112 defendants and publicized the prosecutions in an attempt to decrease the demand for forced labor. The government provided anti-trafficking training to its diplomatic personnel.

## TIMOR-LESTE: Tier 2

Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Timor-Leste may be a source for women and girls sent to Indonesia and other countries for domestic servitude. Timorese women, girls, and occasionally young males from rural areas are lured to the capital with the promise of better employment or education prospects and subjected to sex trafficking or domestic servitude; at least one village chief has been complicit in this form of trafficking. Timorese family members place children in bonded domestic and agricultural labor, primarily in rural areas but also in the United Kingdom, to pay off family debts. Foreign women, including those from Indonesia, China, and the Philippines, are vulnerable to sex trafficking in Timor-Leste. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates. Some NGOs report fishermen on foreign vessels operating in Timorese waters may be vulnerable to trafficking. Police may accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Police have been identified as clients of commercial sex venues investigated for suspected trafficking.

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 reported prosecuting six defendants and convicting two traffickers, though lack of details made it difficult to verify these were cases of human trafficking as defined in international law. The government reestablished the inter-ministerial working group on trafficking, designated the Ministry of Justice as the lead agency to coordinate its efforts, and finalized a national action plan to combat trafficking. Authorities did not employ formal procedures for victim identification, leaving some victims vulnerable to punishment for crimes committed as a direct result of trafficking. Although the overall availability of specialized services, shelter, or long-term support for victims was limited, the government reported providing services to 10 victims and referring additional victims to government-funded NGOs for support.



### RECOMMENDATIONS FOR TIMOR-LESTE:

Establish, implement, and train officials on formal procedures for victim identification among vulnerable populations, such as individuals in prostitution and domestic work and migrant workers on fishing vessels; adequately fund law enforcement officers to conduct thorough investigations of trafficking offenses, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials; properly resource protective services, and establish and train officials on standard operating procedures to ensure victims are consistently referred to appropriate care; improve data collection on anti-trafficking efforts; enact comprehensive anti-trafficking legislation that is consistent with international law; conduct training for prosecutors and judges, including on how to integrate victim protection throughout the duration of court proceedings; and

increase anti-trafficking education and awareness campaigns for the public.

## PROSECUTION

The government made modest anti-trafficking law enforcement efforts and improved its data collection. Articles 163 and 164 of the penal code prohibit and punish all forms of trafficking; articles 162 and 166 prohibit slavery and the sale of persons. These articles prescribe sufficiently stringent penalties ranging from eight to 25 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. In April 2015, the Council of Ministers approved draft anti-trafficking legislation—which has been in development since 2009 and would expand legal provisions on protection and prevention measures—and sent it to the parliament, where it remained at the close of the reporting period. The government provided more information on its anti-trafficking law enforcement efforts than in the previous year but did not offer complete statistics or provide adequate detail to verify all reported cases involved human trafficking offenses. According to information from government, NGOs, and media sources, authorities investigated 12 cases of suspected trafficking and prosecuted six suspected traffickers. One prosecution resulted in the March 2016 conviction of a Timorese woman on attempted trafficking charges after she was apprehended while attempting to transport five Timorese young adults to the United Kingdom without appropriate work documents. The details of the second conviction are unknown. There were no further updates on the other investigations or prosecutions. In July 2015, the court upheld the guilty verdict for the former village chief convicted and sentenced to prison during the previous reporting period for child sex trafficking. There were no updates on an investigation from the previous reporting period of a police officer suspected of forced child labor offenses. Judges and prosecutors have limited expertise in applying anti-trafficking laws effectively. In the past, police officers reported using their own personal funds to pursue trafficking investigations due to inadequate resource allocation from the government. Police and prosecutors lacked adequate training in victim-centered approaches to law enforcement and legal proceedings. A government-funded NGO and foreign government donors provided anti-trafficking training to Timorese law enforcement officials.

## PROTECTION

The Government of Timor-Leste demonstrated increased efforts to protect victims. The government reported identifying and providing some services to 10 victims and referring additional victims to local NGOs for assistance. Reports from law enforcement, NGOs, and the media indicate cases investigated during the reporting period included at least 55 potential victims; it is unknown whether all victims received protective services. There were no formal procedures for victim identification, and authorities did not systematically screen for trafficking indicators among vulnerable groups, such as individuals in prostitution and domestic work and migrant workers on fishing vessels. Police reported having a list of questions to identify a case of trafficking, although these questions relied on the movement of people to make a positive determination of trafficking and it was unclear how frequently they were used. The government allocated funds to an NGO specifically to provide social services to trafficking victims. The NGO reported providing services to 11 victims, including four male victims. There were limited specialized services for trafficking victims in the country, with female victims primarily receiving services available to victims of other crimes, such

as domestic violence and sexual assault. The government's referral system used Ministry of Social Solidarity field staff to coordinate with police and NGOs. NGOs reported improved cooperation through the referral network. An unknown number of victims received vocational training, legal assistance, or reintegration support from NGOs, some of whom received funds from the government. Unidentified trafficking victims may have been among the individuals arrested and deported during the year, particularly foreign women in prostitution apprehended for immigration violations. Local NGOs noted the overall lack of incentives to cooperate with law enforcement may have contributed to some victims being unidentified or unwilling to participate in the investigation and prosecution of traffickers. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship or retribution.

## PREVENTION

The Government of Timor-Leste demonstrated increased efforts to prevent trafficking. The government conducted an anti-trafficking educational campaign in seven schools in districts across the country and provided funding to an NGO to conduct a community education workshop. During the reporting period, the government reestablished the inter-ministerial working group on trafficking and designated the Ministry of Justice as the lead agency to coordinate its efforts. The working group finalized a national action plan to combat trafficking, to which the government designated personnel resources and for which ministries will use their funding to support their required tasks. The government did not provide anti-trafficking training for its diplomatic personnel. The government did not take measures to reduce the demand for forced labor or commercial sex acts.

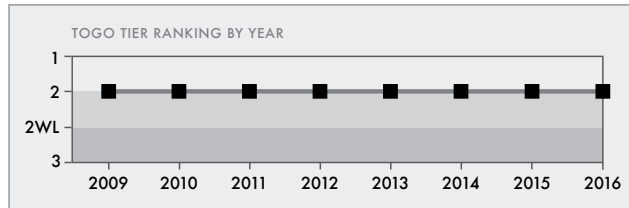
## TOGO: Tier 2

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 Accra, Ghana, and Lome, 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 prostitution. 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, 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 endure 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.

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 reported increased numbers of investigations, prosecutions, and convictions of traffickers for child trafficking crimes in 2015 compared to the previous reporting period; however, it did not provide the details of these cases. It amended the penal code to criminalize trafficking of adults; however, it did not demonstrate or report any tangible efforts to address trafficking of adults. The government assisted in the repatriation of transnational child trafficking victims but did not report any efforts to identify or assist other potential trafficking victims, including adults and victims within Togo. While the government increased the number of labor inspectors, it did not have adequate resources to address forced labor cases.



### RECOMMENDATIONS FOR TOGO:

Develop a formal system to identify trafficking victims, including adults, and train law enforcement, immigration, and social welfare officials on victim identification; increase efforts to prosecute and punish traffickers, including of adult victims, using the amended penal code; 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 suspected human trafficking cases and prosecution data; allocate sufficient funds to operate the Tokoin and Oasis centers; and increase efforts to raise public awareness about the dangers of human trafficking, including the trafficking of adults.

### PROSECUTION

The government increased law enforcement efforts against child trafficking, but did not demonstrate tangible efforts to address trafficking of adults. During the reporting period the national assembly passed a revised penal code, which significantly increased penalties for traffickers and amended the definition of trafficking to include adult forced labor. The revised code increases the prison sentence from a minimum of 10 years to 20 years, an increase from two to five years under previous laws, and increases the maximum fine to 30 million FCFA (\$51,000) from 5 million FCFA (\$8,500). Unlike pending draft anti-trafficking legislation, the revised penal code does not include provisions for victim protection. Togolese law prohibits all forms of trafficking. Article 4 of the 2006 labor code prohibits forced and compulsory labor, but its prescribed penalties of three to six months' imprisonment are not sufficiently stringent, and its definition of forced or compulsory labor includes some exceptions that constitute trafficking. The 2007 child code prohibits 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 prescribes prison sentences of three months' to 10 years' imprisonment for abducting, transporting, or receiving children for the purposes of exploitation. Despite eight years of the TIP Report recommending the enactment of legislation criminalizing the trafficking of adults, the government did

not take action during the reporting period to enact its draft legislation, which has remained pending since 2009.

The government reported 123 investigations and 59 convictions of traffickers, an increase from 103 investigations and 40 convictions in 2014. It is unclear how many of these cases actually involved trafficking charges, as the government was unable to provide details of the cases. 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 cooperates with the governments of Benin, Ghana, and Nigeria under a quadripartite agreement on the control and monitoring of borders to prevent child trafficking, repatriate victims, and extradite traffickers. Additionally, the government cooperates 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 assisted in the repatriation of transnational child trafficking victims and provided protective services for other potential victims; however, it did not report data regarding its assistance and data collection remained a significant concern during the reporting period. During the reporting period, the government funded and facilitated the repatriation of 20 child trafficking victims forced to work in Gabon. The children, who originated from four villages in Togo, were initially held in Benin and Nigeria prior to being transported by boat to Gabon.

After repatriation, the government reunited the children with their families in Togo. In 2014, the government reported identifying 712 potential child trafficking victims, including 351 boys and 361 girls; the majority of these children were intercepted and rescued prior to reaching their destinations, where they likely would have faced exploitation as farm laborers or domestic servants. The government did not report the number of children referred to care facilities. The government did not identify any adult victims of trafficking.

In Lome, the Ministry of Social Affairs (MSA) continued to run a toll-free 24-hour helpline, Allo 10-11, which received an unknown number of 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 comprised of government officials and NGOs, continued to operate jointly with the police an ad hoc referral system to respond to hotline tips. The 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 the Oasis Center provided shelter, legal, medical, and social services to child victims up to age 14. The government was unable to provide the total 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 and support 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.

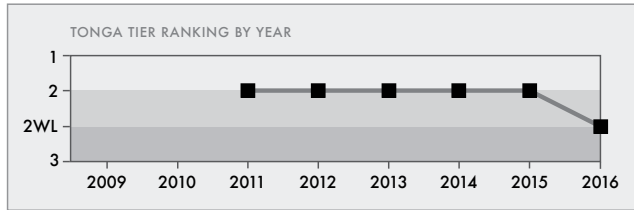
## PREVENTION

The government continued minimal efforts to prevent child trafficking during the year and showed no discernible efforts to prevent adult trafficking. The government employed 109 labor inspectors across all five regions during the reporting period, an increase of 23 inspectors from the previous year. Despite the increase, there were still far too few inspectors to effectively investigate child labor cases. An NGO reported inspectors often did not address even obvious cases of child labor in large, open-air markets in urban centers. The government has not instituted policies or laws regulating foreign labor recruiters to hold them civilly and criminally liable for fraudulent recruiting. The government reduced the demand for forced labor through the continuation of a program partnering with 30 traditional religious leaders to eliminate the practice of religious “apprenticeships”—a practice in which children are entrusted to religious leaders who exploit them in forced domestic work, or sexual slavery when parents are unable to pay school fees. The government has not updated its national action plan since 2008. The government did not take any discernible measures to decrease 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 or guidance for its diplomatic personnel.

## TONGA: Tier 2 Watch List

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. There are reports of foreign men who attempted to transit Tonga in situations of potential debt bondage.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tonga is placed on Tier 2 Watch List. During the reporting period, the police force began to include anti-trafficking as part of its training of new recruits. In addition, it provided 50,000 pa’anga (\$23,507) to an NGO that assists women and child victims of crime, including potential trafficking victims. While the government began investigating one potential trafficking case, it remained without formal procedures for the identification of trafficking victims. The government did not make progress in establishing a national coordinating body on human trafficking or in developing anti-trafficking awareness campaigns.



## RECOMMENDATIONS FOR TONGA:

Develop and fully implement procedures to identify trafficking victims proactively among vulnerable groups; increase training for law enforcement officials and labor inspectors on human trafficking, including on how to identify and assist victims; increase efforts to investigate and prosecute trafficking crimes, including child sex trafficking, and punish traffickers; ensure anti-trafficking laws are not limited to cross-border movement; provide Asian-language interpretation services to facilitate identification of foreign victims and their referral to care and cooperation with law enforcement; enact a law or policy to provide explicit protections for trafficking victims, such as restitution, legal and medical benefits, and immigration relief; develop and conduct anti-trafficking information and education campaigns; raise awareness of child sex trafficking; develop a national action plan and establish a coordinating body to guide national anti-trafficking efforts; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government made minimal anti-trafficking law enforcement efforts. The Counter Terrorism and Transnational Organized Crime Act does not prohibit all forms of trafficking because it defines trafficking only as a transnational crime. 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 identified any trafficking victims or prosecuted any trafficking cases. The government initiated one investigation of a potential trafficking case involving Bangladeshi men in conditions indicative of forced labor and began to include anti-trafficking in persons training 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 made minimal efforts to protect trafficking victims, identifying four potential trafficking victims during the reporting period. Nonetheless, it did not develop or employ systematic procedures for victim identification among at-risk groups, such as undocumented migrants or women in prostitution. The government has procedures to refer crime victims to an NGO service provider for assistance and referred trafficking victims to counseling services in 2015. The government provided 50,000 pa’anga (\$23,507) to one local NGO for operations to assist women and children victims of crime; although trafficking victims were eligible to use these services, no identified trafficking victims benefited from these services in 2015. 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. In the one potential human trafficking case under investigation, the government provided permits to the foreign males found to be in conditions indicative of forced labor, allowing them to reside and work in Tonga legally during the investigation. 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 have the ability to file civil cases against their traffickers, but none filed such cases in 2015. There were no reports officials penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking.

## PREVENTION

The government made negligible efforts to prevent human trafficking. The government did not develop a national action plan to combat trafficking, establish a coordinating body to spearhead anti-trafficking efforts, or conduct educational campaigns to increase awareness of trafficking in Tonga. The government did not take action to reduce the demand for commercial sex acts or forced labor during the reporting period. The government did not provide anti-trafficking training to its diplomatic personnel. Tonga is not a party to the 2000 UN TIP Protocol.

## TRINIDAD AND TOBAGO: Tier 2 Watch List

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 noted the availability of children for commercial sex through classified ads and that children are subjected to 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 and the retail sector. Immigration officials note an increase in international criminal organizations' involvement in trafficking, and NGOs report young boys are coerced to sell drugs and guns. New brothels continue to open across the country, particularly in the east where they are incorporated into small bars and rum shops and are difficult to detect; NGO and police sources note that both prostitution and trafficking are historically dependent on police corruption. Law enforcement and civil society organizations reported some police and immigration officers facilitate trafficking and some law enforcement officials exploit sex trafficking victims.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Trinidad and Tobago is placed on Tier 2 Watch List for the second consecutive year. Following the election of a new government in September 2015, the government demonstrated renewed political will to combat human trafficking. The government increased funding for

its anti-trafficking unit, which sustained efforts to identify trafficking victims and refer them to care. The government also increased training for law enforcement, conducted public awareness activities, and adopted a national plan of action as mandated under the law. The government reported one new investigation of a complicit official. It acknowledged a larger complicity problem, but has not held anyone criminally accountable, thus it has not effectively addressed the rampant complicity problem. The government has never convicted an individual under its anti-trafficking law, including officials complicit in trafficking.



## RECOMMENDATIONS FOR TRINIDAD AND TOBAGO:

Investigate, prosecute, and convict traffickers, including complicit immigration and law enforcement officials; develop specialized services for victims in collaboration with NGOs, and ensure adequate funding for robust services; 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; train law enforcement and prosecutors in proactively identifying, obtaining, preserving, and corroborating evidence to reduce dependence on victim testimony; further expand training and outreach to educate officials about the manifestations of trafficking in the country to aid in the effective investigation of sex and labor cases and prosecution and conviction of traffickers; raise public awareness, especially among the migrant population, about forced labor; and continue implementing the national action plan.

## PROSECUTION

The government made modest law enforcement efforts; official complicity continued to undermine 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. The Children Act (2012), which entered into force in May 2015, prescribes penalties of 10 years' to life imprisonment for subjecting a child to prostitution. These 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 53 possible cases of trafficking, at least one of which was for labor trafficking, compared with 35 cases in 2014. The government initiated the prosecution of five accused traffickers under the anti-trafficking law, compared with one in 2014 and 12 in 2013. The government also charged one suspected trafficker in its first child sex trafficking case. Prosecutions from previous reporting periods involving 10 suspected traffickers were ongoing. The government has yet to convict a trafficker. Inefficiencies in the judicial system resulted in a significant backlog of cases. The interagency counter-trafficking unit within the national security ministry led efforts to investigate sex trafficking and forced labor and provide victim services, but suffered from institutional challenges. Its staff of police and immigration officers reported to their respective agencies



and not to the head of the unit. The unit lacked permanent leadership throughout the reporting period. The government assigned four additional personnel to the unit during the reporting period, bringing the total to 10 law enforcement and two immigration officers, and increased the unit's budget to eight million Trinidad and Tobago dollars (TTD) (\$1.25 million) for fiscal years (FY) 2015-2016 from five million TTD (\$780,800) for FY 2014-2015.

The national security ministry reported that law enforcement and immigration officials were complicit in trafficking crimes. The government reported one new investigation of a police officer complicit in sex trafficking; the 2013 prosecution of a law enforcement official for the sex trafficking of three Colombian nationals remained ongoing. Some government officials report that law enforcement and immigration officials received bribes in exchange for protection and sabotaging police investigations. A national security ministry source said one police station routinely sent new recruits to purchase commercial sex from a local brothel. In a separate case, an NGO reported that police frequented a brothel to procure commercial sex, including from potential trafficking victims, and brothel owners intimidated victims by claiming friendship with police officials. In 2015, the government reported no evidence of official complicity in a case from December 2014, reportedly involving a trafficking network in which immigration and police officers were supposedly involved in facilitating the sex trafficking of Venezuelan women. The counter-trafficking unit conducted anti-trafficking training for more than 100 police officers, with assistance from an international organization, and provided funding for 40 government officials and law enforcement to participate in a two-week advanced human trafficking law enforcement training course. The government collaborated with authorities in Venezuela to investigate suspected trafficking cases. During the reporting period, the labor ministry provided targeted training to 18 labor inspectors to help them identify possible cases of human trafficking. The government has sought assistance from and collaborated with the U.S. embassy on combating trafficking.

## PROTECTION

The government sustained efforts to identify and protect trafficking victims. The government identified and referred six trafficking victims to care—five Venezuelan adult female victims and one Trinbagonian minor female victim of sex trafficking—compared with eight in 2014. The counter-trafficking unit partnered with NGOs and public hospitals to provide basic services to victims, including medical care and counseling; no specialized services exist. Domestic violence shelters, which received some government funding, provided accommodation to adult female trafficking victims. In the case of men and children, the government provided shelter mainly by securing private safe houses. Other government-funded victim care services available included food, medical assistance, translation services, psychological counseling, legal services, and arranging contact with families; at least two victims received legal services during the reporting period. NGOs reported deficiencies in the counter-trafficking unit's ability to arrange assistance for victims, which they attributed to poor but improving coordination between the unit and service providers. The counter-trafficking unit spent approximately one million TTD (\$156,200) on victim care and protection, the same amount spent in 2014. It provided some funding to NGOs that in turn provided direct care and assistance; however, there were questions by NGOs about whether the funding was sufficient. Victims housed in NGO-run shelters were allowed freedom of movement after an

initial security assessment by the government; victims housed in alternative accommodations were under constant watch by unit officers.

The counter-trafficking unit developed a screening form to identify victims and new procedures to guide front-line officials in the identification and referral of potential victims, which it disseminated to law enforcement. The referral process remained ad hoc in practice. The government did not punish any identified trafficking victims for crimes committed as a direct result of a trafficking situation; however, unidentified victims were vulnerable to being inadvertently punished or charged with immigration or prostitution violations. The government provided five Venezuelan trafficking victims with work and residence permits to remain in the country to assist law enforcement in trafficking investigations. Most foreign victims provided a statement to aid in prosecution prior to repatriation. The government afforded witness protection to victims that chose to participate in the trial process and allowed them to return to their home countries between court hearings. The government partnered with an international organization and victims' home governments to ensure safe repatriation.

## PREVENTION

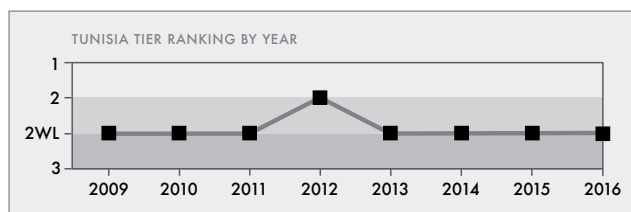
The government increased efforts to prevent trafficking. The inter-ministerial national taskforce on trafficking met three times during the reporting period. The taskforce approved a national plan of action. The counter-trafficking unit engaged more than 50 government and NGO stakeholders for three days in a national threat assessment, and presented the findings to the taskforce, but had no plans to make the assessment public. The national security minister presented the counter-trafficking unit's mandated annual report on the government's 2014 anti-trafficking efforts to Parliament in November 2015. The trafficking unit launched a two-month country-wide official awareness campaign via public service announcements on local television and radio stations to educate the public and publicize the toll-free hotline through which individuals can report suspected human trafficking cases. The government also provided a small amount of funding toward a six-month NGO-run child trafficking awareness campaign that displayed prevention messages on billboards. The trafficking unit held awareness events at youth camps and universities, and provided financial support to assist in the production of two films seeking to raise awareness of trafficking. These activities contributed to an increased number of calls to the hotline, from five per month to five per week, and to creating greater public discourse on the issue. The government did not provide anti-trafficking training or guidance for its diplomatic personnel. The government made efforts to reduce the demand for commercial sex acts and for forced labor during the reporting period. Authorities did not report any cases of child sex tourism investigated or prosecuted during the reporting period.

## TUNISIA: Tier 2 Watch List

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, 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. Migrants fleeing unrest in neighboring countries continue to be vulnerable to trafficking in Tunisia. Security officials reported in 2014 that organized gangs force street children to serve as thieves and beggars and to transport drugs.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Tunisia is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Tunisia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards. As in the previous reporting period, Parliament did not pass draft anti-trafficking legislation, and due to the lack of legal framework, the government did not provide a clear mandate for officials to address human trafficking crimes effectively. The government reported investigating and prosecuting potential trafficking crimes, but without the details of the cases it was unclear how many—if any—traffickers were adequately punished. The government did not fully implement victim identification guidelines or the national victim referral mechanism; therefore, some trafficking victims remained unidentified and vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking. Nevertheless, authorities identified and provided protection services to some trafficking victims in government-operated centers for vulnerable groups. Although the government's inter-ministerial anti-trafficking committees remained active during the reporting period, political, economic, and security challenges in Tunisia prevented the government from dedicating resources and attention to human trafficking issues.



### RECOMMENDATIONS FOR TUNISIA:

Enact anti-trafficking legislation that prohibits and adequately punishes all forms of human trafficking consistent with the 2000 UN TIP Protocol; in the absence of a law, use existing criminal statutes to prosecute trafficking offenses and convict and punish offenders with imprisonment; implement formal procedures to identify trafficking victims among vulnerable groups, such as street children, undocumented migrants, domestic workers, and persons in prostitution, and train officials on their use; 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; provide adequate protection services to all trafficking victims distinct from other vulnerable groups, including adequate shelter and rehabilitative services, and ensure staff at government-operated centers are trained to provide trafficking victims with specialized care; ensure victims are not punished for unlawful acts committed as a direct result of being subjected to trafficking, such as prostitution and immigration violations; and increase anti-trafficking trainings for all officials.

### PROSECUTION

The government demonstrated limited anti-trafficking law enforcement efforts and did not yet enact draft anti-trafficking legislation introduced to Parliament in May 2014. The absence of a law greatly hindered law enforcement efforts, including data collection and case management, and contributed to the government's inability to differentiate human trafficking from other crimes. In various disparate statutes, the penal code prohibits some forms of human trafficking but prescribes penalties that are not sufficiently stringent or commensurate with penalties prescribed for other serious crimes, such as rape. The penalties prescribed for rape range from five years' imprisonment to the death penalty. The criminal code prescribes one to three years' imprisonment for forced prostitution of an adult, which are not commensurate or sufficiently stringent. The criminal code prescribes three to five years' imprisonment for sex trafficking of a child, which are commensurate and sufficiently stringent. The penal 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. As in the previous reporting period, the government did not report data on prosecutions and convictions of human traffickers due to the lack of a legal anti-trafficking framework. However, in 2015, the Ministry of Interior reported investigating more than 500 cases involving sexual exploitation of women and 41 cases involving children in forced begging, a significantly higher number of investigations than the 25 potential trafficking cases in 2014. The Ministry of Justice reported data on prosecutions of other crimes during calendar year 2014, such as begging, prostitution, kidnapping, and rape, but without additional details, none of these cases appeared to involve human trafficking crimes. The ministry also reported prosecuting 81 labor code violations in 2015, but it did not report if any of these cases involved human trafficking crimes. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government provided training sessions during the reporting period for judicial and law enforcement officials and other relevant ministries.

### PROTECTION

The government made limited efforts to identify and provide protection services to trafficking victims, while unidentified victims remained vulnerable to punishment for unlawful acts committed as a direct result of being subjected to human trafficking. In 2015, the government identified and assisted three Tunisian trafficking victims exploited abroad, and it provided assistance to 20 victims identified by an international organization subjected to trafficking in Tunisia. Despite these efforts, this demonstrates a decline in comparison to 59 victims the government identified in 2014. Although some law enforcement, immigration, and social service officials received training to identify trafficking victims among high-risk

populations, the government lacked formal victim identification procedures and 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. An international organization reported in 2015 that police detained a sex trafficking victim on prostitution violations but later released the victim without charge; the government did not provide the victim with protection services. The government maintained a national victim referral mechanism for officials to refer trafficking victims to government-operated social centers or NGO-run shelters; however, it was unclear how many victims officials referred to protection services during the reporting period.

The government did not dedicate a budget specifically for the provision of protection services to trafficking victims; however, the Ministry of Social Affairs (MSA) reportedly provided more than \$250,000 to civil society organizations for the provision of social services to vulnerable populations, including trafficking victims. Three MSA-operated centers for vulnerable populations in Tunis, Sousse, and Sfax continued to be available to victims of all forms of trafficking. 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; in 2015, this center assisted 11 child victims of sexual exploitation and seven child victims of forced begging. MSA also continued to operate centers for vulnerable populations, including trafficking victims, victims of domestic violence and sexual assault, asylum-seekers, unaccompanied minors, and the homeless. The centers provided food and lodging, clothing, legal aid, medical care, education for child victims, and psychological services; however, it was unclear how many trafficking victims received services in these centers during the reporting period. The government reportedly offered temporary residency status and repatriation services—in coordination with international organizations—to foreign trafficking victims, although it did not report how many victims received these services in the reporting period; trafficking victims were not allowed to seek legal employment while under temporary residency status. The government did not have policies in place to encourage victims to participate in the prosecution of their traffickers, nor did it offer foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution.

## PREVENTION

The government improved efforts to prevent trafficking. The inter-ministerial anti-trafficking working group met four times in 2015 to coordinate anti-trafficking policy, with representation from civil society and international organizations. In May 2015, the Ministry of Justice formed a national interim committee on human trafficking, which included trafficking focal points from relevant ministries; the committee also met four times during the reporting period to update the national anti-trafficking action plan, finalize language in the draft anti-trafficking legislation, and coordinate anti-trafficking efforts among relevant ministries. During the reporting period, the government implemented parts of its draft national anti-trafficking action plan related to victim assistance and prevention activities; however, it did not implement law enforcement or judicial activities in the plan because it did not have a legal anti-trafficking framework to support them. The government conducted multiple anti-trafficking public awareness campaigns during the reporting period. The government reported efforts to reduce the demand for forced labor. To prevent fraudulent labor

recruitment practices, the Ministry of Professional Training and Employment ordered 26 unauthorized recruitment bureaus to register formally with the ministry; it also brought procedures against 15 recruitment agencies for failing to comply with labor regulations. 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.

## TURKEY: Tier 2

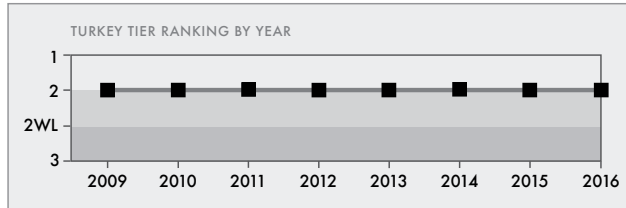
Turkey is a destination and transit country, and to a lesser extent source country, for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Syria, and Morocco. Georgian men and women are subjected to forced labor. Foreign victims are offered cleaning and childcare jobs in Turkey and, upon arrival, traffickers force them into prostitution in hotels, discos, and homes. Turkish women may be subjected to sex trafficking within the country. The Government of Paraguay reported working with an international organization to repatriate Paraguayan trafficking victims from Turkey. The government and NGOs report traffickers increasingly use psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Transgender persons may be particularly vulnerable to trafficking, suffering from lack of protection by authorities and alleged police violence.

Displaced Syrians, Afghans, Iraqis, and Iranians are increasingly vulnerable to trafficking in Turkey, particularly as an estimated one million Syrians and 100,000 Iraqis arrived in Turkey during the reporting period, with little or no access to legal employment. An increasing number of Syrian refugee children engage in street begging and also work 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. Syrian refugee women and girls are vulnerable to sex trafficking by prostitution rings, including those run by extremist groups in Turkey. Some Syrian girls have been reportedly sold into marriages with Turkish men, in which they are highly vulnerable to domestic servitude or sex trafficking. International organizations report extremist groups increasingly recruit through fraud or coercion foreign men, women, and children from Central Asia, Indonesia, and Trinidad to join extremist fighters in Syria; some of these individuals may willingly join the Islamic State in Iraq and the Levant militants, including some girls who were reportedly forced to remain in Syria against their will after offering to marry fighters. Reports indicate youth, sometimes under coercion, participate in Kurdistan Workers' Party forces, a group designated as a terrorist organization by the United States and Turkish governments.

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 increased law enforcement efforts against traffickers, identified significantly more victims than the previous year, including a small number of Turkish citizens and Syrian refugees, and passed a new regulation providing added legal support to its fight against trafficking. Efforts to protect the growing and highly vulnerable refugee and migrant communities in the country remain inadequate, and the government continued to face capacity constraints in addressing the increasing challenges. The government approved a regulation in January 2016 establishing a work-permit regime for Syrians under temporary protection in order to reduce



their economic vulnerability. The government also stated that it screened for trafficking indicators in all migration and asylum-related interviews. The government continued to train front-line responders in victim identification, prosecution, and protection measures. However, the government did not convene its interagency trafficking taskforce or renew its national anti-trafficking action plan, which was created in 2009. Some officials, including police, downplayed the seriousness of the crime and failed to recognize the need for increased vigilance to combat trafficking among the refugee population.



### RECOMMENDATIONS FOR TURKEY:

Vigorously investigate, prosecute, and convict traffickers, including forced labor offenders, and provide comprehensive law enforcement statistics to demonstrate such efforts; formalize the national referral mechanism and significantly increase victim identification efforts among vulnerable populations, such as refugees, women and girls in prostitution, and children begging in the streets; provide specialized care for all victims, including children, Turkish, and male victims; conduct interviews with potential victims identified by NGOs; provide victims unhindered access to protection services, including through the funding of NGO-led shelters; continue to train law enforcement and other first responders on victim identification, including recognizing the signs of non-physical methods of control used by traffickers and increase cooperation with NGOs and international organizations in victim identification and referral to assistance; establish a victim-centered framework for victim identification and assistance with stable funding and institutionalized partnerships with NGOs; ensure the interagency anti-trafficking taskforce convenes regularly and provides effective policy implementation; develop a national action plan to combat trafficking; and increase incentives for victims to voluntarily assist in the investigation and prosecution of traffickers, including the use of victim advocates.

### PROSECUTION

The government demonstrated increased law enforcement efforts to combat sex trafficking, but did not take direct action to address forced labor. Article 80 of the penal code prohibits both sex and labor trafficking by use of force, threats, or abuse of power and prescribes penalties of eight to 12 years' imprisonment. Article 227(1) prohibits the facilitation of child prostitution and prescribes penalties of four to 10 years' imprisonment. Penalties under both articles are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The 2013 "Foreigners and International Protection Act" provides a legal definition of trafficking and establishes trafficking victims' eligibility for a special type of residence permit that can be renewed for up to three years.

The Ministry of Justice reported prosecuting 238 suspects in 50 new sex trafficking cases under article 80 in the first three quarters of 2015. It did not provide the details of these cases. In addition, the Ministry continued to prosecute 188 cases from the previous year with a total of 1,484 suspects, completing

a total of 75 cases during the first three quarters of 2015. Courts convicted 37 traffickers under article 80. All convicted traffickers received prison sentences, and 35 were also fined. The government acquitted 306 suspected traffickers, resulting in a 90 percent acquittal rate for criminal cases. The prosecutions and convictions reported in 2015 marked an overall increase from 2014, when the government prosecuted 749 defendants in 71 cases and convicted 25 traffickers. Observers criticized the government's inefficient handling of victims' statements, which were recorded during victim identification interviews and again during the early stages of the investigation, but often disregarded by judges, who required new statements, even post-repatriation, placing an unnecessary burden on victims. The government reported no new prosecutions or convictions of government employees complicit in trafficking offenses. The government reported entering into anti-trafficking cooperation agreements with various countries in Central Asia and Eastern Europe, and it began criminal processes against 87 alleged traffickers in cooperation with Georgian authorities during the reporting period, compared with 26 in the previous reporting period. The government provided anti-trafficking training to 3,673 officials, including law enforcement, prosecutors, judges, and deputy governors in 2015.

### PROTECTION

The government increased protection efforts. The government identified 108 trafficking victims, including two Turkish victims and nine Syrian refugees, during the first three quarters of 2015, compared with 50 in the previous year. Ninety-one victims were female, 17 victims were male. Twenty-six victims were children, a significant increase from two children identified during the previous reporting period. The government did not report a breakdown of the number of victims exploited in sex or labor trafficking; however, sex trafficking remained the most common form of trafficking, despite an increase in the number of labor trafficking victims. Fifteen of the 17 male victims were Afghans subjected to forced labor, including 14 children. Thirty-five victims were between ages 18-25; 40 were between the ages of 26-35; and seven victims were over age 36. The victims were predominantly from Central Asia, Eastern Europe, Georgia, Ukraine, and Syria. Ninety-eight victims accepted support services and 84 elected immediate repatriation, which the government facilitated. The government reported using its national referral mechanism for victim identification and assistance, which included law enforcement, civil society groups, embassies, and international organizations. During the reporting period, the government approved a new regulation that further defines the roles and reporting lines across government agencies in the national referral mechanism. Although there were no reports that the government punished trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking, NGO contacts report that front-line police officers often failed to identify sex trafficking victims, particularly among women in prostitution, and deported them without providing them access to victim assistance. NGOs reported providing shelter and services to 89 trafficking victims, including 7 children. Most victims were repatriated; however, 32 sex trafficking victims, most of whom were single mothers exploited in Turkey, remained in Turkey after receiving protective services. Observers expressed concern that law enforcement for Syrians was handled differently than for other foreigners, noting Syrians might not be channeled through the national referral mechanism. NGOs continued to report some front-line responders and police officers were not trained in victim identification and assistance, and police and prosecutor re-assignments and firings made it difficult for

NGOs to coordinate effectively with law enforcement officials.

The government reported budgeting 1.2 million Turkish Lira (\$400,000) for three NGO shelters offering assistance to trafficking victims, including psychological and medical care, legal counseling on humanitarian visa and residence permit issuance, and counseling on their rights to return home; however, it did not specify the timeframe for this budget. The government also reported providing an additional 190,000 euros for these shelters via a partially donor-funded project. As in previous years, NGOs noted their biggest challenge was ensuring consistent funding to operate shelters and provide protective services. The government did not offer specialized facilities for Turkish, male, or child trafficking victims; however, during the reporting period several child and male victims were placed in shelters run by the Ministry of Family and Social Policies (MOFSP). The Directorate General for Migration Management (DGMM) and MOFSP drafted an operating protocol during the reporting period to guide their coordination in placing child and male victims in MOFSP shelters. The government continued to grant any identified foreign trafficking victim automatic residency status for 30 days, which could be extended for up to three years; victims were not repatriated unless they requested it. Observers reported the distribution of DGMM's social workers and psychologists throughout the country was uneven, although the government hired 45 social workers and 45 psychologists to work on trafficking cases in the provinces. In addition, NGOs alleged that the government delegated significant authority for victim identification interviews to newly-hired migration experts who lacked specialized trafficking experience. This reduced the quality of victim identification efforts and potentially re-traumatized 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.

## PREVENTION

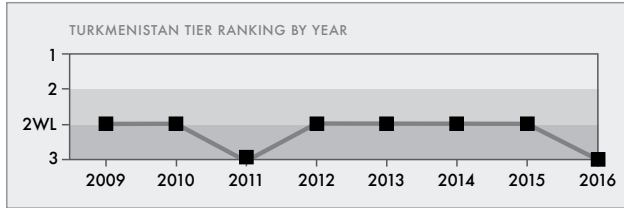
The government increased some prevention efforts; however, efforts on key national-level coordination mechanisms were stalled. The government did not convene its interagency taskforce on combating human trafficking during the reporting period; however, it convened working groups to discuss interagency cooperation and the referral mechanism. DGMM's Department for the Protection of Victims of Human Trafficking, which has the primary responsibility for coordinating the government's anti-trafficking efforts, hired a new director, engaged and trained new staff, and drafted a regulation that will provide greater legal definition to national efforts to combat trafficking in persons, including interagency cooperation. The government did not update its 2009 national action plan. The government took over operational control of the hotline for trafficking victims and law enforcement tips, and it publicized the phone number on pamphlets and posters in airports and other ports of entry around the country. The scope of the hotline expanded in 2015 from trafficking to include all migration-related issues, which increased the complexity of staffing the line with persons qualified to handle trafficking allegations. DGMM opened offices in all 81 provinces and tasked them with coordinating with law enforcement in identifying trafficking victims. The government also conducted public outreach on human trafficking in mid-2015. In January 2016, Turkey ratified the Council of Europe's Convention on Action against Human Trafficking, which has an independent monitoring mechanism. In January 2016, the government adopted a regulation allowing Syrians registered for temporary protection to work legally in the country. The government registered more refugees in the country, which

made them eligible for protective services. The provincial offices of the DGMM reportedly screened for trafficking indicators in all migration and asylum-related interviews. The government funded an expert to analyze the effectiveness of the referral mechanism. In September 2015, the government conducted field research on potential trafficking cases in media reports, although the scope of this effort remained unclear. The government neither made efforts to reduce the demand for commercial sex acts or forced labor, nor demonstrated efforts to prevent child sex tourism by Turkish nationals traveling abroad; furthermore, it denied child sex tourism occurred within Turkey or involving its nationals abroad. Turkish armed forces participated in anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

## TURKMENISTAN: Tier 3

Turkmenistan is a source country for men, women, and children subjected to forced labor and sex trafficking. 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. Residents of rural areas are the most at risk of becoming trafficking victims. Turkey and Russia are the most frequent destinations of Turkmen victims, followed by other countries in the Middle East, South and Central Asia, and Europe. Internal trafficking within the country is also a problem. Workers in the construction sector are vulnerable to forced labor. The ILO Committee of Experts' report "notes with deep concern the widespread use of forced labour 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, having work hours cut, 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.

The Government of Turkmenistan 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 Turkmenistan 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. During the reporting period, the government continued to mobilize forced labor and did not take action to end its use of forced labor in the cotton harvest during the reporting period. The government adopted a 2016-2018 national action plan on March 18, 2016, which was the top recommendation in the 2015 TIP Report. It identified 12 trafficking victims, prosecuted three cases of trafficking in persons, and convicted nine traffickers. The government did not fund international organizations or NGOs to provide victim services, although it approved foreign funding for these services through international organizations.



## RECOMMENDATIONS FOR TURKMENISTAN:

Take substantive action to end the use of forced adult labor during the annual cotton harvest, particularly by modifying the governmental policies that create pressure for mobilizations of labor; provide victim care services directly or by funding civil society; train police to recognize and investigate sex and labor trafficking crimes occurring within Turkmenistan; develop formal written procedures to identify and refer victims to protection services and train police, migration officers, and other relevant officials on such procedures; investigate and prosecute suspected trafficking offenses using article 129, respecting due process, and convict and punish trafficking offenders; continue to provide training for relevant government authorities on the proper application of article 129; and increase awareness of trafficking among the general public through government-run campaigns or financial support for NGO-run campaigns.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The government prohibits all forms of trafficking in persons through article 129 of its criminal code. Prescribed penalties under this statute range from four to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 129, however, provides that, unless certain aggravating circumstances are present, a convicted trafficking offender would not be sentenced if he or she voluntarily freed the victim. The government initiated prosecution of three cases under article 129 in 2015, compared with six cases in 2014. The government reported convictions of nine persons in 2015, compared with nine in 2014. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. The government reported it independently trained officials on trafficking-related issues.

## PROTECTION

The government made limited efforts to protect and assist victims. The government identified 12 victims in 2015; the government identified 19 victims in 2014 and 33 in 2013. An international organization reported assisting 40 victims. 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 services to eight female victims in 2015. During the reporting period, the government did not have formal written procedures to identify victims or a formal process to refer victims to care providers, but the government agreed to create these procedures in March 2016. In the interim, migration officers would informally refer suspected trafficking victims to an international organization, which screened and later referred victims to the shelter. Government officials attended a workshop organized by an international organization in May 2015 on developing an identification and

referral mechanism, and the government agreed to establish a national referral mechanism. 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 where such assistance was provided during the year, and NGOs indicated some victims were required to pay for their own treatment. Prosecutors recognized the right of victims to come forth voluntarily and 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 and, consequently, officials might have penalized sex trafficking victims for prostitution offenses. Government officials asserted trafficking has never occurred on Turkmen territory; rather, it occurred only to Turkmen who were abroad. After some Turkmen, including victims of trafficking, 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, but the government reported that it stopped fining persons deported from foreign countries, including potential victims.

## PREVENTION

The government made increased efforts to prevent human trafficking, but it did not take steps to remove forced labor from the cotton harvest. The government approved its first-ever national action plan to combat trafficking in March 2016. The action plan was developed in conjunction with civil society experts, and its planned activities spanned from 2016 to 2018. The plan's objectives included, among other goals, developing guidelines for the identification of victims, increasing victims' access to rehabilitation services, and increasing the anti-trafficking capacity of law enforcement. The government's approved 2016 budget included funding for the plan's implementation. The government approved the requests of an international organization and NGOs to conduct public information events and campaigns, including through state-owned newspapers. The government reported an international organization provided anti-trafficking training for its diplomatic personnel. The stateless population in Turkmenistan, mostly consisting of former Soviet citizens, was vulnerable to trafficking, but in 2015 the migration service worked with UNHCR to grant Turkmen citizenship to 361 stateless persons. The government made efforts to reduce the demand for commercial sex acts.

## UGANDA: Tier 2

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 7 years old are exploited in forced labor in the country in agriculture, fishing, forestry, cattle herding, mining, stone quarrying, brick making, car washing, scrap metal collection, street vending, bars, restaurants, and domestic service. Prisoners in pre-trial detention engage in forced labor alongside convicts. Girls and boys are exploited in prostitution. Women and children from Uganda's remote and underdeveloped Karamoja region are particularly vulnerable to domestic servitude, commercial sexual exploitation, and forced begging. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and prostitution in Uganda. Ugandan children

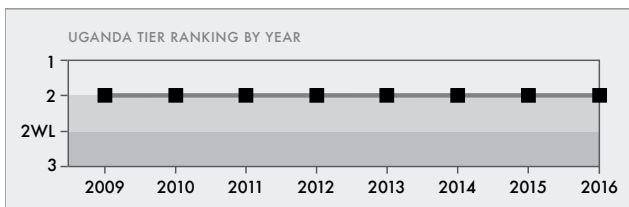


are taken to other East African countries for similar purposes and forced to engage in criminal activities. Additionally, many Karamojong children in Eastern Uganda endure forced labor in grazing and domestic servitude or are taken to Kampala where they are exploited. South Sudanese children in refugee settlements in northern Uganda are vulnerable to trafficking, and UNHCR suspects instances of trafficking involving this population. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters; Ugandan children and adults previously abducted remain unaccounted for, and some 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.

Licensed and unlicensed Kampala-based security companies and employment agencies continued to recruit Ugandans to work as security guards, laborers, and drivers in the Middle East. Some Ugandan migrant workers endured forced labor in South Sudan, United Arab Emirates (UAE), Saudi Arabia, Qatar, and Kuwait, even when recruited by licensed agencies. Official complicity hindered government oversight of labor recruitment agencies. Despite a ban on recruiting Ugandans for domestic work overseas, licensed and unlicensed agencies circumvented this ban, recruiting for "cleaners" or other trades with the intent of employing women in domestic work. Some Ugandan women fraudulently recruited for employment in the Middle East were exploited in forced prostitution in UAE, Oman, Saudi Arabia, and Qatar. Illegal Kampala-based labor recruiters and brokers also operated in Rwanda, and illegal Nairobi-based recruiters were active in Uganda, recruiting Ugandans and resident Rwandans and Kenyans through fraudulent offers of employment in the Middle East and Asia.

A network of Ugandans reportedly coordinated sending Ugandan women to Kuwait and UAE where they were subjected to forced labor and forced prostitution. During the reporting period, the government reported the top destination countries for Ugandan trafficking were UAE, South Sudan, and Saudi Arabia, with the largest number of Ugandan victims identified in UAE.

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 investigated 108 trafficking cases in 2015, involving 347 victims. It reported 15 prosecutions and three convictions in 2015, in comparison with 23 prosecutions and four convictions the previous reporting period. It maintained strong efforts to identify trafficking victims and in 2015 began implementing standard procedures to identify child victims. The government did not provide victims with adequate services and relied on international organizations and NGOs to provide necessary care. The Coordination Office to Combat Trafficking in Persons (COCTIP) made efforts to raise public awareness. The government allocated funding to COCTIP for the first time. Limited funding for the Ministry of Gender, Labor, and Social Development (MGLSD), and its External Employment Unit (EEU), resulted in restricted services for victims.



## RECOMMENDATIONS FOR UGANDA:

Significantly increase the availability of victim services by allocating resources for direct care provision or to NGOs that assist victims; designate an official entity to coordinate and oversee services for trafficking victims to ensure appropriate services are rendered; increase resources dedicated to anti-trafficking efforts within EEU and the Ministry of Internal Affairs (MIA); increase funding to Ugandan embassies to better assist trafficking victims abroad; establish policies and procedures for all front-line officials to identify adult trafficking victims and refer them to entities providing formal victim assistance; finalize regulations to fully implement the protection and prevention provisions of the 2009 Prevention of Trafficking in Persons (PTIP) Act; increase efforts to prosecute, convict, and punish traffickers; complete amendments to labor export regulations and use existing laws to proactively investigate and punish labor recruiters contributing to the sending of Ugandans into 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, with a particular focus on forced labor; and accede to the 2000 UN TIP Protocol.

## PROSECUTION

The government maintained strong anti-trafficking law enforcement efforts. The 2009 PTIP Act prohibits 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. Amendments were proposed by EEU seeking to increase oversight of employment contracts and extend criminal liability for trafficking offenses to labor recruiters. These amendments remained pending for the fourth consecutive year.

The government reported 108 trafficking investigations, 15 prosecutions, and three convictions in 2015. One trafficker was sentenced to one year's imprisonment for labor and sexual exploitation; another was sentenced to a fine of 800,000 Ugandan shillings (\$235) for labor exploitation; and the third trafficker was fined 200,000 Ugandan shillings (\$58) for labor exploitation. As the anti-trafficking act prohibits illegal adoption and child selling, government-reported statistics may include such cases, which are not considered trafficking in persons under the 2000 UN TIP Protocol definition unless the adoption and child selling is for the purpose of forced labor or sex trafficking. In one case, the government prosecuted an Indian national for the labor exploitation of 43 Indians. 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 subsequently left the United States. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. Some civil servants and members of Parliament who own labor recruitment firms interfere in the certification of some firms, and, at times, use promises of good jobs abroad as a means to seek votes. Some judicial officers were not aware of the PTIP Act. NGOs reported trafficking victims are often paid monetary settlements by suspects to withdraw their requests and support for trafficking prosecutions. The government maintained its cooperative efforts with Rwanda, Kenya, and South Sudan.

However, its ability to cooperate internationally on trafficking investigations was hampered by a lack of funding.

The national taskforce, with support from international donors, provided training and logistical assistance for more than 224 law enforcement officials, social workers, and civil aviation officers on identification procedures, case management, investigation and prosecution techniques, and on guidance for assisting child trafficking victims during the year. In March and April 2015, Makerere University's Department of Social Work and Administration trained five police officers from the Child and Family Protection Unit on the protection of child victims. In collaboration with an international organization, MIA created a training curriculum on trafficking issues for immigration officers.

## PROTECTION

The government made modest protection efforts. The government reported identifying at least 347 victims (an increase from 293 the previous reporting period), including 205 victims of forced labor and at least 21 of sex trafficking; the form of trafficking experienced by the remaining potential victims was unclear. Of the 347 victims, COCTIP registered 48 foreign trafficking victims, of whom 45 were Indian, two Tanzanian, and one Burundian. COCTIP also identified and referred to care 26 potential victims, including 22 Bangladeshis and four Ethiopians being transported through Uganda. In 2015, in partnership with NGOs, the national taskforce developed victim identification and assistance guidelines for child trafficking victims; the immigration department distributed these guidelines to immigration officers and provided training on their implementation. Nonetheless, the government remained without procedures to identify adult trafficking victims or a formal process to refer victims to protective services; however, the national taskforce and MGLSD consulted with an international organization to begin development of formal guidelines for victim referral. It did not complete implementing regulations for the 2009 PTIP Act or allocate funding for the implementation of its victim protection provisions. The government reported providing medical treatment, counseling assistance, and transportation through police clinics to victims; however, it continued to rely on NGOs and international organizations to provide most victim services. Victim care remained inadequate and services available were primarily for women.

The government provided repatriation assistance to seven Ugandan female trafficking victims from Saudi Arabia in January 2016. The government did not provide adequate shelter for many transnational victims identified outside of Uganda; it lacked funding and safe housing to temporarily house victims. In January 2016, the government banned the recruitment of domestic workers to Saudi Arabia due to reports of poor working conditions. While the PTIP Act prohibits the punishment of trafficking victims, due to lack of police awareness, the government detained trafficking victims, including children. Street children, including potential trafficking victims, were often held for up to three months at an under-resourced MGLSD juvenile rehabilitation center that provided food, medical treatment, counseling, basic education, and family-tracing services. Reports indicated police and communities treat 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 cases and to apply for residence and work permits. However, victims cited a lack of faith in the judicial process and long court procedures as reasons for not

remaining in the country to see their case through.

## PREVENTION

The government maintained its prevention efforts. The government launched and began to implement a national action plan to combat trafficking, but did not allocate sufficient resources for its full implementation. The MIA continued to oversee the government's COCTIP office, led by the national coordinator, a police commissioner. Staffing of the COCTIP office remained low. The national taskforce, 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 during the year.

In 2015, the government continued its national awareness campaigns—composed of talks, media outreach, and distribution of written materials. The national taskforce placed banners at MIA's Office of Police Special Investigation Division and INTERPOL with information on identifying traffickers and getting help. INTERPOL continued additional screening for trafficking indicators for those attempting to emigrate for work. Immigration officials scrutinized travel documents, passports, and reasons for travel before clearing travelers to depart Uganda for work in foreign countries; however, there were reports of passport confiscation and restrictions to Ugandan citizens' freedom of movement, which reportedly led migrants to take more precarious routes through neighboring countries, such as Kenya.

The government's oversight of labor recruitment agencies remained inadequate. For the second consecutive year, the MGLSD continued its review of the regulations on the export of labor for the purpose of addressing trafficking loopholes used by recruitment agencies. The existing Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, and Guidelines on the Recruitment and Placement of Ugandan Migrant Workers Abroad, 2015, remained in effect during this review process. Beyond corruption interfering in the oversight of labor recruitment firms, EEU remained understaffed, hindering implementation of its mandate; it did not conduct monitoring visits of employment agencies, as it had in the previous reporting period. The government did not report making efforts to close unlicensed recruitment agencies or suspend the licenses of those suspected of facilitating human trafficking; it merely recommended recruitment agencies bear the responsibility for repatriation of victims or face deregistration. The government did not pursue criminal prosecutions—under the 2009 PTIP Act—of these or other agencies for their role in fraudulent recruitment of Ugandans for overseas employment. MGLSD led the national taskforce's efforts in concluding a bilateral agreement with Saudi Arabia and continued negotiations with Kuwait and Qatar, although such agreements were not finalized at the end of the reporting period. The government continued to hold orientation sessions for Ugandans departing for work abroad, including on how to seek assistance if experiencing abuse. Labor officers and community development officers directed employers to stop using child labor and sometimes referred child labor cases to the police. The Industrial Court was previously established to hear child labor cases; however, no child labor cases were brought to the court during the reporting period. The government did not provide formal anti-trafficking training for its diplomatic personnel. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Uganda is not a party to the 2000 UN TIP Protocol.

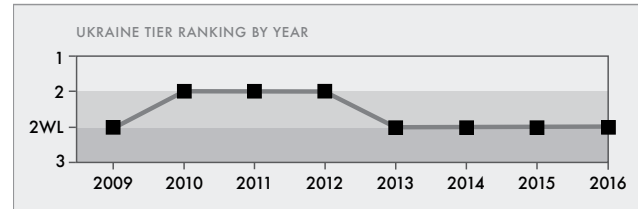
## UKRAINE: Tier 2 Watch List

Ukraine is a source, transit, and destination country for men, women, and children subjected to forced labor and 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. The approximately 82,000-200,000 children institutionalized in state-run orphanages are especially vulnerable to trafficking. Officials of several state-run institutions and orphanages are allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

Fueled by Russia's 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. There have been reports of kidnapping of women and girls from conflict-affected areas for the purposes of sex and labor trafficking. In 2015, there were several reports of Ukrainian internally displaced persons subjected to trafficking, as well as Ukrainians subjected to forced labor on territory not under control of the central government. During the reporting period, a variety of sources, including the OSCE Special Monitoring Mission in Ukraine, reported children as young as 15 years old continued to take part in active combat as part of combined Russian-separatist forces. There were reports that 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 old. The recruitment of children by militant groups took place on territory not under the control of the central government and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict. Russian-led separatists also continued to employ children as informants and human shields during the reporting period.

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. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Ukraine is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Ukraine was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. During the reporting period, the government developed and approved a new national action plan and approved more applications for official victim status. However, several factors

hindered the government's anti-trafficking efforts and capacity: corruption and weak rule of law; the drain on resources caused by Russian aggression; poor coordination at the national level; and a lack of understanding in government agencies about the issue. The number of trafficking convictions declined sharply, continuing a multi-year decline, and nearly 70 percent of convicted traffickers were not penalized with imprisonment. The government relied on foreign donors and NGOs to fund and provide most victim services.



### 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; provide adequate resources for and fully implement the 2016-2020 national action plan; certify more victims to ensure they are afforded their rights under the trafficking law; modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge traumatizing information; increase training for officials on victim identification, particularly in proactive screening of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, including how to work with victims and gather evidence outside of victims' testimony; increase law enforcement monitoring of recruitment firms engaged in fraudulent practices that can lead to exploitation; 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 demonstrated weakened law enforcement efforts in pursuing trafficking cases. 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. Law enforcement investigated 111 suspected trafficking offenses in 2015, compared with 109 in 2014. Authorities initiated prosecutions of 59 cases in 2015 under article 149, but provided no number for comparison to 2014. The government convicted 25 traffickers in 2015 under article 149, a continued decline from 57 in 2014 and 109 in 2013. Of the 32 convicted traffickers whose sentences came into effect in 2015, only 12 were sentenced to prison terms, which ranged from one to 10 years, and the government confiscated assets from six defendants. Authorities collaborated with foreign governments on transnational investigations, including Israel, Poland, and the United States. The government, in conjunction with international funding and partners, provided training for 250 judges, prosecutors, and law enforcement officers. NGOs reported many local officials including law enforcement officials are new, following elections, decentralization, civil service reform, and police reforms; consequently, they were not sufficiently aware of trafficking or trained in how to respond. Prosecutors'



heavy reliance on the testimony of victims hindered successful prosecutions; victim testimony is an unreliable foundation for prosecution as victims may decide not to testify in open court due to intimidation or be too traumatized to give consistent testimony. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, despite reports of government corruption enabling trafficking and of official complicity in the sex and labor trafficking of children housed in state-run institutions and orphanages.

## PROTECTION

The government demonstrated progress in some areas of protection. In 2015, an international organization assisted 740 victims, compared with 903 in 2014. The government identified 102 victims in 2015, compared with 86 in 2014, reversing a multi-year trend in declining victim identification efforts. Similar to 2014, law enforcement and other officials identified only nine percent of the victims referred to an international organization in 2015. The government received more applications requesting official victim status and approved a significantly higher proportion of them: authorities approved 83 out of 91 applications in 2015, compared with 27 of 48 in 2014. The government's current procedure to identify victims relies on the victims—often exiting traumatic situations—to self-report and provide evidence of their victimization; this procedure led many victims to refuse to go through the process. Observers reported police did not display a willingness to screen individuals in prostitution in Ukraine for signs of trafficking.

International donors continued to provide the majority of funding for anti-trafficking activities and assistance to victims. The government disbursed 46,300 hryvnia (\$1,900) to the national budget and 215,900 hryvnia (\$9,000) to local budgets for anti-trafficking measures in 2015, an overall decrease from 2014. Within the local budgets, 104,400 hryvnia (\$4,400) was allocated to fund NGOs. The government also provided each of the 83 officially recognized victims with financial assistance in the amount of 1,176 hryvnia (\$49). The trafficking law, "On Combating Trafficking in Human Beings," which outlines protection requirements for victims, entitles victims to receive free temporary housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training. Most victims requiring shelter stayed at a rehabilitation center run by an international organization. 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. Women and men were accommodated in separate rooms. GRETA reported the provision of assistance was problematic due to funding shortfalls and shortage of trained staff. Non-governmental partners delivered assistance not provided by public social services. 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; however, no child trafficking victims used these services in 2015. In November 2015, the government and an international organization trained the heads of each regional child welfare services office on identifying trafficking indicators among vulnerable children.

The trafficking law affords foreign victims the right to remain in the country, but that right is not explicitly incorporated into the Law on the Legal Status of Foreigners; as a result, foreign victims have had difficulties obtaining legal status to stay in

Ukraine and be eligible to receive ongoing access to victim services. Authorities did not identify any foreign victims in Ukraine in 2015. The government drafted legislation to amend employment laws to allow certified foreign victims to work legally, as provided in the trafficking law; these amendments were not submitted to the legislature by the close of the reporting period. In 2015, 66 victims participated in the prosecution of alleged traffickers. Authorities provided physical security to four victims and provided identity changes for three victims assisting prosecutions in 2015. Courts have the authority to order compensation for victims that sought restitution, but corruption, unavailability of assets, and low effectiveness of the enforcement process hampered the administration of these decisions. Courts ordered 290,000 hryvnia (\$12,100) in restitution to victims in 2015. Various protective measures were 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.

## PREVENTION

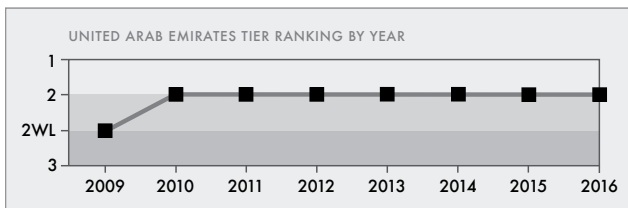
The government demonstrated mixed progress on prevention. The government approved its 2016-2020 national action plan in February 2016, and the Ministry of Social Policy (MSP) published an annual report on government anti-trafficking activities in 2015. In January 2016, ministries signed a joint order to create a unified database of statistics on trafficking crimes. Authorities developed an array of awareness campaigns, which particularly targeted young individuals seeking employment abroad. The government's ability to conduct labor inspections drastically declined in 2015 due to funding reductions and new rules governing inspections. MSP continued to publish a list of licensed recruitment companies. There were no criminal cases related to trafficking against recruitment agencies in 2015. 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 and forced labor.

## UNITED ARAB EMIRATES: Tier 2

The United Arab Emirates (UAE) is a destination and transit country for men and women predominantly from South, Southeast, and Central Asia and Eastern Europe subjected to labor and sex trafficking. Migrant workers, who comprise more than 95 percent of UAE's private sector workforce, are recruited globally, with a majority from South and Southeast Asia, the Middle East, and a small percentage from East Africa; some of these workers are subjected to forced labor in UAE. Women from some of these countries travel willingly to UAE to work as domestic workers, massage therapists, beauticians, hotel cleaners, or elsewhere in the service sector, but some are subjected to forced labor through unlawful passport withholding, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Sponsorship laws restrict the ability to leave an existing employer and often give employers power to control foreign domestic workers' movements, cancel residence permits, deny workers the ability to change employers, deny permission to leave the country, and threaten employees with abuse of legal processes, making them vulnerable to exploitation. To address longstanding problems

with source-country labor recruitment companies charging workers exorbitant fees and hiring them with false employment contracts, effectively forcing workers into involuntary servitude and debt bondage, UAE issued decrees in 2015 specifically to combat contract switching and make contracts enacted in source countries enforceable under UAE law. Though under UAE laws employers must cover the cost of recruitment, many source-country labor recruitment companies continue to charge workers high fees in home countries outside of UAE jurisdiction causing them to enter UAE owing debts in their countries of origin. Some women from Eastern Europe, Central Asia, East and Southeast Asia, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in UAE.

The Government of the United Arab Emirates does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2016, the government implemented three new labor reforms intended to reduce forced labor practices among foreign workers in the private sector by ensuring consistency between initial job offers and final contracts and increasing the ability of employees to leave their jobs and seek new ones. In March 2015, the government put into effect amendments to victim protection clauses of Federal Law 51 of 2006 on Combating Human Trafficking Crimes, including non-penalization of victims for crimes committed as a direct result of being subjected to trafficking. The government's anti-trafficking criminal prosecutions continued to largely focus on sex trafficking. The government prosecuted 17 sex trafficking cases involving 54 traffickers, compared to 15 sex trafficking cases involving 46 traffickers in 2014. It also referred two labor trafficking cases for prosecution involving 10 laborers, in comparison to none the previous year. The government convicted six traffickers and reported sentences were up to five years' imprisonment. The government provided assistance to at least 42 trafficking victims during the reporting year. With regard to domestic employees, who fall under the jurisdiction of the interior ministry and who are not covered by most labor protections afforded to private sector workers including the newly penned laws enacted January 2016, the government did not enforce a prohibition on withholding workers' passports by employers, which remained a problem. The government provided avenues to settle migrant workers' complaints of abuse through hotlines and a formal process for registering disputes. The government continued to implement numerous awareness campaigns and held trainings for labor recruitment agencies and police. The National Committee to Combat Human Trafficking (NCCHT) continued to implement the national action plan.



## RECOMMENDATIONS FOR THE UNITED ARAB EMIRATES:

Significantly increase efforts to investigate, prosecute, and punish trafficking offenses, especially labor trafficking involving domestic workers, and convict and punish traffickers, including recruitment agents and employers; pass and implement comprehensive laws to improve protections for domestic workers; continue to use 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 of forced labor on par with those available for sex trafficking victims; uphold amendments to law 51 to ensure victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to trafficking; allow all male trafficking victims, of both sex and labor trafficking, access to services at the new shelter for male victims; and enforce prohibitions on withholding workers' passports.

## PROSECUTION

The government moderately increased anti-trafficking law enforcement efforts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The government prosecuted 17 sex trafficking cases involving 56 defendants; three cases resulted in the conviction of six traffickers and 14 cases remained pending at the end of the reporting period. It also referred two labor trafficking cases for prosecution involving 10 laborers, in comparison to none the previous year. 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. In September 2015, the government issued three new 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 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 change the promised 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 that an employee may seek employment with a new employer as long as the old employment relationship was terminated consistent with the prior decree. The three newly issued decrees do not apply to domestic workers, and a draft law protecting their rights, which the cabinet approved in January 2012, remained awaiting final approval and enactment for the fourth consecutive year.

The government continued to respond to and investigate workers' complaints of unpaid wages through a dispute resolution process and the Wages Protection System (WPS), which is intended to ensure the payment of wages to workers and punish employers with administrative and financial penalties for failing to comply. Workers filed labor complaints through hotlines or in person with the Ministry of Labor (MOL). During 2015, MOL received 2,071 inquires from workers regarding their rights and various contract provisions. In addition, the MOL labor relations office settled 1,514 wage disputes, and another 48,850 cases of wage arrears were identified through automated systems and resolved through regulatory action. The government referred two of these labor violations for potential forced labor crimes for criminal prosecution. Especially with regard to domestic workers, the government did not enforce a prohibition on employers withholding workers' passports, which remained a widespread problem for household employees, although considerably less so for private sector workers. MOL maintains a staff of 63 multi-lingual labor law specialists to

preside over disputes. About three-quarters of disputes are resolved without going to court. For those that proceed to court, the average trial length in 2015 was 27 days.

The government continued to train judicial, law enforcement, and labor officials on human trafficking in 2015. In November, the NCCHT, Dubai Police, and the Dubai Judicial Institute launched a four-month diploma program to train government officials on handling human trafficking issues. The first class consisted of about 25 students including senior members of various government organizations. In addition, the Ministry of Interior (MOI) continued anti-trafficking training during the reporting year; 3,302 individuals were trained, and 12,104 individuals attended various lectures and other events.

## PROTECTION

The government made increased efforts to identify and provide protective services to sex trafficking victims, but most notably in the case of domestic workers did not proactively identify forced labor victims. During the reporting year, the government identified and referred to protective services 35 trafficking victims, in comparison to 20 sex trafficking victims the previous year. The government continued to fund shelters for female and child victims of sex trafficking and abuse in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah; these shelters provided medical, psychological, legal, educational, and vocational assistance. The government also continued to fund a shelter for male victims; however, no male trafficking victims entered the shelter during the reporting period. MOI continued to distribute guidelines for law enforcement officials with standard operating procedures for identifying victims of both sex and labor trafficking. MOI and the government-funded shelters continued to implement their memorandum of understanding, which ensured police were responsible for referring and escorting victims safely to shelters.

Some domestic workers, including victims of abuse by their employers, continued to seek shelter assistance at their embassies and consulates in part due to a lack of government shelters for forced labor victims. The government continued to implement a system to place suspected trafficking victims in a transitional social support center, instead of a detention center, until victim identification was completed.

The government increased its disbursement of funds to trafficking victims, allocating 294,000 dirham (\$80,000) in 2015 to help with repatriation expenses such as housing, children's education, and medical expenses, in comparison to 205,000 dirham (\$56,000) in the prior year. The government exempted trafficking victims who had an ongoing court case against an employer for labor abuses from paying fines accrued for overstaying their visas and offered trafficking victims shelter, counseling, and immigration relief. The government did not provide permanent residency status to victims; however, the government worked with international organizations to resettle victims who could not return to their home countries. Workers whose employer did not pay them for 60 days were entitled to stay in the country and search for a new employer. The government continued to assist foreign workers who faced abuse and exploitation through its human rights office in Dubai International Airport.

## PREVENTION

The government made increased efforts to prevent human trafficking during the reporting year and continued to carry out its national action plan to address human trafficking. The

NCCHT website includes information on its anti-trafficking strategy and an annual publication of the government's efforts. The government implemented several awareness campaigns and publicized its anti-trafficking hotline—operated by the inter-ministerial NCCHT. In April 2015, the Permanent Committee for Labour Affairs, in collaboration with a private company, launched a year-long multi-lingual campaign to inform unskilled workers in Dubai about their rights. In October 2015, the government launched a two-year national awareness campaign aimed at recruitment agencies for domestic labor, consisting of police department visits to recruiters, recruiter education on their legal requirements, and recruiter training in recognizing signs of human trafficking, as well as the distribution of information to domestic workers arriving at airports warning them of recruiting scams and providing options available for help. In December 2015, the government launched a separate six-month campaign in multiple languages to educate individuals entering the country to take low-wage jobs on human trafficking laws and their options for help. The campaign also included training police and airport personnel in recognizing signs of trafficking. In 2015, the Dubai Foundation for Women and Children provided women discharged from their shelters with pamphlets to distribute in their home countries and educate their community and peers on the risks of becoming trafficking victims. MOI hosted 22 campaigns aimed at educating workers about their rights. The Dubai Police Human Trafficking Crimes Control Center provided lectures and training to 4,490 students, government employees, and workers. MOL provided education and training to 203,584 workers through various awareness initiatives. MOL reported 78,847 work-site inspections, including 27,242 field visits to ensure compliance with a ban on midday work from 12:30-3:00 p.m. between June 15 and September 15. These inspections found 85 work permit violations, 52 safety violations, and 30 mid-day work ban violations. In addition two suspected cases of human trafficking were referred to prosecution. MOL also conducted regular inspections of labor camps and during the year suspended the issuance of hiring permits at 15 companies for failing to provide adequate housing for their workers. The government sustained its WPS electronic salary-monitoring system intended to ensure workers received their salaries. The government also requires employers to provide bank guarantees, currently totaling 22 billion dirham (\$6 billion), which can be drawn on to meet unpaid wage obligations or in cases of company bankruptcy. Since its implementation in 2009, the government has used this mechanism to recover 41 million dirham (\$11 million) for 16,497 workers from 371 companies that have defaulted on their wage obligations. The government provided anti-trafficking training for its diplomatic personnel. The government made efforts to reduce the demand for forced labor but did not take measures to reduce the demand for commercial sex acts in UAE.

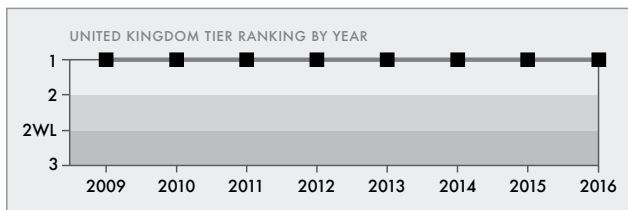
## UNITED KINGDOM: Tier 1

The United Kingdom (UK) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude. Most foreign trafficking victims come from Africa, Asia, and Eastern Europe. Albania, Vietnam, Nigeria, Romania, and Poland were the top countries of origin for potential victims identified during the past year. UK children continue to be subjected to sex trafficking within the country. Officials identified two potential transgender sex trafficking victims in 2015. 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. Children in the care system and unaccompanied migrant children are vulnerable to trafficking. Foreign domestic workers in diplomatic households are particularly vulnerable to trafficking and abuse. In Northern Ireland, migrants from Albania and Romania are vulnerable to forced labor in agricultural work and at car washes.

The Government of the United Kingdom fully meets the minimum standards for the elimination of trafficking. In 2015, the government enacted the Modern Slavery Act, which consolidated and strengthened existing laws for perpetrators, increased protections for victims, and established the UK's first independent anti-slavery commissioner. The act was also the first national law in the world to require large corporations operating in the country to publish the steps they are taking to eradicate trafficking from their supply chains. The independent anti-slavery commissioner released a strategic plan, laying out priorities for the UK to combat human trafficking from 2015 to 2017 and a roadmap for accomplishing them. The government prosecuted 60 percent more traffickers in 2015 than in 2014 and had 50 percent more successful convictions. While authorities continued to identify a large and growing number of potential trafficking victims, a 40 percent increase over the previous reporting period, the victim identification and referral system did not assist all those requiring help. In particular, the government did not provide for victim care following a 45-day reflection period, after which authorities generally deported foreign victims.



## RECOMMENDATIONS FOR THE UNITED KINGDOM:

Increase funding for and access to specialized services for trafficking victims, regardless of their immigration status; provide a trafficking-specific long-term alternative to deportation or repatriation for foreign victims; allow potential victims to access services from care providers before having to engage with law enforcement; consider extending the reflection and recovery period; expand independent child trafficking advocate program nationally; address the vulnerability of foreign domestic workers under the current visa system and explore options to allow workers to change employers; 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; increase investigations in high-risk labor sectors, including by passing and enacting draft legislation that would expand the jurisdiction of the Gangmasters Licensing Authority; and increase efforts to prosecute, convict, and sentence traffickers with strong sentences.

## PROSECUTION

The government maintained prosecution efforts. The Modern Slavery Act 2015 prohibits all forms of trafficking and prescribes

penalties ranging from fines to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. This act gave law enforcement new powers to pursue perpetrators at sea, including the power to board, divert, and detain vessels; make arrests; and seize evidence while investigating potential offenses at sea. Northern Ireland enacted the Human Trafficking and Exploitation Act in January 2015 and Scotland enacted the Human Trafficking and Exploitation Bill in November 2015. In Northern Ireland, the law created a new preparatory offense authorizing arrest of individuals preparing to engage in human trafficking. A preparatory offense was already in place in England and Wales. The Northern Ireland law now criminalizes the purchase of commercial sex. Laws across the UK now allow for the seizure of convicted trafficker's assets and for reparations to victims.

The government did not report the total number of trafficking investigations initiated in 2015. The government reported authorities prosecuted 295 suspected traffickers and convicted 192 traffickers in England and Wales between 2015 and 2016, an increase from the previous year's prosecution of 187 individuals and conviction of 130. The government did not report the proportion of offenses that were for sex trafficking versus labor trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities in Northern Ireland reported convicting two traffickers, sentencing one to seven years in prison and the second to three years in prison. Northern Ireland also reported the extradition of a woman from Sweden to Northern Ireland on trafficking charges, following a three-year police investigation.

The government provided varying levels of anti-trafficking training to law enforcement officers, prosecutors, and justice officials. In June 2015, an NGO published a set of trafficking survivor care standards that the government has disseminated widely and included in law enforcement training materials. The Northern Ireland police service conducted training for officers, first responders, and call center staff, and developed specialized training for detectives. As of October 2015, more than 4,000 police service officers had completed online training on trafficking. The police service also participated in joint training on trafficking investigation with the Irish police force. Since April 2015, the Northern Ireland police service had a dedicated human trafficking unit, providing around-the-clock support to front-line officers and other agencies and conducting proactive operations to disrupt human trafficking.

## PROTECTION

The government increased protection efforts. Authorities identified 3,266 potential trafficking victims from 102 countries in 2015, compared with 2,340 potential victims in 2014; this 40-percent increase was a result of increased public awareness of modern slavery, following the introduction and enactment of the Modern Slavery Act. Of these, 53 percent were female and 46 percent were male, while 70 percent were adults and 30 percent were children. Of potential adult victims, 15 percent were referred for domestic servitude; 39 percent for other forms of labor trafficking; 38 percent for sex trafficking; and seven percent for unknown exploitation. Of children, seven percent were referred for domestic servitude; 29 percent for other forms of labor trafficking; 22 percent for sex trafficking; and 41 percent for unknown exploitation. Northern Ireland established a new liaison group in November 2015 that worked with individuals in prostitution to alert police to potential trafficking cases.

The UK operates the National Referral Mechanism (NRM), 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. Only UK Visas and Immigration in the Home Office and the UK Human Trafficking Centre can make these decisions. Victims receiving a reasonable grounds decision enter a 45-day program of reflection and recovery with access to services such as accommodation, health care, and counseling. The government maintained a 6 million pound (\$8.8 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 period. In Northern Ireland, authorities contracted NGOs to work in tandem with government agencies to provide care for victims. As part of the Scottish government’s Human Trafficking and Exploitation Bill, victims of trafficking in Scotland also have the right to access support and assistance.

Foreign victims assessed as definite trafficking victims who cooperate with law enforcement may be granted temporary residency for up to a year, but the government did not report how many victims assisted with investigations. However, once a conclusive decision within the NRM system was made, authorities 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 discourage potential victims from entering the referral system because asylum would lead to better chances of remaining in Northern Ireland longer. NGO representatives reported potential victims were typically deported one year and one day from a conclusive decision and were not allowed to apply for asylum, whereas asylum-seekers typically spend many years in Northern Ireland and have a better chance of adjusting status as they develop stronger ties in Northern Ireland.

The government did not provide sufficient care for victims following the 45-day reflection period. Authorities have acknowledged NRM support is not intended to provide rehabilitation, and noted many victims were still profoundly vulnerable after 45 days. NGOs reported cases of victims returning to prostitution or being re-trafficked due to lack of long-term support. The government launched a year-long pilot in August 2015 to ensure the NRM was equipped to cope with the challenge of handling growing numbers of referrals and improving care. The pilot tested methods for streamlining and improving the NRM process recommended by a 2014 independent review.

Local children’s services offices provide support for children, but NGOs have raised concern that with no mandatory training for social workers, children did not receive adequate care. The Modern Slavery Act provides for independent child trafficking advocates (ICTA), who represent and support children within the legal system where there are reasonable grounds to believe they may be trafficking victims. A December 2015 independent report assessed a year-long ICTA pilot program and praised the

introduction of child advocates as a positive step, important in “ensuring clarity, coherence and continuity” for children. The government found the results of the pilot to be mixed and has delayed expansion of the program until a second pilot can be run. NGOs expressed disappointment in this decision. 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 in Northern Ireland without a parent or primary caregiver.

Under the Modern Slavery Act, victims now have a statutory defense for crimes committed as a consequence of their trafficking. Similar provisions are included in the Northern Ireland and Scotland trafficking acts, although NGOs in Northern Ireland raised concerns that individuals being prosecuted may have been victims. NGOs reported a case of Chinese immigrants jailed for marijuana possession who are believed to have been unidentified trafficking victims forced to cultivate drugs. The UK and Northern Ireland’s trafficking laws improved access to special measures in courts by allowing trafficking victims to testify by video, behind a screen, or with the public removed from the court. The Modern Slavery Act provides increased powers to the courts to confiscate assets of convicted human traffickers and provide compensation to victims through Reparation Orders. Courts are now able to consider the totality of a defendant’s assets over the past six years as crime proceeds, with a view to confiscation. In September, a woman recruited from India and kept in domestic servitude for four years was awarded nearly 184,000 pounds (\$270,000) in compensation from her employers.

The Modern Slavery Act requires amendments to immigration law to allow foreign domestic workers who are trafficking victims to change employers and remain in the UK for at least six additional months. However, observers argued this system of “tied” visas continued to leave workers vulnerable, as it discouraged victims from reporting abuses. In response to ongoing concern, the government commissioned an independent review of visas for foreign domestic workers to determine if they lead to human trafficking. The review, published in June 2015, found the current system, which ties workers to a single employer and denies them the right to change employers, increases the risk of trafficking to an already vulnerable population and recommended all overseas domestic workers be granted the right to change employers and apply for annual extensions to their visas, provided they continue to perform domestic work in a private home. The report also recommended mandatory informational briefings for all foreign domestic workers who remain in the country for more than six weeks to inform them of their rights and encourage trafficking victims to self-identify. The report determined the limited changes included in the Modern Slavery Act were insufficient protection for potential victims. The government has not yet published a formal response to the report.

## PREVENTION

The government increased prevention efforts. Building on the government’s first modern slavery strategy, released in November 2014, the new independent anti-slavery commissioner released a strategic plan in October 2015, pursuant to the requirements of the Modern Slavery Act. The strategic plan outlines the commissioner’s priorities for 2015-2017, including increased victim identification and referral; increased prosecutions and convictions of traffickers; private sector engagement; and

international collaboration. A national Modern Slavery Threat Group was established, comprising law enforcement agencies and others, to try and improve operational responses. The act also introduced Slavery and Trafficking Risk Orders and Slavery and Trafficking Prevention Orders, new preventative measures that place restrictions on individuals who pose a high risk of committing a human trafficking offense, such as a court banning someone from working with children, employing staff, or traveling to specific countries. Similar orders are being made available in Scotland and Ireland through their anti-trafficking laws. In December, the government announced plans for a national helpline, in partnership with an NGO and sponsored by the private sector. The official launch is planned for sometime in 2016. A new immigration bill, in the final stages of passage by Parliament, would significantly expand 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. Northern Ireland published its first human trafficking and exploitation strategy in September 2015, which builds upon action plans released by the government over the past two years. The strategy is a comprehensive plan to raise awareness and reduce the prevalence of human trafficking. The Northern Ireland government has promoted education and training on human trafficking through the development of an educational resource package for teachers; training for agency staff and civil society groups; and public awareness campaigns. NGOs in Northern Ireland noted that general societal awareness of human trafficking is low in the region.

The Modern Slavery Act introduced broad new requirements for UK businesses on supply chain transparency. As of October 2015, all businesses operating in the UK with annual revenue exceeding 36 million pounds (\$53 million) must publish an annual slavery and human trafficking statement that details what efforts, if any, the company has made during the previous fiscal year to ensure its operations and supply chain are free of human trafficking. The act does not require companies to take any specific action toward eliminating slavery, but instead seeks to create a “race to the top” through transparent reporting and inter-industry collaboration. More than 12,000 companies are estimated to be required to comply. Construction companies expressed support for the principles behind the act, but have cited practical issues in supply chain oversight and challenges in cross-industry collaboration as potential barriers. Companies with fiscal years ending on March 31, 2016, were the first companies required to publish a statement. Media and NGOs report compliance so far has been incomplete, in part due to misunderstandings among businesses about what the law requires. Critics noted the lack of monetary or criminal penalties for companies that did not comply with the reporting requirement.

Existing law allows authorities to prosecute citizens for sexual offenses committed against children overseas, but the government did not report prosecuting or convicting any nationals engaged in child sex tourism abroad. All registered sex offenders are required to notify the government of any foreign travel, enabling the police to share information on offenders with other jurisdictions or apply for a sexual harm prevention order, which prevents foreign 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 2015.

## 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 territory government did not report on any potential trafficking cases. 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. The government did not report investigations, prosecutions, or convictions of trafficking offenses in 2015. 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 2015.

### TURKS AND CAICOS

Turks and Caicos Islands are a destination country 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 pending in the previous reporting period. The government did not report protection or prevention efforts undertaken during the reporting period. The absence of specific legislation prohibiting 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.

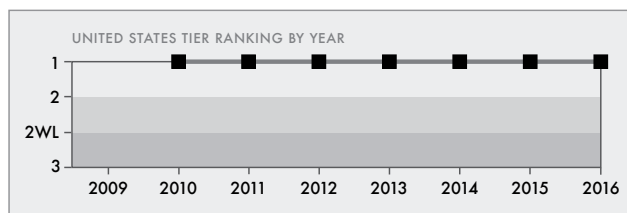
## UNITED STATES OF AMERICA: Tier 1

The 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, sales crews, agriculture, fishing, manufacturing, janitorial services, construction, restaurants, health and elder care, salon services, fairs and carnivals, peddling and begging, and domestic service. 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 fiscal year (FY) 2015 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; American Indians and Alaska Natives; migrant laborers, including participants in visa programs for temporary workers; foreign national domestic workers in diplomatic households; persons with limited English proficiency; persons with disabilities; and LGBTI individuals. NGOs noted an increase in cases of traffickers targeting victims with disabilities and by using drugs or withholding medication to coerce victims into prostitution. Some U.S. citizens engage in child sex tourism in foreign countries.

The U.S. government fully meets the minimum standards for the elimination of trafficking. The federal government continued to investigate and prosecute both sex and labor trafficking, but prosecuted more sex trafficking cases than labor trafficking cases. For the third year in a row, it provided specialized and comprehensive services to a greater number of trafficking victims and increased funding levels for these services. It continued to provide various types of immigration relief for foreign national victims, including a pathway to citizenship. Federal authorities increased the use of Continued Presence, which allows victims to remain in the United States temporarily during the investigation of their traffickers, and granted Certification Letters to more victims. The government enhanced its outreach to and engagement with survivors to improve training, programs, and policies on human trafficking. The government took steps to better protect domestic workers employed by foreign diplomats in the United States and U.S. diplomats abroad. Prevention efforts included outreach to increase awareness about trafficking and continued funding for an NGO-operated national hotline and referral service. Challenges remain: NGOs urged more consistent, victim-centered implementation of anti-trafficking laws and policies, including increased efforts to ensure more trafficking victims have timely access to services and immigration relief. Furthermore, NGOs reported instances of trafficking victims being detained or prosecuted for criminal activity related to their trafficking, notwithstanding “safe harbor” laws in some states or the federal policy that victims should not be penalized for unlawful acts committed as a direct result of being subjected to trafficking.



## RECOMMENDATIONS FOR THE UNITED STATES:

Increase prosecution of cases involving nonviolent forms of coercion and labor trafficking cases, including cases in the U.S. insular areas; support comprehensive services, including increased access to appropriate housing for all trafficking victims, including male and LGBTI victims; increase formal partnerships with victim service providers to improve the continuum of care; increase use of trauma-informed screening to improve identification of trafficked persons among vulnerable populations; continue to improve coordination of services across federal agencies; increase efforts to identify child victims of

labor trafficking; integrate anti-trafficking efforts within multiple systems of care, including health, runaway and homeless youth, and domestic violence programs; ensure that criminal restitution is sought for trafficking victims; ensure necessary safeguards for unaccompanied children to prevent their exploitation and trafficking while in care; strengthen prevention efforts, including by addressing the demand for commercial sex and labor trafficking; enforce federal acquisition regulations aimed at preventing trafficking in federal contracts and increase transparency related to any remedial action against federal contractors; strengthen coordination among criminal justice and social service systems, especially as it concerns LGBTI individuals; increase training for tribal, state, and local agencies on victim identification, access to services, and eligibility for benefits, including immigration benefits; ensure federal law enforcement officials apply in a timely manner for, and state and local law enforcement officials are trained on requesting, Continued Presence for eligible victims; and consider federal legislation to allow victims to vacate federal convictions that are a direct result of being subjected to trafficking, and encourage state and local jurisdictions to do the same.

## PROSECUTION

The U.S. government continued to demonstrate progress in 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. Sex trafficking prosecutions involving children do not require proof of the use of force, fraud, or coercion. Additionally, a criminal statute on fraud in foreign labor contracting prohibits the use of fraud to recruit workers for work performed in the United States or elsewhere on a U.S. government contract, U.S. property, or military installation. Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed for other serious offenses: penalties can include up to life imprisonment. The U.S. Congress passed several bills during the reporting period that address trafficking. In May 2015, the Justice for Victims of Trafficking Act (JVTA) became law, allowing survivors formal input in federal anti-trafficking policy; providing incentives for states to enact laws to prevent the prosecution of child victims for crimes committed as a direct result of being subjected to trafficking; and amending the federal definition of child abuse and neglect to include trafficking. The JVTA provided additional bases of criminal liability for those who patronize or solicit trafficking victims for commercial sex, and created a new offense prohibiting the advertising of sex trafficking activity. It also clarifies that traffickers in child sex trafficking cases who had a reasonable opportunity to observe the victim can no longer claim ignorance about a victim’s age as a defense.

In February 2016, President Obama signed into law the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders, which authorized the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to inform foreign governments when registered sex offenders are visiting their countries, and to receive information when they come to the United States from abroad. The Trade Facilitation and Trade Enforcement Act of 2015, also enacted in February 2016, eliminated an exception that had allowed imports into the United States of goods produced with forced labor in circumstances when U.S. consumer demand was not met by U.S. domestic production.

DOJ, DHS, and the Department of State (DOS) are the primary investigating agencies for federal trafficking offenses, with federal human trafficking cases prosecuted by DOJ. In December 2015, DOJ, DHS, and the Department of Labor (DOL) named six new Anti-Trafficking Coordination Team (ACTeam) cities, a second-phase expansion of an initiative that helped the first-phase pilot cities significantly increase prosecutions and convictions of traffickers as compared to non-ACTeam districts. The second phase of the ACTeams also expanded victim witness support. DOJ funded 16 Enhanced Collaborative Model (ECM) anti-trafficking taskforces, comprising federal, state, and local law enforcement; victim service providers; and other partners. NGOs praised the ECM taskforce model for its formal inclusion of victim service providers and recommended all federally-funded taskforces do the same.

The federal government reports its law enforcement data by fiscal year (FY)(October 1 through September 30). In FY 2015, DHS reported opening 1,034 investigations possibly involving human trafficking, an increase from 987 in FY 2014. DOJ formally opened 802 human trafficking investigations, a decrease from 835 in FY 2014, and DOJ's ECM taskforces separately initiated 1,011 investigations. DOS reported opening 175 human trafficking-related cases worldwide during FY 2015, an increase from 154 in FY 2014. The Department of Defense (DoD) reported investigating at least 10 human trafficking-related cases involving U.S. military personnel, compared to 14 in FY 2014.

DOJ initiated a total of 257 federal human trafficking prosecutions in FY 2015, charging 377 defendants. Of these prosecutions, 248 involved predominantly sex trafficking and nine involved predominantly labor trafficking, although some involved both. These figures represent an increase from FY 2014, during which DOJ brought 208 prosecutions charging 335 defendants.

During FY 2015, DOJ secured convictions against 297 traffickers, compared with 184 convictions obtained in FY 2014. Of these, 291 involved predominantly sex trafficking and six 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. Penalties imposed on convicted traffickers ranged from five years to life imprisonment. NGOs continued to call on federal prosecutors to vigorously seek mandatory restitution for victims of trafficking.

During the reporting period, one NGO reported an increase in labor trafficking cases in some jurisdictions and increased federal coordination on labor trafficking cases. NGOs continued to report, however, that federal, tribal, state, and local authorities did not vigorously investigate labor trafficking cases and called for more systematic efforts to prioritize forced labor prosecutions. Further, advocates reported state and local law enforcement demonstrate uncertainty regarding their authority over forced labor cases and called for formal structures to increase the identification of such cases.

In addition to federal laws, state laws form the basis of most criminal actions, which makes adoption of state anti-trafficking laws key to institutionalizing concepts of compelled service for local police officers. Even though at least 34 states have "safe harbor" laws, NGOs reported most of these states did not provide victims immunity for prostitution offenses and reported trafficking victims faced criminalization for crimes

committed as a direct result of being subjected to trafficking. While some states already had *vacatur* or expungement laws, several others introduced or began considering these laws to reduce the harm to victims. Other states created specialized courts for cases involving minors; however, advocates were divided on the effectiveness of these courts.

NGOs continued to ask for more specific, easily accessible data on federal, state, and local trafficking prosecutions. NGOs reported that prosecutors use non-trafficking laws with more lenient penalties in many jurisdictions to secure convictions against traffickers. Although NGOs noted an increase in law enforcement efforts to investigate traffickers who manipulate drug addiction as a form of coercion, advocates called for increased prosecution of trafficking cases involving nonviolent forms of coercion. NGOs reported continued instances of misunderstandings among state and local officials about the definition of trafficking, citing cases where law enforcement erroneously rule out trafficking because victims have some freedom of movement.

The federal government demonstrated some progress in addressing official complicity, reporting the sentencing of a former juvenile probation officer to 18 years in prison for sex trafficking, and reporting that other officials are under investigation. An Army service member arrested during the previous reporting period on charges of sex trafficking involving a 17-year-old pled guilty, was sentenced to five years' probation, and was administratively discharged under other than honorable conditions due to serious misconduct. A former Navy service member arrested in the previous reporting period in Hawaii on charges of sex trafficking of a 16-year-old remained incarcerated in FY 2015, pending prosecution.

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 2014 collected from participating jurisdictions are publicly available. In 2014, jurisdictions reported a total of 120 human trafficking offenses resulting in arrest or solved for crime reporting purposes. There is no formal mechanism to track prosecutions at the state and local levels.

The U.S. government continued efforts to train officials and share information. Federal agencies incorporated survivor feedback in anti-trafficking law enforcement and taskforce training on topics including victim identification, survivor-centered best practices in investigations and prosecutions, and trauma-informed victim interview techniques.

Multiple federal agencies continued to engage in extensive capacity building for law enforcement, judges, military personnel, health care and social service providers, labor inspectors, pro bono attorneys, and others, and increased their outreach to officials in Indian Country. DHS continued its extensive law enforcement trainings by incorporating human trafficking awareness training into basic federal law enforcement training academies and producing a new web-based training course for law enforcement and judges. In FY 2015, DOS launched an outreach program for domestic field offices and passport centers in the United States to train personnel on human trafficking, including on investigations and prosecutions.

## PROTECTION

The U.S. government continued to increase its efforts to protect trafficking victims. It granted Continued Presence to more

trafficking victims for the first time in three years and increased funding for victim services. It also increased collaboration with NGOs, other victim service providers, and survivors for an enhanced multidisciplinary response to victim identification and service referrals. For a fourth consecutive year, it certified and provided services to a significantly higher number of trafficking victims. NGOs reported state and local authorities continued to detain or prosecute trafficking victims, including those younger than 18 years of age, 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. The Department of Health and Human Services (HHS) issued Certification and Eligibility Letters for foreign victims to access 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 child welfare systems to respond to trafficking. DOJ provided comprehensive and specialized services for both domestic and foreign trafficking victims. Federal funding for victim assistance increased in FY 2015. 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 receive 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 access to 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 623 Certification Letters to foreign adults and 240 Eligibility Letters to foreign children in FY 2015, an increase from the two previous years, when HHS issued a respective 530 and 219 Letters in FY 2014, and 406 and 114 Letters in FY 2013. Seventy-six percent of all victims certified in FY 2015 were victims of labor trafficking, more than half of which were female; and more than 78 percent of child trafficking victims who received Eligibility Letters were labor trafficking victims, up from 66 percent in FY 2014. HHS awarded \$7.5 million in FY 2015 to three NGOs for the provision of case management services to foreign national victims through a nationwide network of NGO sub-recipients, a slight increase from \$7.4 million in FY 2014. Through these grants, HHS supported 149 agencies with the capacity to serve at 286 sites across the country that provided assistance to a total of 1,726 individuals and their family members, a significant increase from 1,137 in FY 2014 and 915 the prior year. NGOs continued to report that lack of training for employees of public benefits offices on the HHS certification process resulted in the erroneous denial of benefits for some victims and their families and in survivors waiting long periods of time to access benefits.

In FY 2015, HHS significantly increased funding to serve domestic victims of human trafficking and provided \$3.2 million for coordinated victim-centered services, an increase from \$1.44 million in FY 2014. It provided an additional \$2.25 million to address trafficking within child welfare systems for a second year.

DOJ continued to increase the number of trafficking victims

to whom it provided assistance. From July 1, 2014 to June 30, 2015, DOJ grantees providing victim services reported 3,889 open client cases, including 2,180 new clients, compared with 2,782 open client cases and 1,366 new clients from July 1, 2013 to June 30, 2014 and a respective 1,911 and 1,009 from July 1, 2012 to June 30, 2013. DOJ's grantees reported that 51 percent of victims served during the reporting period were U.S. citizens or lawful permanent residents and 49 percent were foreign nationals. During FY 2015, DOJ funded 21 victim service providers offering comprehensive and specialized services across the United States, totaling approximately \$13.8 million, compared with \$10.9 million in FY 2014 and \$11.2 million in FY 2013.

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 provided training and technical assistance to overcome barriers in identifying child trafficking victims. NGOs praised increased coordination among service providers and law enforcement due to changes in DOJ's enhanced collaborative taskforces, but reported the need for improved coordination across federal agencies to ensure more consistent service provision and referral. NGOs continued to report some law enforcement officials did not recognize indicators of labor trafficking and called for additional support to assist law enforcement efforts to identify such trafficking. NGOs continued to report federal funding for victim services remained insufficient to address the myriad needs of individual victims and that requiring adult victims to report to law enforcement to be eligible for federally-funded services is unnecessary and potentially harmful. In March 2016, DOJ announced changes to this policy so that cooperation with law enforcement was no longer an eligibility requirement for accessing DOJ-funded victim services. An NGO reported that shelter, comprehensive services, and long-term housing options for all trafficking victims, especially male, LGBTI, and labor trafficking victims, continued to be insufficient.

In FY 2015, the federal government hired more social workers to screen and identify unaccompanied children who came to the attention of federal authorities. NGOs, however, reported concerns about screening procedures at the border, the welfare and safety of these children while in federal custody and post-release, and the need for expanded coordination among responsible federal agencies. When children are placed in the care and custody of HHS, they are screened for trafficking victimization 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 124 child victims of trafficking through its Unaccompanied Refugee Minors Program in FY 2015, an increase from 113 served in FY 2014. This program requires states to provide such child victims with the same assistance, care, and services available to foster children. NGOs called for better monitoring and increased funding for the care of unaccompanied children, citing one trafficking case prosecuted by federal authorities and other anecdotal reports that after being placed in sponsors' homes, children were subsequently forced to work or were subjected to sex trafficking.

DHS provides trafficking-specific immigration relief in two ways: short-term Continued Presence and longer-term "T nonimmigrant status" (commonly referred to as the T visa). Both statuses confer the right to work legally in the United States. 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 on account of trafficking, and show cooperation with reasonable requests from law enforcement unless they are younger than 18 years of age or are 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. During the reporting period, DHS created and disseminated a resource guide for law enforcement and judges with information on T and U visas.

In FY 2015, DHS increased its issuance of Continued Presence to 173 trafficking victims who were potential witnesses, from 130 in FY 2014. It granted an additional 223 extensions of Continued Presence. NGOs continued to call for additional efforts to ensure more consistent application of Continued Presence across the United States.

DHS granted T nonimmigrant status to 610 victims and 694 eligible family members of victims in FY 2015, compared to a respective 613 and 788 in FY 2014. These figures continued to represent an overall general decline when compared with previous years. NGOs reported that, in some cases, law enforcement failed to provide support for T visa applications, effectively delaying the application process and survivors' access to federal benefits and employment; they called for additional training and technical assistance for federal, tribal, state, and local law enforcement agencies related to the T visa application process.

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. In FY 2015, there were 29 approved principal applicants where trafficking was the qualifying crime, an increase from 17 in FY 2014.

In FY 2015, a DOS program reunified 244 family members with identified victims of trafficking in the United States. 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 a victim-centered approach in all phases of victim identification, assistance, recovery, and participation in the criminal justice process. NGOs expressed concern, however, that despite federal funding programs mandating comprehensive services for all victims of trafficking, services were not provided equally; advocates noted labor trafficking victims, adult sex trafficking victims, boys, and LGBTI youth faced difficulties obtaining needed services. A survivor network also reported some victims felt pressure to testify against their traffickers to obtain access to services. HHS continued to train service providers for runaway and homeless youth and developed a support mechanism for states and service providers on addressing child trafficking, particularly as it intersects with

the child welfare system and runaway and homeless youth programs. NGOs urged the federal government to encourage state welfare agencies to develop policies and procedures for children at risk for all types of trafficking, not just youth at risk for sex trafficking.

NGOs continued to report that law enforcement at the state and local levels failed to treat sex-trafficked children as victims of trafficking, and instead arrested and incarcerated them for crimes committed as a direct result of being subjected to trafficking. Victim advocates who documented this phenomenon found that trafficking victims may be arrested frequently and called on states to reform their laws to ensure trafficking victims are not criminalized for offenses their traffickers force them to commit. NGOs continued to report that authorities sometimes placed children in restrictive or lockdown residential placements to protect them from their traffickers or to secure testimony, which often resulted in decreased trust in law enforcement and re-traumatization. Advocates report that despite the sometimes good intentions of law enforcement, the arrest and detention response created barriers to employment, housing, and other needs essential to avoid re-trafficking and facilitate victims' recovery.

## PREVENTION

The U.S. government made progress on efforts to prevent trafficking. The government provided opportunities for stakeholder input and transparency. Federal agencies conducted numerous awareness and training activities for their own personnel, including law enforcement and acquisition professionals, and field office staff. The President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) reported on agency accomplishments in combating human trafficking again this year, with the U.S. Office of the Trade Representative joining the PITF and the presidentially-appointed survivor advisory council members attending the PITF annual meeting. The government continued to implement the *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, 2013-2017*, and publicly released its first status report during the year.

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. HHS continued to fund an NGO to operate the National Human Trafficking Resource Center (NHTRC), a hotline that received almost 34,000 calls in FY 2015 from across the United States and U.S. territories. U.S. embassies and consulates worldwide provided a "Know Your Rights" pamphlet that included the national hotline number and confirmed that applicants for temporary work and exchange visitor visas received, read, and understood the pamphlet. This effort subsequently generated 286 calls to the national hotline, a significant decline from the 791 calls generated by the pamphlet the previous calendar year. In a January 2016 report, a DHS internal audit found traffickers continued to use legal means, including work and fiance visas, to bring potential trafficking victims to the United States, and recommended relevant federal agencies improve the quality and quantity of data exchanged. The Department of Transportation and DHS worked with industry partners to implement human trafficking trainings for airline personnel and the motor coach industry. In 2015, DHS continued its nationwide human trafficking awareness Blue Campaign and developed new products for medical front-line responders at state, local, and tribal levels; DOJ conducted outreach events to promote resources and

services available to victims; HHS continued outreach to increase victim identification and awareness, including among tribal leaders and targeted training in the health care sector. The Department of Education continued outreach efforts to integrate trafficking information into school curricula and resources, and collaborated with HHS to launch a peer-to-peer social media competition to raise awareness among high school students. The U.S. Agency for International Development funded anti-trafficking activities in more than 20 countries and launched a new initiative to improve identification of the risk of human trafficking at the lower levels of global supply chains. In FY 2015, the Equal Employment Opportunity Commission (EEOC) conducted 232 human trafficking outreach events, reaching more than 11,600 individuals. DOL also launched an initiative with ILO to support efforts to combat forced labor under the 2014 ILO Protocol and Recommendation on forced labor. The Department of Agriculture and HHS launched an initiative to raise awareness alongside food and agricultural industry partners to target rural communities. DoD provided annual training for all DoD personnel, including troops prior to their deployment abroad as part of international peacekeeping missions. A DoD-wide taskforce met throughout the year to increase regional command coordination and engagement on trafficking. An NGO called on the federal government to use prevention and awareness campaigns to reach both community members and potential victims, effectively describe human trafficking, and include specific language on how to help someone in need.

Reports of abuses continued, including allegations of human trafficking, of workers in the United States on work-based or other nonimmigrant visas. One NGO report found that of 805 potential labor trafficking cases reported to the national hotline and textline from August 1, 2014 to July 31, 2015, 148 cases involved victims issued A-3, B-1, G-5, H-2A, H-2B, or J-1 visas. One NGO reported the United States had insufficient laws regulating foreign labor recruiters and fraud was rampant among this category of recruiters, and called for passage of a federal law to prohibit recruiters from charging fees to workers and provide more legal safeguards 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 related to employment, and both require disclosure of the terms of employment. In FY 2015, DOL and DHS issued two new H-2B rules that enhanced worker protections, including against fraudulent recruitment and other practices that could result in labor trafficking. Such provisions included requiring disclosure of foreign labor recruiters as well as those working for the recruiters operating domestically and overseas, and prohibiting retaliation against workers. NGOs, however, cited concern that provisions in the FY 2016 appropriations act increased some H-2B workers' vulnerability to trafficking by expanding the program and reducing wage guarantees, employer accountability for recruiting abuses, transparency, and oversight.

In the J-1 Summer Work Travel (SWT) Program, DOS has prohibited jobs deemed dangerous to exchange visitor health, safety, and welfare, and continued to implement a program to monitor participant health, safety, and welfare. In 2015, DOS visited 985 Summer Work Travel exchange visitor sites in 42 states and the District of Columbia. DOS also broadened outreach efforts with 20 community support structures in 19 states with significant SWT populations to educate participants on safety and housing among other things.

The government took additional steps to protect foreign domestic workers employed by foreign mission personnel during the reporting period. In June 2015, DOS briefed senior foreign embassy officials to reiterate U.S. domestic worker program requirements and foreign missions' responsibility for the welfare of these workers, and announced the launch of a new In-Person Registration Program effective October 2015. The registration program requires foreign domestic workers employed by personnel working at foreign missions and international organizations to appear (without their employer present) for an annual appointment at DOS for registration and to review the domestic worker's rights and responsibilities related to her or his employment contract. In January 2016, the government notified the United Nations Permanent Mission community that diplomatic privileges and immunities will not be conferred on individuals who are subject, at the time accreditation is sought, to pending criminal charges in the United States punishable by incarceration for more than one year. Despite these efforts, NGOs continued to raise concerns that some foreign mission personnel evade current protection measures for foreign domestic workers and again recommended the government take additional steps to protect domestic workers employed by foreign diplomats in the United States, including expanding the registration program outside of Washington D.C. and seeking input from NGOs.

The government enhanced protections for personal domestic workers employed by U.S. personnel abroad. In February 2016, the government issued new regulations holding U.S. personnel at embassies abroad to standards substantially similar to those that apply to foreign mission personnel posted in the United States with regard to the employment of domestic workers, including a new requirement that enhances protections for domestic workers brought into the host country by U.S. diplomats. The new regulations also prohibit U.S. diplomats from making deductions for food and lodging from worker wages and require them to provide non-cash wage payments directly to workers. In May 2015, an Australian court enforced a 2012 U.S. court default judgment for \$3.3 million in damages against a former American diplomat living in Australia, related to trafficking offenses committed against a domestic worker. After the judgment was enforced, the parties agreed to an out-of-court settlement. The government continued to provide anti-trafficking training for its diplomatic personnel; DOS provided both classroom and web-based training for Diplomatic Security personnel, consular officers, and other employees.

Civil enforcement of federal laws was 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. During the reporting period, EEOC, which enforces federal employment discrimination statutes, continued to pursue cases on behalf of workers subjected to trafficking and ensure compensation for victims of trafficking. In December 2015, EEOC settled a case on behalf of 476 workers from India for claims of race and national origin discrimination. Federal law also allows a person subjected to trafficking to independently file a civil cause of action.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DOJ and DHS continued to investigate allegations of child sex tourism and partner with foreign law enforcement counterparts to share information regarding international travel of registered child sex offenders. Three defendants were convicted of federal

child sex tourism charges under the federal statute, 18 U.S.C. § 2423(c), in FY 2015. Offenders who abuse children abroad could be prosecuted under other statutes, and prosecutions based upon other statutes are not reflected in this statistic.

The U.S. government continued its efforts to reduce the demand for commercial sex and forced labor in the reporting period. DoD investigated at least 38 cases of service members allegedly violating DoD's prohibition relating to the procurement of commercial sex, compared to 39 investigations the previous year.

Federal agencies sought preliminary public comment on a proposed new rule to define recruitment fees in the context of Executive Order 13627 on "Strengthening Protections Against Trafficking in Persons in Federal Contracts," and its implementing regulations. These include a provision prohibiting contractors and those in their supply chains from charging employees recruitment fees. NGOs called for enforcement of these regulations and increased federal transparency on investigations, including into DoD contracts, as well as notice of any disciplinary action taken against federal contractors.

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. There were no reports of civil actions or criminal prosecutions, debarment, or other sanctions against noncompliant employers or labor contractors from U.S. programs.

In FY 2015, the Department of the Interior (DOI) developed and launched the first Native American Human Trafficking TaskForce to conduct training and public awareness among tribal leaders and gaming institutions; this taskforce also initiated development of victim identification protocols. DHS worked with DOI to produce and deliver human trafficking training to tribal communities and develop a training program for tribal law enforcement. DOJ funded a human trafficking curriculum in Indian Country, which was presented to 20 tribes and 249 individuals during FY 2015, and visited three reservations in North Dakota to meet with law enforcement officers to improve understanding of human trafficking. HHS continued to host community listening sessions with tribal leaders and integrate human trafficking as part of its tribal consultation activities. HHS also collaborated with an NGO to launch a webinar to more than 1,000 participants on trauma-informed care for American Indian and Alaska Native victims as well as prevention and intervention strategies, and worked with tribal youth and other stakeholders to adapt a toolkit for use by college, high school, and middle school students. Challenges include a lack of a criminal justice infrastructure adequate to the needs of Indian country and a scarcity of social services for victims.

## U.S. INSULAR AREAS

All forms of trafficking are believed to occur in the U.S. insular areas, including 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 taskforces engaged in meetings with international and regional partners in Hawaii to share strategies for improving victim-centered approaches in human trafficking cases and conducted trainings and outreach with schools and with the travel and visitor industries. In collaboration with the two taskforces, DOJ also established an initiative to enhance coordination with stakeholders in the Pacific Region on victim services, law

enforcement responses, training, community outreach, and prevention programs.

In CNMI, defendants convicted of human trafficking and related crimes received lengthy sentences. For example, in February 2016, a male defendant was sentenced to the statutory maximum of 360 months in prison to be followed by three years of supervised release for sexual exploitation of a child. The defendant was also ordered to pay restitution to two minor victims.

Three defendants were convicted of human trafficking in Puerto Rico during the reporting period, and one case of sex trafficking was charged in both Puerto Rico and the USVI.

HHS provides services to foreign victims of trafficking in American Samoa, CNMI, Federated States of Micronesia, Guam, Marshall Islands, and the Republic of Palau. In 2015, the HHS-funded NHTRC hotline received 47 calls from U.S. territories, with most calls coming from Puerto Rico.

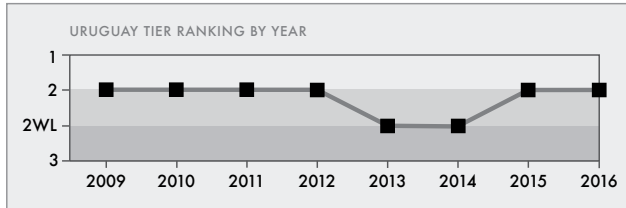
HHS provided grant-funded targeted training to federal, territorial, and local agencies in Puerto Rico and the USVI in 2015 to increase awareness of human trafficking cases, integrate standards and trauma-informed care, and apply multi-sector responses.

## URUGUAY: Tier 2

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 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, wholesale stores, textile industries, agriculture, and lumber processing. In 2014, some foreign fishermen aboard foreign-flagged commercial boats docked in Uruguay reported indicators of forced labor, such as non-payment of wages and physical and verbal abuse. 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.

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. Authorities prosecuted an increased number of suspected traffickers and identified and assisted an increased number of potential foreign sex and labor trafficking victims. Nonetheless, government funding for victim services, particularly for lodging, continued to be inadequate. The extent of efforts to assist internal trafficking victims and investigate internal trafficking cases was unclear, in part because Uruguayan law prohibits only transnational forms of trafficking.





### RECOMMENDATIONS FOR URUGUAY:

Enact legislation to prohibit all forms of trafficking consistent with the 2000 UN TIP Protocol, including by criminalizing the prostitution of children as child sex trafficking; intensify efforts to investigate and prosecute all forms of trafficking and hold traffickers accountable through convictions and sufficiently stringent sentences; develop and implement standard procedures for officials to identify and refer trafficking victims; increase funding for and availability of specialized services for trafficking victims, especially outside the capital and including for male victims; 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; develop and operationalize a data collection system to maintain official statistics on anti-trafficking law enforcement and victim identification efforts; finalize and implement a national action plan; and make efforts to reduce the demand for forced labor.

### PROSECUTION

The government modestly increased its anti-trafficking law enforcement efforts; however, Uruguay does not prohibit all forms of trafficking. Article 78 of the immigration law, enacted in 2008, prohibits only transnational 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 establishes the use of violence, intimidation, deceit, or abuse of the vulnerability of the victim as aggravating factors rather than essential elements of the crime. Articles 280 and 281 of the penal code prohibit forced labor occurring within Uruguay's borders, prescribing sentences ranging from two to 12 years' imprisonment. Authorities use sexual exploitation or pimping statutes to prosecute domestic sex trafficking cases; some of these statutes prescribe lesser sentences that can be commuted to community service or fines. 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. The court lacked sufficient staffing and funding, and local officials did not always refer to the court trafficking cases meeting these guidelines. All other trafficking cases were heard by local courts with less expertise in human trafficking. In 2015, the government began drafting a comprehensive anti-trafficking law.

The government did not collect comprehensive data on anti-trafficking law enforcement efforts and had no system for tracking court cases. In 2015, the attorney general's office began piloting a new national data management system to compile all criminal and civil case data; however, Uruguay's transition from an "inquisitorial" to an "accusatorial" justice system, planned for February 2017, must take place before the new system takes effect. In the interim, individual courts and police departments will remain the central repository for data collection. The government did not provide comprehensive data on investigations initiated during the reporting period;

it reported investigating one transnational labor trafficking case in 2015. The government also initiated investigations of six cases, leading to prosecution of 16 suspected sex traffickers in 2015, compared with two investigations leading to five prosecutions in 2014; the cases involved Uruguayan and foreign victims, including one child. The government did not report any trafficking convictions in 2015, compared with two labor trafficking convictions in 2014. On appeal in 2015, sentences in the 2014 cases were reduced to 24 months' and 10 months' imprisonment, below the mandatory minimum under article 78. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government trained law enforcement, immigration, and judicial officials on human trafficking, including in partnership with an international organization. The Ministry of Interior drafted two protocols for police officers: one on detecting and investigating human trafficking and smuggling during highway procedures, and the other on detecting and investigating commercial sexual exploitation of children and adolescents. The government published and distributed to police departments, investigative offices, and specialized gender-based violence units a resource guide, with indicators to identify victims, that defines and guides responses to human trafficking, smuggling, and commercial sexual exploitation of children and adolescents. The government reported continued international cooperation through INTERPOL on an unspecified number of trafficking cases in 2015.

### PROTECTION

Uruguayan authorities assisted an increased number of transnational trafficking victims in 2015, although specialized victim services remained inadequate. While labor inspectors screened for possible trafficking cases and Uruguayan officials had access to a regional guide on how to identify female victims of international sex trafficking, some officials lacked guidelines for identifying trafficking victims among vulnerable populations. The Ministry of Social Development (MIDES) reported assisting 222 (212 female and 10 male) victims of trafficking in 2015, including 14 potential labor trafficking victims, compared with 113 potential victims in 2014. Of the total, 189 victims were from the Dominican Republic and 19 were Uruguayan. The government reported identifying one child trafficking victim in 2015. The National Institute for Children and Adolescent Affairs (INAU) did not report how many children it identified in commercial sexual exploitation during the year.

The government provided 3,638,280 Uruguayan pesos (\$121,722) in 2015, an increase from 2,730,000 Uruguayan pesos (\$91,334) in 2014, for MIDES to assist adult female sex trafficking victims and women in prostitution with psychological, medical, and other services. MIDES provided some of this funding to an NGO providing specialized services. There were no specialized shelters for trafficking victims in the country, and NGOs and the government reported a need for more adequate lodging options for sex trafficking victims, as accommodation at other shelters accessible to victims was often not available. INAU did not report how many child trafficking victims it assisted at shelters for at-risk youth. Victim care services were weaker outside the capital. There were no specialized services for male trafficking victims. NGOs reported a need for long-term services such as reintegration, housing, and mental health care. MIDES provided an unspecified number of trafficking victims with employment assistance services. There were no reports trafficking 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 residential work permits were available to foreign trafficking victims in 2015.

## PREVENTION

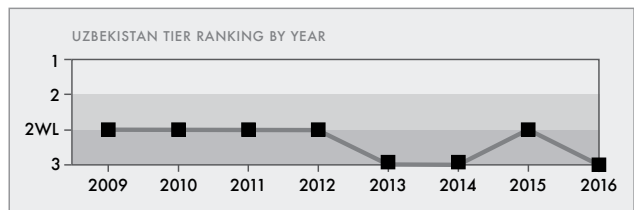
The government increased prevention efforts during the year. MIDES chaired an interagency committee that coordinated government anti-trafficking efforts. The committee met multiple times during the year and was developing a draft national plan for 2016-2020, in concert with the anti-trafficking law under development. Authorities conducted two awareness campaigns, largely focused on sex trafficking, on the borders with Brazil and Argentina. The government took actions to prevent child sex tourism and reduce the demand for commercial sex by implementing an awareness campaign aimed at companies in the hotel and travel agency industries to encourage proprietors to report suspicious or illegal behavior. The government did not make efforts to reduce the demand for forced labor. Authorities provided anti-trafficking training to Uruguayan troops prior to their deployment on international peacekeeping missions during the year. The government provided anti-trafficking training for its diplomatic personnel.

## UZBEKISTAN: Tier 3

Uzbekistan is a source and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. 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, Russia, and Ukraine in the construction, oil, agricultural, retail, and food sectors. Internal trafficking is prevalent in the country. Government-compelled forced labor of adults remains endemic during the annual cotton harvest. Some adults who refuse to pick cotton, do not pay for a replacement worker, or do not fulfill their daily quota might have been threatened with, or faced the loss of, social benefits, termination of employment, or harassment. Private companies in some regions mobilized employees for the harvest under threat of increased government inspections of and taxes on their operations. An independent observer alleged several workers were injured and at least one died, due at least in part to harvest-related activities in 2015. There were isolated reports of some local officials mobilizing classes of students aged 14 to 16 years in the final weeks of the harvest 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 to be endemic. There are reports some officials required state employees and adult students to sign labor agreements or statements that they would pick cotton voluntarily. Independent observers asserted that forced mobilization of adult workers increased in 2015 to compensate for the loss of underage workers. Local officials used forced adult labor, including employees of schools and medical facilities, for weeding cotton fields. There were also isolated reports stating local officials forced teachers, students (including children), private business employees, and others to work in construction, non-cotton agriculture, and the silk industry, as well as to clean parks, streets, and buildings. Authorities harassed, detained, and, in some cases, abused independent activists attempting to observe

the spring weeding season and the fall harvest, and at least two activists faced criminal charges, potentially as retaliation for attempting to document labor violations in the cotton fields.

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. Government-compelled forced labor of adults remained endemic in the 2015 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 voluntary workers, which led to the wide-scale mobilizations of adult laborers and a smaller number of child laborers. The government also increased its attempts to conceal possible labor violations in cotton fields by aggressively confronting, harassing, and detaining independent monitors attempting to observe and document the harvest. However, the government took a number of steps this year regarding the cotton harvest. The government continued to collaborate with ILO and fulfilled its agreement with the World Bank and ILO to allow ILO officials to conduct a labor recruitment survey under the Decent Work Country Program and, separately, monitor the 2015 harvest for risks of child and forced labor in 11 of Uzbekistan's 14 regions, comprising 60 percent of Uzbekistan's cotton producing territory. For the fifth consecutive year, Uzbekistan reduced its use of child labor, largely, effectively enforcing its decree prohibiting the participation of children younger than age 18 in the harvest. The 2015 cotton harvest marked the second year the government conducted a nationwide campaign to raise awareness of the prohibition of child labor in the cotton harvest, and the first time the government included anti-forced labor messaging in the campaign. Further, the government enacted a national action plan aimed at ending forced labor that it developed in consultation with the World Bank and ILO. It has already identified sources of funding for the various steps in this plan. Separately, the government committed to keep college and lyceum students (equivalent to a U.S. high school) out of the 2016 cotton harvest, including those aged 18. On transnational trafficking, authorities continued to prosecute suspected traffickers and continued to fund a rehabilitation center for trafficking victims. The government also provided trafficking-specific training to police, judges, and other authorities. Uzbek authorities collaborated with foreign governments on several transnational investigations in 2015.



## RECOMMENDATIONS FOR UZBEKISTAN:

Take substantive action to end the use of forced adult labor during the annual cotton harvest; continue substantive actions to eliminate forced child labor from the annual cotton harvest; grant independent observers full access to monitor cotton cultivation and cease harassment, detention, and abuse of activists for documenting labor conditions; begin implementing the national action plan for improving labor conditions in the agricultural sector 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; increase investigations and, when sufficient evidence exists, prosecute officials complicit in human trafficking, respecting due process; provide adequate

mechanisms to enable students and state employees to refuse to participate in the cotton harvest without the threat of coercion; enhance and continue promoting awareness of labor rights, including in regard to the cotton harvest; improve processes for registering and investigating violations of labor rights; provide additional support to anti-trafficking NGOs assisting and sheltering victims who were not admitted to the state-run shelter; take additional steps to ensure victims are not penalized for acts committed as a result of being subjected to trafficking, including for illegal border crossing; continue to improve procedures for identifying trafficking victims to ensure they are systematic and proactive, and efficiently refer victims to protection services; and continue efforts to investigate and prosecute suspected trafficking offenders, respecting due process.

## PROSECUTION

The government maintained strong law enforcement efforts against sex and transnational labor trafficking. 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. Uzbekistan provided law enforcement data regarding investigations, prosecutions, convictions, and sentences of trafficking and crimes related to trafficking. Authorities reported conducting 696 investigations and prosecuting 372 cases for crimes related to trafficking in 2015. Authorities reported convicting 460 people for crimes related to trafficking in 2015, a decrease from 583 in 2014. The government reported 442 convictions carried a prison sentence, and 15 carried a sentence of correctional labor; it was unknown how many of these sentences were suspended. 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. Uzbek authorities collaborated with foreign governments on several transnational investigations in 2015. Despite 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, but did fine seven officials for forced labor violations, which were administrative.

## PROTECTION

The government made efforts to identify, assist, and protect victims of sex and transnational labor trafficking, but demonstrated limited efforts to assist victims of forced labor in the cotton harvest. The government identified 924 victims of trafficking-related crimes in 2015, a decrease from 1,208 in 2014. Of these 924 victims, 140 were exploited within the country, while the remaining victims were Uzbek citizens exploited in other countries. NGOs and an international organization identified and assisted 774 trafficking victims in 2015, compared with 847 in 2014. Uzbekistan's diplomatic missions abroad helped repatriate 146 victims by issuing travel documents. The government lacked a systematic process for proactive identification of victims from vulnerable populations, including those subjected to internal trafficking, and to refer those victims to protective services. Police, consular officials, and border guards who were able to identify potential trafficking victims could refer them to 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 reported good cooperation in referring cases to the MOI that led to investigations and victim certification.

The government allocated approximately 459 million soum (\$160,700) to operate its Tashkent-based trafficking rehabilitation center for men, women, and children with official victim status, which assisted 503 victims in 2015, an increase from 369 in 2014. This center provided shelter, medical, psychological, legal, and job placement assistance. Victims could discharge themselves from the shelter, though, at times, authorities required victims to stay to assist a criminal case. The center could accommodate foreign victims, but has not done so since the shelter opened. The center has not accommodated a victim of sex trafficking since 2011. Officials reported some faraway regions did not refer victims to the shelter due to transportation costs, which were the responsibility of local neighborhood councils. In addition to the shelter, authorities provided security to victims cooperating with law enforcement, including escort to and from trials. The government provided funding to local NGOs to conduct vocational trainings and provide health services for victims, in addition to tax benefits and the use of government-owned land. These NGO services were critical because officials referred sex trafficking victims to them, as well as victims who did not wish to pursue a criminal case and were thereby ineligible to access the state-run shelter. Transnational sex and labor trafficking victims could face a criminal penalty for illegally crossing the border, but NGOs reported authorities dropped these charges when NGOs proved victimhood to the authorities. Victims were not permitted to provide testimony via video or written statements, nor were their identities kept confidential during proceedings. Victims lacked an effective mechanism to receive restitution from their traffickers; victims could bring civil suits against traffickers, but most could not afford legal representation.

## PREVENTION

The government did not take sufficient steps to modify the agricultural policies that create pressure for the use of mobilized labor, including production quotas and low wages for pickers. In December 2015, the government committed to reduce the total acreage for cotton production by about 13 percent by 2020, and in January 2016 the government introduced a national action plan that included agricultural reforms towards eliminating forced labor. The 2015 harvest also marked the second consecutive year the government conducted a nationwide campaign to raise public awareness of its prohibition of child labor in the cotton harvest, and, for the first time, the government included anti-forced labor messaging in the campaign. Labor inspectors fined seven officials for using child labor to pick cotton; the government did not specifically report filing criminal charges against officials to deter such conduct. Further, the central government continued to demand farmers and local officials fulfill state-assigned cotton production quotas, which likely led to the wide-scale mobilized adult labor and isolated incidents of child labor.

In 2015, the government pledged not to mobilize teachers and medical workers for the cotton harvest; however, this was not fulfilled. The government stated its intention to increase the availability of mechanized harvesters, but such plans continued to be stymied by financial hurdles and farmers' preference for manual labor. In March 2016, the government pledged not to mobilize third-year college and lyceum students who are generally 18 years of age, but can be 17. With government approval, in 2015, ILO conducted a qualitative survey on



recruitment practices in agriculture, which detailed the risks of forced labor, particularly in the quota system and large-scale recruitment for the cotton harvest. In addition, the government fulfilled its agreement with the World Bank and ILO to allow ILO to monitor the 2015-2017 cotton harvests for child and forced labor in regions in which World Bank-funded projects were underway—this area comprised approximately 60 percent of Uzbekistan’s cotton-producing territory. In collaboration with the World Bank and ILO, the government established two feedback mechanisms for citizens to report labor violations. The government reported it provided redress in seven cases of unpaid wages affecting 250 people. Independent observers reported the associated call centers were not always accessible and national security services threatened several individuals who provided information to the hotlines with intimidation and pay-cuts if they reported additional violations. In January 2016, the government approved an action plan on labor conditions in the agricultural sector for 2016-2018, which aimed to strengthen labor inspections and the feedback mechanisms for citizens reporting labor violations, develop a methodology for identifying the minimum quantity of workers and wages needed for farms, and prepare a feasibility study for liberalizing cotton production, among other items.

The government continued to implement its 2015-2016 national action plan to combat transnational trafficking through its national network of anti-trafficking coordination commissions. The national government conducted monitoring visits and provided training to 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 or forced labor. The government provided anti-trafficking training for its diplomatic personnel.

## VENEZUELA: Tier 3

Venezuela is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Venezuelan women and girls are subjected to sex trafficking and child sex tourism within the country, including some lured from poor interior regions to urban and tourist centers. NGOs continue to report Venezuelan women are subjected to forced prostitution in Caribbean island countries, particularly Aruba, Curaçao, and Trinidad and Tobago. Venezuelan children are exploited within the country, frequently by their families, 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. Media reports indicate some of the estimated 30,000 Cuban citizens, particularly doctors, working on behalf of their government in Venezuela on social programs may experience treatment indicative of forced labor. Some of these Cubans attribute such treatment to their own government, including labor trafficking indicators such as chronic underpayment of wages, mandatory long hours, and threats of retaliatory actions against the citizens and their families if they leave the program.

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. The government released minimal information on its efforts. Authorities investigated at least one sex trafficking case and indicted at least one trafficker, but reported no prosecutions or convictions. The lack of reliable data on government anti-trafficking efforts made these efforts difficult to assess. The government did not report identifying or assisting trafficking victims. The extent of efforts to investigate internal forced labor, protect child sex trafficking victims, or improve interagency coordination to address trafficking was unclear.



### 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; and improve data collection on government anti-trafficking efforts and make this data publicly available.

### PROSECUTION

The government decreased efforts to hold traffickers criminally accountable, although the lack of comprehensive public data on investigations, prosecutions, and convictions made overall law enforcement efforts against human trafficking difficult to assess. Venezuelan law prohibits some forms of human trafficking, specifically trafficking of women and girls, through a 2007 law on women’s rights that prescribes punishments of 15 to 30 years’ imprisonment. Contrary to the international definition, the law requires force, fraud, or coercion in its definition of sex trafficking of girls. It also prohibits human trafficking by organized criminal groups through 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. However, the organized crime law fails to prohibit trafficking by any individual not affiliated with an organized criminal group and fails to prohibit trafficking men. The penalties for these trafficking crimes are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the year, 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 2015. According to government websites and media reports, officials pursued at least two sex trafficking investigations under trafficking laws during the year. According to press reports, the government indicted at least one sex trafficker; there were no reported prosecutions

or convictions. In comparison, the government reported three trafficking convictions in 2014 with sentences ranging from eight to 18 years' imprisonment. The government reported the Ministry of Interior, Justice, and Peace's organized crime office (ONDOFT) trained 1,800 security personnel in 12 states during 2015 to identify and assist trafficking victims. Authorities did not report cooperating with foreign governments on trafficking investigations during the year. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking.

## PROTECTION

Authorities provided limited information about trafficking victim identification and assistance in 2015, but decreased victim protection efforts. 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 2015. 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. NGOs provided some specialized services to victims of sex trafficking and forced child labor. 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 lacking. 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. An international organization continued to work with the government to file requests for asylum and relief from deportation for victims from Colombia who feared reprisals from traffickers or criminal organizations if they returned to Colombia, though it is unclear if any victims did so in 2015.

## PREVENTION

The government made minimal efforts to prevent human trafficking in 2015. No permanent anti-trafficking interagency body existed, and the government did not have a current anti-trafficking plan or strategy. Authorities continued some awareness efforts aimed at sexual violence broadly, including a public service announcement about sexual exploitation and the distribution of anti-trafficking posters and pamphlets, most of which focused on sex trafficking of women and girls. There were no publicly available reports of new investigations, prosecutions, or convictions for child sex tourism offenses in 2015. 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 during the year.

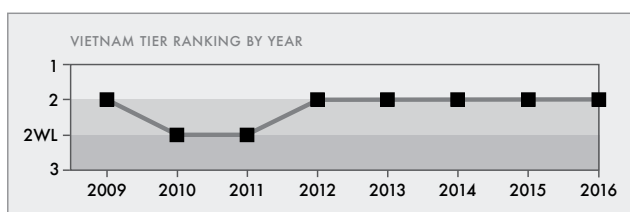
## VIETNAM: Tier 2

Vietnam is a source country and, to a lesser extent, a destination, for 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 workers excessive fees, leaving workers with exorbitant debts and vulnerable to debt bondage. Some victims are subjected to forced labor in the construction, fishing, agricultural, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Angola, United Arab Emirates, and Japan. Workers may find themselves compelled to work in substandard conditions for little or no pay, with large debts and no legal recourse to address labor law violations. Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent labor opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and in other Asian countries, 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 and increasingly to 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 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. Victims are recruited by relatives, acquaintances, or neighbors, often with the knowledge, consent, or persuasion of close family members. Vietnamese organized crime networks recruit, under pretenses of lucrative job opportunities, and transport Vietnamese, including children, to Europe—particularly the United Kingdom—and subject them to forced labor on cannabis farms.

Within the country, Vietnamese men, women, and children—particularly 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 of Vietnam. Some children are subjected to forced and bonded labor in informal garment and brick factories or urban family homes and privately run rural gold mines. Many children from impoverished rural areas, and a rising number from middle class and urban dwellings, are subjected to sex trafficking. Child sex tourists, reportedly from Asia, the United Kingdom, Australia, Europe, Canada, and the United States, exploit children in Vietnam. Although a 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts to three hours detainees' maximum work day, some drug users detained administratively under the previous legal provision were subjected to forced labor in rehabilitation centers. NGOs report some 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.

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. Vietnam amended its penal code to

bring its anti-trafficking law closer to international standards, but the changes were not in effect at the close of the reporting period. The government convicted fewer traffickers in 2015 and, although it initiated investigations, it did not pursue criminal prosecutions for forced labor. The government continued to provide anti-trafficking training for officials and develop interagency cooperation; however, many officials lacked the skills to identify victims or to investigate labor trafficking cases. The government continued to subject to forced labor some individuals administratively detained in drug rehabilitation centers. Vietnamese officials abroad assisted with the return of an unknown number of trafficking victims in 2015 and worked with NGOs to help repatriate victims from China. Vietnam entered into memoranda of understanding with 11 primary destination countries and updated its agreement with Malaysia to ban the practice of employers retaining employees' passports. NGOs report border officials in high-risk trafficking areas increased their engagement to investigate trafficking cases.



## RECOMMENDATIONS FOR VIETNAM:

Fully enact and implement articles 150 and 151 of the new penal code, which amend articles 119-120 of the current penal code, to vigorously prosecute all forms of trafficking and convict and punish traffickers, especially in cases involving forced labor or complicit officials; continue to strengthen and actively monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees; fully implement plans to train officials on implementation of the amendments to the penal code, with a focus on identifying and investigating forced labor and internal trafficking cases; cease the practice of subjecting Vietnamese drug users to forced labor in government-run rehabilitation centers; 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; expand training for consular officials on worker rights and international labor standards; support efforts of international organizations or other stakeholders to research and report on trafficking trends in Vietnam, including the public release of findings; finalize the database on trafficking statistics and disseminate information at the national level; improve interagency cooperation on anti-trafficking efforts in order to effectively implement the national plan of action and ensure sufficient resources are dedicated to the plan; develop programs that reduce stigma and promote reintegration of trafficking returnees; implement anti-trafficking campaigns directed at reducing child sex tourism; and ratify and fully implement the Association of Southeast Asian Nations (ASEAN) Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).

## PROSECUTION

The government demonstrated uneven law enforcement efforts; it made progress in reforming its anti-trafficking legal framework, but obtained fewer convictions. Vietnam's 2012 anti-trafficking law expanded articles 119 and 120 of the country's penal code to define and criminalize sex and labor

trafficking; however, these articles do not prohibit all forms of trafficking, and labor trafficking provisions in the 2012 anti-trafficking law have not been applied in prosecutions due to a lack of awareness. In November 2015, the National Assembly passed a new penal code that included articles 150-151 on human trafficking, which amended articles 119 and 120 of the anti-trafficking law by describing most of the acts, means, and purposes of trafficking included in the international definition and more clearly defining the prescribed penalties and aggravating factors. The amended articles do not require the means of force, fraud, or coercion for trafficking anyone younger than 16 years of age, but the no means requirement should apply to anyone 18 years of age or younger, to be consistent with the international definition. However, penal code articles 150-151 were not yet legally in effect at the end of the reporting period. Based on the severity of the crime, anti-trafficking law articles 119-120 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 (\$450-\$4,450); these punishments are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2015, the government made modest progress on the development of a nationwide computer database—launched in 2014—to track trafficking cases. Although in its nascent stage, the database improved the accuracy of trafficking statistics; however, discrepancies persisted in interagency data on anti-trafficking law enforcement and victim identification.

The government arrested 544 suspected traffickers. It prosecuted 442 and convicted 217 trafficking offenders (under anti-trafficking law articles 119 or 120), compared with 472 prosecutions and 413 convictions in 2014. Sentences ranged from probation to life in prison. Authorities did not report how many cases involved sex or labor trafficking or how many were for internal or transnational trafficking. Because the penal code does not specifically criminalize labor trafficking, officials lacked confidence in a legal basis to prosecute labor trafficking and treated such cases as administrative violations under the country's labor laws, which do not prescribe criminal penalties. Labor officials suspended the licenses of a few companies, mandated companies implement required pre-departure training for laborers, and conducted inspections based on labor complaints but largely left labor recruitment companies to resolve individual contract disputes with workers over fraudulent recruitment and conditions indicative of forced labor. The government sent interagency delegations to participate in joint investigations on an ad hoc basis in Cambodia, China, Kazakhstan, Laos, Poland, Russia, Singapore, Thailand, and the United Kingdom, and more routinely in China, Cambodia, and Laos for rescue operations.

A lack of coordination across provincial agencies impeded overall law enforcement in Vietnam, and budget constraints precluded some local authorities from pursuing trafficking cases, especially when they occurred in isolated parts of the country. In addition, some officials' poor understanding of the anti-trafficking legal framework resulted in uneven law enforcement efforts. Police included a module on anti-trafficking in its overall training for new recruits. The government organized 20 anti-trafficking training sessions for more than 500 interagency officials. The Ministry of Public Security partnered with Australian authorities to conduct an anti-trafficking training for 26 Vietnamese police from jurisdictions across Vietnam. 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 human trafficking offenses.

## PROTECTION

The government maintained modest efforts to protect victims. In 2015, authorities identified 1,000 potential trafficking victims—a slight decline from 1,031 the previous year—but did not report how many were subjected to sex or labor trafficking, how many were adults or children, or how many were exploited in Vietnam or abroad. Victim identification and referral mechanisms remained inadequate throughout the country. The government had a formal procedure for victim identification that it did not proactively or widely employ to identify victims among vulnerable groups, such as women arrested for prostitution, migrant workers returning from abroad, and child laborers. It also did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes and a lack of interjurisdictional cooperation, in addition to the large number of victims who self-identified, were returned via unofficial border crossings, or lacked identification documentation. Officials continued to conflate trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad.

In 2015, the Ministry of Labor, Invalids, and Social Affairs (MOLISA) provided protection, repatriation, and reintegration support to 650 trafficking victims, compared with 668 the previous year. Although protection services remained variable by location, the majority of victims received vocational training, healthcare, legal aid, shelter, counseling, and financial allowances. Authorities did not report how many victims used the one-time government cash subsidy—up to 1.5 million dong (\$65). MOLISA continued operating 400 social protection centers through local authorities, which provided services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed and resourced and lacked appropriately trained personnel to assist victims. The Vietnam Women's Union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, one of which was trafficking-specific. There are no shelters designated exclusively for male or child victims, though existing shelters provided assistance to all victims as needed.

Vietnam maintained labor attaches at its embassies in nine countries with large numbers of documented Vietnamese migrant workers; however, some Vietnamese diplomatic personnel reportedly lacked sufficient training to adequately assist victims. In an unknown number of repatriation cases, Vietnamese diplomatic missions provided basic provisions, transportation, and healthcare to Vietnamese nationals subjected to trafficking abroad. 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. Vietnamese law protects victims from being prosecuted for actions taken as a consequence of being subjected to trafficking; however, because officials are not properly trained in identification techniques, some may have treated some victims as criminals. NGOs reported victims expressed trepidation in returning to Vietnam—particularly without proper documentation—given the endemic social stigma attached to being a victim, dread of retribution in their local communities, and fear of punishment for illegal acts committed as a result of being subjected to trafficking. The government did not offer foreign victims legal alternatives

to their removal to countries where they faced retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. During the reporting period, the government approved a four-year (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 endorse a specific budgetary allotment to implement the plan. The government continued to develop its national database on trafficking statistics, which commenced operation during the previous year. In 2015, officials supported anti-trafficking awareness campaigns by partnering with national and local media outlets to conduct radio and television stories, publish news articles, and disseminate fliers on trafficking. The government conducted workshops and hosted community dialogues on vulnerabilities to labor trafficking, targeting areas prevalent with foreign contract labor. It also organized theatrical performances and social events in high-risk provinces to warn vulnerable populations of the risks of trafficking for women entering brokered marriages abroad. The government fully suspended two labor recruitment companies for labor export law contraventions and suspended three companies from recruiting workers to Saudi Arabia; it initiated 23 criminal investigations against 27 unlicensed organizations after observing indicators of labor trafficking. During the year, Vietnam entered into memoranda of understanding with 11 primary destination countries and updated its agreement with Malaysia to ban the practice of employers retaining employees' passports. The pre-departure fee and deposit system for Vietnamese migrant workers—ranging from 6.5-65 million dong (\$585-\$5,850)—could have decreased the debt burden experienced by some workers if scrupulously enforced; however, this scheme may have increased overseas workers' vulnerability to debt bondage if recruiters charged in excess. The government made tangible efforts to reduce the demand for commercial sex acts during the reporting year by conducting raids at unscrupulous establishments notorious for prostitution and prostitution brokering. It provided anti-trafficking training for its diplomatic personnel.

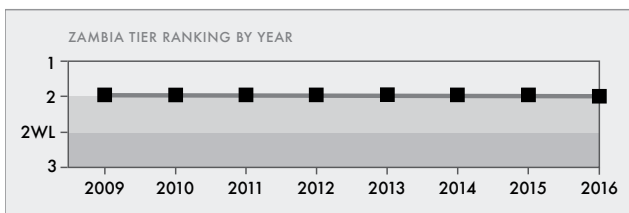
## ZAMBIA: Tier 2

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 or sex trafficking in Zambia. Nationals from

South and East Asia are exploited in forced labor in 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. Southeast Asians who transit Zambia are subjected to forced labor in construction in South Africa by South African criminal groups. Potential trafficking victims from Ethiopia, Democratic Republic of the Congo, and Syria were identified in Zambia.

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 investigated 13 cases, nine of which were prosecuted, and five of these cases resulted in convictions. The government identified 192 potential trafficking victims during the reporting period, but it was unclear how many of these victims received protective services. The government did not improve the condition of its shelters and lacked means to shelter male victims of trafficking. The government's minimal budget for anti-trafficking efforts severely limited its capacity to provide services to victims. The anti-trafficking inter-ministerial committee did not meet during the reporting period. In addition, limited training provided for investigators, police, prosecutors, magistrates, and judges on human trafficking continued to hamper the government's anti-trafficking law enforcement efforts. Although the government investigated cases involving victims from neighboring countries, it did not investigate more organized trafficking operations involving foreign companies or address internal trafficking, including forced child labor and domestic servitude.



## RECOMMENDATIONS FOR ZAMBIA:

Amend the 2008 anti-trafficking act to use a broad definition of trafficking that does not rely on evidence of movement, but rather focuses on exploitation; amend the trafficking law to enable prosecution of child sex trafficking without an element of force, fraud, or coercion; increase resources for victim services, including to expand the availability of shelters and ensure alternative services are available for male victims; investigate and prosecute internal sex and labor trafficking cases involving both children and adults; 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; formalize and implement victim identification and referral procedures, and train law enforcement and social welfare officials on their use, including in vulnerable populations; improve coordination among service providers to prevent detention of male victims; compile and share information on trafficking cases and trends; strengthen coordination and collaboration efforts between relevant ministries; and develop and adopt an updated multi-year national anti-trafficking strategy and action plan and continue to conduct public awareness campaigns.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts, initiating nine prosecutions in 2015, compared with four prosecutions in 2014. The anti-trafficking act of 2008 criminalizes some forms of trafficking; 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 investigated 13 potential trafficking cases, in comparison with five cases the previous year. It initiated prosecution of nine traffickers, compared with four the previous year, and convicted five traffickers. A majority of the trafficking cases investigated involved cross-border crimes; the government did not investigate internal cases involving Zambian children exploited in prostitution and domestic servitude or in forced labor in the Zambian mining and agricultural sectors. In one case, the government convicted and sentenced a Congolese man to 18 months' imprisonment for the exploitation of five children in forced labor in Australia; the government recommended review by High Court for a sentence longer than 10 years. Officials rarely investigated forced child labor offenses or cases in which victims were not moved across borders; 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 government had limited capacity to monitor the mining and agricultural sectors and did not investigate or prosecute companies for labor trafficking in these sectors; allegedly, large or foreign companies and foreign governments exerted influence over officials, preventing investigations. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

The national police academy trained an unknown number of officials on the 2008 anti-trafficking act, case investigation techniques, and procedures to identify and protect victims. The government maintained a database to track trafficking case data. The government continued its partnerships in the region through routine coordination of anti-trafficking efforts with Zimbabwe and South Africa during the reporting period.

## PROTECTION

The government made minimal efforts to assist victims. It was unclear whether the victims identified were victims of trafficking, as officials often conflated cases of smuggling and trafficking, and it did not increase its capacity to adequately protect victims. The government identified 192 potential trafficking victims during the reporting period. It provided modest in-kind support and otherwise relied on international organizations and local NGOs to provide the majority of victim care. The government allocated 50,000 kwacha (\$4,500) for its anti-trafficking budget, as in the previous reporting period.

Officials and service providers used standard procedures to identify trafficking victims among vulnerable populations, such as migrants and unaccompanied minors. The government expanded its national referral mechanism to provide for vulnerable migrants, including asylum-seekers, refugees, unaccompanied and separated children, stranded migrants, and stateless persons. The Ministry of Community Development, Mother and Child Health (MCDMCH) oversaw the placement

of victims in NGO shelters 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; however, it was unclear how many victims benefited from these services during the year. The Department of Immigration, in partnership with an international organization, trained officers at ports of entry to identify and interview potential victims of trafficking. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; however, it is unclear how many victims received such assistance in 2015.

The government did not increase the availability of shelter options and government agencies and NGOs reported a lack of resources to establish or upgrade additional shelters in 2015. Government and NGO shelters lacked sufficient capacity to serve victims, especially men. The MCDMCH operated a 40-person shelter in Luapula province, and oversaw two NGO shelters. MCDMCH's planned construction of a new shelter in Kapiri Mposhi, a central transit point, which was planned to start in 2013, remained incomplete for the third consecutive year. 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 maintained minimal efforts to prevent trafficking. It did not host a fifth National Symposium on Human Trafficking during the reporting period, which in the prior four years focused on protecting migrants from trafficking and exploitation. The government did not review or update the 2012-2015 national action plan to combat 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. In collaboration with an international organization, the Ministry of Community Development and Social Services (MCDSS) launched an awareness-raising campaign called "Safe Migration: My Right, My Responsibility," aimed at capacity building for district stakeholders in Chipata, Livingstone, Chilalabombwe, Nakonde, and Sesheke in order to assist in the identification of trafficking victims. Additionally, MCDSS provided anti-trafficking training to 80 officials through the production of radio messages to highlight and raise awareness of the indicators of human trafficking at community radio stations in Eastern, Copperbelt, Central, Southern, and Lusaka Provinces.

During the year, MLSS did not employ any labor inspectors due to funding constraints, a significant decrease compared to 58 labor officers employed the previous year and 108 in 2013, leaving the number of inspectors inadequate and inefficient in identifying potential labor trafficking cases. MLSS officials regulated fees paid by workers to recruitment agencies to screen for exploitative labor recruitment practices. In 2013, the government began a review of the employment act to determine how best to address potential abuses in the informal sector, including domestic service, that are not adequately covered under the current law; the review remained incomplete. 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.

## ZIMBABWE: Tier 3

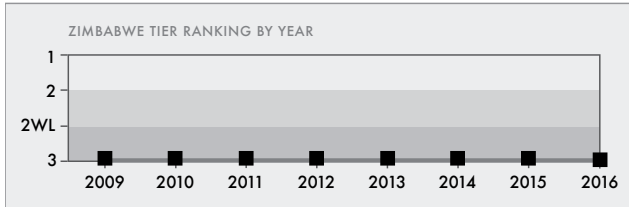
Zimbabwe is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Women and girls from Zimbabwean towns bordering South Africa, Mozambique, and Zambia are subjected to forced labor, including domestic servitude, and sex trafficking in brothels catering to long-distance truck drivers on both sides of the borders. There are continuous reports of Zimbabwean women lured to China and the Middle East for work where they are vulnerable to trafficking. 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. Many Zimbabwean adult and child migrants in South Africa often enter 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 business. 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 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.

The Government of Zimbabwe does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Official complicity in trafficking crimes remained a concern. The government made minimal efforts to protect trafficking victims, instead relying on NGOs to identify and assist victims. The government made limited



efforts to collaborate with NGOs on the issue of trafficking. The government began investigation into the trafficking of 200 women to Kuwait during the reporting period; however it did not prosecute or convict any trafficking offenders during the reporting period. The government appointed the permanent secretary of home affairs to chair the Anti-Trafficking Inter-Ministerial Committee (ATIMC) in December 2015. It developed its first national action plan in September 2015, which remained pending cabinet approval at the end of the reporting period.



### 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 trafficking offenders, including complicit government officials; formalize procedures for identifying victims and referring them to the care of appropriate government or non-government service providers; train officials on victim identification and referral procedures; establish and actively promote collaboration with Zimbabwe-based international officials on issues of trafficking; train the judiciary, including prosecutors and judges, on trafficking and trafficking related legislation; provide financial or in-kind support to NGOs and international organizations that provide victim services; implement, and allocate sufficient resources to, the national action plan to combat trafficking; fully implement and use the Southern African Development Community database to track trafficking cases; increase collaboration with NGOs and international organizations; and raise awareness of human trafficking and the availability of assistance for victims.

### PROSECUTION

The government made little anti-trafficking law enforcement effort. 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”—a key element of effective trafficking laws generally defined under international law as forced prostitution or other forms of forced labor. 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 reported investigating a case of over 200 trafficking victims identified in Kuwait; however, the government did not vigorously prosecute, or convict any trafficking offenders 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 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. In October 2015, in partnership with an international organization, the government participated in a training of trainers for over 50 provincial criminal justice officials on the 2014 Trafficking in Persons Act, how to identify and investigate trafficking cases, and measures for assisting trafficking victims.

### PROTECTION

The government made inadequate efforts to protect trafficking victims, and did not report the total number of trafficking victims it identified or assisted during the reporting period. The government has not developed formal guidelines to proactively identify or refer victims to protective services, and it relied almost exclusively on NGOs and an international organization to identify and assist victims. One NGO reported assisting 280 child victims of forced labor subjected to domestic servitude. Reports indicated that 39 victims of sex trafficking, including children, sought assistance. An NGO reported assisting 11 children exploited in street begging. Additionally, an estimated 200 trafficking victims were identified through the use of social media in Kuwait during the period. While the Trafficking in Persons Act required the government to establish centers in each of Zimbabwe’s 10 provinces to provide counseling, rehabilitation, and reintegration services for trafficking victims, these centers had not been established at the end of the reporting period. Five existing government shelters offered long-term accommodation to vulnerable and orphaned children, including an unknown number of potential child trafficking victims. Children had access to health services, counseling, and some educational services at these shelters. The government may have detained and deported potential trafficking victims due to a lack of proactive victim identification procedures. 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 made minimal efforts to prevent trafficking. The government appointed the permanent secretary of home affairs to chair the ATIMC in December 2015. ATIMC met twice and led the development of the country’s first national action plan in September 2015, which was pending cabinet approval by the end of the reporting period. The national action plan provides for a review of the current anti-trafficking legal framework. The government did not conduct public awareness

campaigns during the reporting period. The government provided anti-trafficking training to its diplomatic personnel. It did not make efforts to reduce the demand for commercial sex acts or forced labor.

## SPECIAL CASE: LIBYA

Libya is a Special Case. 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—did not arrive in the capital Tripoli until late March 2016. Before the GNA Presidency Council entered Tripoli, the Libyan government that had been in place since April 2015 and was appointed by the House of Representatives had been based in the eastern city of Bayda and operated without access to or control over Tripoli. During that period, competing factions, none of which had been elected or appointed by a legislature, operated in Tripoli under the self-convened “National Salvation Government.” Extralegal armed groups continued to fill a security vacuum across the country; such groups varied widely in their makeup and the extent to which they were under the direction of state authorities, and they committed human rights abuses, including unlawful killings. Before the formation of the GNA Presidency Council, the Bayda-based government that had been in place had failed to control such groups, including those groups nominally under state control. At the close of the reporting period, the GNA Presidency Council was only beginning to establish effective control over armed groups.

### SCOPE AND MAGNITUDE

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 there are reports of children being subjected to recruitment and use by armed groups within the country. Due to widespread insecurity driven by militias, civil unrest, and increased lawlessness in Libya that continued to worsen in 2015, accurate information on human trafficking became increasingly difficult to obtain—in part due to the withdrawal of most diplomatic missions, international organizations, and NGOs in 2014. 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 the age of 18. Trafficking victims or those vulnerable to trafficking, such as foreign migrants, are also vulnerable to increased violence in Libya, including torture, abduction for ransom, physical and sexual assaults, arbitrary killings, and inhumane detention. For example, there were multiple reports of migrants—some of whom may be trafficking victims—being held in detention centers, including those controlled by government-aligned authorities as well as non-state armed groups, where they were subject to overcrowding, torture, and denial of medical care.

Migrants seeking employment in Libya as laborers or domestic workers or who transit Libya en route to Europe are highly vulnerable to trafficking. Trafficking networks reaching 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 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. Prostitution rings reportedly subject sub-Saharan women to sex trafficking in brothels, particularly in southern Libya. Nigerian women are at heightened risk of being forced into prostitution, while Eritreans, Sudanese, and Somalis are at risk of being subjected to forced labor in Libya. In February 2015, the media reported a Russian trafficking network brought hundreds of Bangladeshi nationals via Libya to Italy, where they subsequently endured forced labor. Private employers in Libya mobilize detained migrants—from prisons and detention centers, including those ostensibly under the control of the Bayda-based government—for forced labor on farms or construction sites; when the work is completed or the employers no longer require the migrants’ labor, employers return them to detention.

### GOVERNMENT EFFORTS

The Bayda-based government, which was formed in September 2014 and recognized by much of the international community until its mandate expired in October 2015, demonstrated limited political will and limited capacity to address basic security challenges, including human trafficking, as it struggled to control a significant amount of Libya’s territory. The lack of rule of law hindered police and judicial officials’ efforts to addressing trafficking crimes; the Bayda-based government also did not exercise control over many migrant prisons and detention facilities where human trafficking crimes continued to take place. 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 was not functioning throughout the reporting period, the government did not investigate, prosecute, or convict any trafficking offenders in 2015. It also did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes, despite allegations of complicity. For example, the government did not investigate or punish officials in state prisons and migrant detention centers where trafficking crimes allegedly occurred; however, it was unclear if these facilities were under the control of a legitimate central authority. Furthermore, the government 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 provide anti-trafficking training for officials.

The Bayda-based government did not have any policy structures, capacity, or resources to proactively identify and protect trafficking victims among vulnerable groups, such as foreign migrants and women and girls in prostitution. It also did not have measures in place to protect children recruited and used by militia groups, including those aligned with the government,

and other armed groups. The government did not protect victims from punishment for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations; victims were treated as illegal migrants and therefore subjected to detention and fines. Furthermore, authorities made no effort to protect detained foreign migrants, who continued to be sold into forced labor. As Libya's criminal courts largely ceased to function during the reporting period, the government did not encourage victims to participate in the investigation and prosecution of traffickers. It did not provide foreign trafficking victims with legal alternatives to their removal to countries where they faced hardship or retribution.

The Bayda-based government lacked the institutional capacity, resources, and political will to prevent human trafficking. The government did not have a national coordinating body responsible for combating human 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 or forced labor. The government did not provide anti-trafficking training for its diplomatic personnel. While regulations prohibited the recruitment and use of child soldiers, 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.

## SPECIAL CASE: SOMALIA

Somalia remains a Special Case for the fourteenth 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 Republic of Somaliland and semi-autonomous Federal 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 rural areas in south-central Somalia. The FGS focused on capacity-building and securing Mogadishu and government facilities from attacks by al-Shabaab. The African Union Mission in Somalia (AMISOM) conducted military operations in 2015 to recover al-Shabaab-controlled territory; however, its efforts were countered by increased attacks on security forces by the terrorist organization. Military courts adjudicated serious cases, including those related to terrorism, and tried many civilian cases. The government had minimal capacity to address most crime, including human trafficking, and thereby yielded negligible efforts in all regions on prosecution, protection, and prevention. Somali officials also lacked an understanding of trafficking crimes, which they often conflated with migrant smuggling.

### SCOPE AND MAGNITUDE

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 may move from Somalia's southern and central regions to Puntland and Somaliland in the north. In Somaliland, women act as recruiters and intermediaries transporting victims further, to Puntland, Djibouti, and Ethiopia for domestic servitude or sex trafficking. Criminal groups formerly engaged in piracy

reportedly continue to exploit Somali women and girls in domestic and sexual servitude. Somali ethnic Bantus and Midgaan remain marginalized and are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. 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 of Somali women and girls, including trafficking, by Ugandan and Burundian AMISOM personnel. An African Union investigation into the allegations concluded there was evidence of sexual exploitation and abuse by AMISOM personnel.

Internally displaced persons (IDPs) remain vulnerable to sex and labor trafficking. "Gatekeepers" in control of some IDP camps, at times allegedly in collusion with Somali officials, reportedly force girls and women to provide sex acts in exchange for food and services available within the camps. They continue to charge rent or fees for otherwise-free basic services and sell the area they control within a camp to other "gatekeepers," establishing a cycle of debt for IDPs that makes them vulnerable to inherited bondage. 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.

According to international organizations, during the reporting period Somaliland and Puntland experienced an influx of approximately 30,000 migrants and refugees, and Somali national returnees fleeing conflict in war-torn Yemen. Although no reliable statistics are available, Ethiopian economic migrants, mostly from the Oromia region of Ethiopia continued transiting Somalia en route to Libya, Sudan, and Europe during the reporting period. Women and girl migrants working in the informal economy were particularly vulnerable to trafficking.

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. 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. Traffickers smuggle Ethiopian women through Somalia to destinations in the Middle East, where they subsequently force them into domestic servitude and prostitution. Ethiopian children travel to Somaliland seeking employment but may instead be forced to beg on the streets. Particularly in coastal regions, some traffickers reportedly compel community elders to convince community members to travel to Europe for employment opportunities; some individuals are subjected to forced labor in Europe.

### CHILD SOLDIERS

During the year, there were continued reports of the Somali National Army (SNA), Ahlu Sunna Wal Jama'a (ASWJ), pro-Galmudug militia, and al-Shabaab using child soldiers. In 2015, the FGS reiterated its commitment to eliminating the use of child soldiers among the ranks of the SNA, and Somalia ratified the Convention on the Rights of the Child. The SNA's implementation of its action plan to curb the recruitment and use of child soldiers—signed in 2012—was limited during the reporting period, although the federal government identified regional focal points and conducted subnational trainings. Amid routine screening missions, in close coordination with UN personnel, the Child Protection Unit identified one child in the SNA's Dhagabadan Military Training Centre and 36 children were identified and separated from an integration and recruitment process in Kismayo, preventing them from joining the SNA. Authorities handed over children separated from armed groups to the UN Children's Fund or for care. The UN continued to express concerns about the arrest and detention of children including by the SNA, IJA forces, pro-Galmudug militia, and AMISOM; some of the detained children were allegedly associated with al-Shabaab. Most Somalis lacked birth certificates, and without an established birth registration system or standardized method for recruitment, verifying claims of child soldiering remained difficult. In addition, unverified reports indicated militias opposed to al-Shabaab may recruit former al-Shabaab child soldiers.

Throughout areas beyond state control, al-Shabaab frequently recruited children for use by its militias, typically through abduction or deception. The terrorist group forced recruitment at mosques, Koranic 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. The UN reported al-Shabaab recruited 258 children from April to September 2015.

### GOVERNMENT EFFORTS

Somaliland and Puntland authorities sustained minimal 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, the FGS lacked sufficient training, resources, and capacity to effectively prosecute traffickers, protect victims, or prevent the crime. 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 constitution, which remains provisional, prohibits slavery, servitude, trafficking, and forced labor under article 14. Article 29(6) prohibits the use of children in armed conflict. The Somali National Police remained understaffed, undertrained, and lacked capacity and the appropriate legal framework to effectively enforce the law. In 2015, the FGS did not report any information on the investigation or prosecution of trafficking crimes, at either the federal or regional level, including those involving officials alleged to be complicit in the facilitation of sex and labor trafficking.

The Puntland State administration and Somaliland possessed functioning legal systems but limited law enforcement capacity; they reported no reliable data on trafficking investigations or prosecutions during the reporting year. In Puntland, the Ministry of Women's Development and Family Affairs oversaw anti-trafficking efforts, and the police force in Garowe operated an anti-trafficking unit, though it lacked proper training. Provisions under Islamic law in Puntland criminalize the murder of smuggled or trafficked persons, prescribing penalties of between one and five years' imprisonment. Laws in Somaliland prohibit forced labor, involuntary servitude, and slavery. The Ministry of Labor and Social Affairs in Somaliland continued to oversee anti-trafficking efforts, but it was inactive during the reporting period.

No governmental entity had formal procedures to identify or refer trafficking victims. Information on FGS efforts to protect trafficking victims remained limited. Somaliland officials were overwhelmed with humanitarian cases involving ethnic Somalis, economic migrants, and illegal immigration from Ethiopia, which often hindered identification and protection of potential trafficking victims. In Puntland, international organization staff continued to train officials on victim identification and referral procedures. The FGS, Puntland, and Somaliland authorities did not provide protective services to trafficking victims and relied fully on international organizations to provide victim reintegration services. Neither the federal nor regional governments provided financial aid or in-kind support to organizations assisting victims. There were no legal alternatives to the removal of foreign trafficking victims from Somalia to countries where they may face hardship or retribution; however, government officials identified no foreign victims during the year. Somaliland authorities continued to work with an international organization and the Migration Response Center in Hargeisa to establish a mobile health clinic for the IDPs surrounding the Mahamed Mooge settlement and a rehabilitation center for street children. Government officials did not report data on whether any children who were exploited in prostitution or the commission of crimes on Somali territory were protected from criminal penalties under Somali law. During the reporting year, federal and regional authorities, with external assistance, oversaw the transfer of former child soldiers associated with al-Shabaab to the custody

of an international organization.

Authorities across Somalia demonstrated minimal efforts to prevent trafficking during the year. Somaliland and Puntland officials facilitated anti-trafficking public awareness efforts; however, these regional campaigns continued to conflate trafficking and smuggling and focused predominantly on economic migration. The FGS did not conduct any awareness campaigns during the reporting period. The government in Puntland established a committee to address trafficking, but it was inoperative during the reporting year. 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.

## SPECIAL CASE: YEMEN

Yemen is classified as a Special Case for the first time in the 2016 Report. Information on human trafficking in Yemen has become increasingly difficult to obtain since March 2015 when the Republic of Yemen Government (ROYG) had to leave the country and relinquished control of substantial portions of territory. NGOs report that vulnerable populations in Yemen were at increased risk to human trafficking in 2015 due to large-scale violence driven by ongoing armed conflict, civil unrest, and lawlessness. Migrant workers from the Horn of Africa who remained in Yemen during this period suffered from increased violence, and women and children became most vulnerable to human trafficking. The limited international organizations and NGOs remaining in Yemen have been focused on providing emergency humanitarian assistance to the local population and have not had the resources to collect reliable data on human trafficking. For the purposes of this report, Yemen has special case status, as the government currently lacks control over its territory while it remains outside of Yemen in Saudi Arabia.

### 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 deteriorating economy in 2015 disrupted some trafficking patterns and exacerbated others. Some Yemeni children, mostly boys, were subjected to forced labor in domestic service, small shops, or in begging after migrating to the cities of Aden and Sana'a or to Saudi Arabia and, to a lesser extent, Oman. Traffickers, security officials, and employers also forced some of these children into prostitution in Saudi Arabia, while others are forced to smuggle drugs into Saudi Arabia.

Prior to the conflict, Yemen was a transit point and destination for the sex-trafficking and forced labor of women and children, primarily from the Horn of Africa, and likely remains as such presently. Ethiopians and Somalis traveled voluntarily to Yemen with the hope of employment in other Gulf countries, but some women and children among this population faced potential 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 escalation of the conflict and the government's departure in March 2015, Yemeni migrant workers were reportedly deported from Saudi Arabia and returned to Yemen through the al-Tawal 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 human trafficking. An estimated 12,000 Syrian refugees were in Yemen at the end of 2015. Syrian refugee women and children begging in the streets in Yemen became highly vulnerable to forced labor and sex trafficking.

Yemeni children were subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 years old were exploited for 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 number originating from other Gulf nations, including the United Arab Emirates. Some Saudi men used legally contracted "temporary 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 reported that, as a result of the dire economic situation in Yemen, particularly in the north, sex trafficking of Yemeni children increased over the past several years. In addition, some sources reported the practice of chattel slavery in which human beings are traded as property continues in Yemen. 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 report there could be several hundred other men, women, and children sold or inherited as slaves in al-Hodeida and al-Mahwit governorates.

### 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 Houthi, tribal, and other militias. Armed boys reportedly between the ages of 13 and 17, and as young as 10 years old, often work at checkpoints around Sana'a operated by 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 March 26 and April 24, 2015, armed groups recruited at least 140 children. Al-Qa'ida in the Arabian Peninsula recruited boys for combat operations against military and security forces. Yemen's security, political, and economic crises, cultural acceptance of child soldiering, weak law enforcement mechanisms, and limited political will severely limit the country's capacity to end the use of child soldiers.

Prior to its departure, the Yemeni government and international NGOs estimated there were approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to forced labor. Since the escalation of armed conflict in March 2015, human rights organizations reported all parties to the conflict have increased their use of child soldiers. 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. 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.

### GOVERNMENT EFFORTS

The government continued to face serious challenges, which severely impeded its efforts to combat trafficking, including substantial internal security threats, weak institutions, systemic corruption, a shrinking economy, limited control of much of the country, and poor law enforcement capabilities. The government made no discernible law enforcement efforts against human trafficking and exercised no control over law enforcement. The absence of a law criminalizing all forms of trafficking, as well as the government’s continued conflation of trafficking and smuggling, impeded efforts to investigate and prosecute trafficking offenders. 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 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 the assistance of an international organization prior to its departure, Houthi rebels illegally disbanded Parliament in February 2015, and the legislation was not enacted during the reporting period.

The government did not have access to or oversight of the courts and 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 did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses, despite numerous reports in both urban and rural areas of officials engaged in trafficking, including the domestic servitude of children and women, forced prostitution of women, and forced labor of migrant workers. Allegations persisted that local government and security officials willfully ignored trafficking crimes taking place in their 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 supported such forms of 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 human trafficking, such as prostitution or immigration violations. Despite the Ministry of Interior (MOI) Women and Children Unit’s 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 ongoing conflict.

Further, the government did not encourage victims to assist in investigations or prosecutions of their traffickers or 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. Further, the government took no action in criticizing or condemning the rebel recruitment of child soldiers.

Due to its lack of access, the government made no 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 included plans for raising awareness, increasing cooperation between Yemen and neighboring countries, training officials in victim identification, and instituting procedures to protect and provide assistance to victims. During the 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, they often did this in exchange for bribes, and officials continued to provide such approval. Further, the government did not provide anti-trafficking training to its diplomatic personnel and did not make efforts to reduce the demand for commercial sex acts, forced labor, or address the problem of sex tourism more broadly. In addition, it did not provide anti-trafficking training to troops prior to their deployment abroad as part of international peacekeeping missions. Yemen is not a party to the 2000 UN TIP Protocol. Due to limited capacity and the ongoing conflict, the Yemeni government did not make efforts to implement a 2014 UN action plan to end the recruitment and use of child soldiers.





**This young child, captured in Sudan and forced into slavery, displays the scars on his arms and legs that he received when his owner crucified him—nailed him to a tree—because he lost a camel.**



## 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 2015 and March 2016. 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)	Ratification	Ratification	Ratification	Ratification	Ratification
Bahamas	2008	2015 (a)	2015 (a)	1976		1976	2001	
Belgium	2004	2006	2002	1944		1961	2002	2015
Burma	2004 (a)	2012 (a)		1955			2013	
Chile	2004	2003	2003	1933		1999	2000	2015
Cuba	2013 (a)	2001	2007	1953		1958	2000	2015
Dominican Republic	2008	2006 (a)	2014	1956		1958	2000	2015
Kiribati	2005 (a)	2015 (a)	2015 (a)	2000		2000	2009	
Korea	2015	2004	2004				2001	
Mauritania	2005 (a)	2007 (a)		1961	2016	1997	2001	
Micronesia	2011 (a)	2012	2015					
Niger	2004	2004	2012 (a)	1961	2015	1962	2000	
Norway	2003	2001	2003	1932	2015	1958	2000	
Panama	2004	2001	2001	1966		1966	2000	2015
Portugal	2004	2003	2003	1956		1959	2000	2015
Singapore	2015 (a)		2008	1965		**	2001	
Sri Lanka	2015	2006	2000	1950		2003	2001	
United Arab Emirates	2009 (a)	2016 (a)		1982		1997	2001	
United Kingdom	2006	2009	2003	1931	2016	1957	2000	

\* P029 Protocol to the Forced Labour Convention will enter into force November 9, 2016.

\*\* Singapore: ILO C105 ratified in 1965, denounced on 19 April, 1979.



## 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 exploitation of victims of trafficking.

	UNITED NATIONS	OSCE	NATO
TOTAL NUMBER OF PEACEKEEPING AND SUPPORT PERSONNEL	105,314	2,330	17,209
TOTAL NUMBER OF MISSIONS	17	16	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	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 2015	99 [civilian (45), military (38), police (16)] 69 allegations were reported against personnel of UN peacekeeping and special political missions in the Central African Republic (22), Democratic Republic of Congo (16), Haiti (9), Liberia (6), Ivory Coast (6), Mali (5), Darfur (2), Sudan's Abyei Region (1), Cyprus (1) and Timor-Leste (1). The remaining 30 allegations were reported against UN staff members and related personnel not associated with peacekeeping operations and special political missions.  An estimated 28% of the allegations against personnel of peacekeeping and other special political missions involved children under 18 years of age.	No reported allegations	No reported allegations – NATO relies on contributing countries to report allegations.

	UNITED NATIONS	OSCE	NATO
NEW INITIATIVES	<p>The UN Secretary-General's (SYG) 2016 annual report (A/70/729) includes, for the first time, the list of nationalities of UN personnel affected by allegations. In January 2016, the UN began requiring troop contributing countries certify operational readiness, including conduct of pre-deployment training according to UN standards, and that personnel nominated have not engaged in previous misconduct while on a peacekeeping mission. The UN Office of Field Support's Misconduct Tracking System was enhanced to support the expanded certification and vetting efforts. The SYG instituted a six-month timeline for UN investigating offices to complete investigations of sexual exploitation and abuse and is urging impacted Member States to do the same. The SYG appointed a Special Coordinator on Improving the UN's Response to Sexual Exploitation and Abuse.</p>	<p>The OSCE TIP Special Representative traveled to Eastern Ukraine on three occasions, in the context of the crisis situation, to raise awareness and build capacities of the Special Monitoring Mission (SMM) personnel in identifying victims of human trafficking, providing support, and strengthening cooperation with local officials. During the last visit, the Special Representative conducted "training-of-trainers" for SMM personnel on domestic violence in conflict situations and human trafficking.</p>	<p>NATO's Operations Division created the Section for Protection of Civilians to serve as a focal point for human rights issues, including human trafficking. This new section is expected to take over NATO's Counter Trafficking in Human Beings Coordinator role, which resided in another division of NATO.</p>
LINKS FOR ADDITIONAL INFORMATION	<p><a href="http://cdu.unlb.org/unstrategy/remedialaction.aspx">http://cdu.unlb.org/unstrategy/remedialaction.aspx</a></p>	<p><a href="http://www.osce.org/what/trafficking">http://www.osce.org/what/trafficking</a></p>	<p><a href="http://www.nato.int/cps/en/natolive/topics_50315.htm">http://www.nato.int/cps/en/natolive/topics_50315.htm</a></p>

## MULTILATERAL ORGANIZATIONS COMBATING TRAFFICKING IN PERSONS

ORGANIZATION	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
<p>United Nations  <a href="http://www.un.org">www.un.org</a>  <a href="http://www.unodc.org">www.unodc.org</a>  <a href="http://www2.ohchr.org/english/bodies/chr/special/themes.htm">www2.ohchr.org/english/bodies/chr/special/themes.htm</a></p> <p><a href="http://www.ilo.org">www.ilo.org</a>  <a href="http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm">http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang--en/index.htm</a></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:                      -C29 Forced Labour Convention, 1930                      -P029 Protocol of 2014 and Recommendation R203, supplementing the Forced Labour Convention, 1930                      -C105 Abolition of Forced Labour Convention, 1957                      -C182 Worst Forms of Child Labour Convention, 1999                      -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>African Union (AU)  <a href="http://www.africa-union.org/">www.africa-union.org/</a></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>Association of Southeast Nations (ASEAN)  <a href="http://www.aseansec.org">www.aseansec.org</a>  <a href="http://www.aseansec.org/4966.htm">www.aseansec.org/4966.htm</a></p>	<p>ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, 2004</p>	<p>N/A</p>
<p>Bali Regional Ministerial Conference On People Smuggling, Trafficking In Persons And Related Transnational Crime (Bali Process)  <a href="http://www.baliprocess.net">www.baliprocess.net</a></p>	<p>Co Chairs' Statements of the first (2002), second (2003), third (2009), fourth (2011), and fifth (2013) Bali Regional Ministerial Conference On People Smuggling, Trafficking In Persons And Related Transnational Crime</p>	<p>N/A</p>
<p>Commonwealth of Independent States (CIS)  <a href="http://www.cis.minsk.by/">www.cis.minsk.by/</a>                      (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>Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)  <a href="http://www.no-trafficking.org/index.html">www.no-trafficking.org/index.html</a></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 SPAIII, 2011-2013)</p>	<p>UN Inter-Agency Project on Human Trafficking (UNIAP)</p>
<p>Council of the Baltic Sea States (CBSS)  <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></p>	<p>A Vision for the Baltic Sea region by 2020, CBSS Summit 2010.</p> <p>Expert Group for Cooperation on Children at Risk: Priority paper 2011 - 2013</p> <p>Human Trafficking 2013 - Baltic Sea Region Round-up</p>	<p>Task Force against Trafficking in Human Beings with Focus on Adults (TF-THB)</p> <p>Expert Group on Children at Risk</p>



ORGANIZATION	FRAMEWORK DOCUMENT RELEVANT TO TIP	TIP FOCAL POINT
Council of Europe (COE) www.coe.int www.coe.int/t/dghl/monitoring/trafficking/default_en.asp	COE Convention on Action Against Trafficking in Human Beings (2005)	Group of Experts on Action Against Trafficking in Human Beings (GRETA)
Economic Community of West African States (ECOWAS) www.ecowas.int  Economic Community of Central African States (ECCAS) www.ceeac-eccas.org/	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
European Union (EU) http://ec.europa.eu/anti-trafficking/index.action	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
League of Arab States (LAS) www.arableagueonline.org/las/index.jsp (in Arabic only)	Arab Framework Act on Combating Trafficking in Persons (2008) Arab Initiative to Combat Trafficking in Persons, 2010	N/A
Organization of American States (OAS) www.oas.org/en/default.asp www.oas.org/dsp/english/cpo_trata.asp	Work Plan to Combat Trafficking in Persons in the Western Hemisphere 2010-2012 (AG/RES. 2551 (XL-O/10))	Coordinator Against Trafficking in Persons
Organization of Islamic Conference (OIC) http://www.comcec.org/TR/Yeni_Site_Dokumanlar/ana_dokumanlar/IKT_Sarti.pdf	Charter of the Organisation of the Islamic Conference, 2008	N/A
Organization for Security and Cooperation in Europe (OSCE) www.osce.org/ www.osce.org/cthb	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 Co-ordinator on Trafficking in Human Beings
Regional Conference on Migration (RCM) (Puebla Group) www.rcmvs.org/	Regional Conference on Migration Plan of Action	N/A
Southern African Development Community (SADC) www.sadc.int/ www.sadc.int/index/browse/page/531	SADC Regional Plan of Action on Trafficking in Persons, 2009-2019	N/A
South Asian Association for Regional Cooperation (SAARC) www.saarc-sec.org/ http://www.saarc-sec.org/userfiles/conv-trafficking.pdf	SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002	Regional Task Force

## GLOSSARY OF ACRONYMS

<b>ECOWAS</b>	Economic Community of West African States
<b>EU</b>	European Union
<b>EUROPOL</b>	European Police Office
<b>GRETA</b>	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
<b>ILO</b>	International Labour Organization
<b>ILO-IPEC</b>	International Labour Organization's International Programme on the Elimination of Child Labour
<b>INTERPOL</b>	International Criminal Police Organization
<b>IOM</b>	International Organization for Migration
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, and/or Intersex
<b>NGO</b>	Non-Governmental Organization
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>2000 UN TIP PROTOCOL (PALERMO PROTOCOL)</b>	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 were converted to U.S. dollars (\$) using the currency exchange rates reported by the U.S. Department of the Treasury on December 31, 2015. The rates can be found here: <https://www.fiscal.treasury.gov/fsreports/rpt/treasRptRateExch/itin-12-31-2015.pdf>

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## A CLOSING NOTE

No matter how frequently we confront the indignity of human trafficking, we have not become desensitized to its cruelties. Like the readers of this Report, we find many of the photos and stories horrifying and hard to comprehend. But they also compel us to continue to shed light on this awful crime and work to ensure victims of human trafficking are treated with compassion and fairness.

While we understand the many ways human trafficking victims suffer at the hands of their traffickers, we need to acknowledge that they may also suffer from their treatment by governments, including by the criminal justice systems that should protect them. It is a fact that traffickers force victims to engage in prostitution, theft, and drug trafficking, and to commit immigration violations. As documented throughout this Report, governments in every region of the world have prosecuted such trafficking victims, often unwittingly, due to the lack of proper screening and identification of victims of sex or labor trafficking. Some government treatment of victims—such as restricting their freedom of movement, summarily returning victims to countries they fled, and prosecuting them for crimes committed as a direct result of being trafficked—compounds their plight and results in further victimization.



Traffickers increase their leverage over victims by warning that if they notify police of their exploitation, they will be deported or punished as criminals. When justice systems treat victims as criminals or do not allow them to leave government shelters or the country until they testify against their trafficker, they have reinforced traffickers' threats and discouraged victims from seeking help. Fear of the system hampers identifying and assisting trafficking victims, prosecuting perpetrators, and, ultimately, stopping traffickers from harming others. Wrongful convictions also impede survivors' ability to rebuild their lives, in particular by limiting their options to find housing or qualify for credit and employment.

For trafficking victims to receive justice and needed services, governments must adopt a victim-centered approach to combating human trafficking, one that understands the dynamics of exploitation and goes beyond traditional law enforcement efforts. With the Palermo Protocol as their guide, all countries should incorporate the principle of non-criminalization of victims into their anti-trafficking strategies and offer victims a clean slate for crimes committed under duress. Law enforcement and immigration officials need proper training to actively screen for victims so they are not driven back into the grip of their former captors, but rather properly identified and given a chance to recover from their trauma and move forward.

Although the terror of modern slavery is indelible, no survivor deserves to be locked up, deported, or haunted by the past when applying for a job, apartment, or loan. We hope this Report serves as a call to action for governments, legislatures, and criminal justice systems worldwide to provide meaningful support to the vulnerable, support that starts by not penalizing victims for crimes they did not choose to commit.

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**THE  
HEROES  
WITHIN**



*THE HEROES WITHIN* project empowers children rescued from trafficking by allowing them to create their own superheroes and depict themselves as masters of their own destinies, rather than as victims. Their unique superhero characters provide the boys with the anonymity they require as survivors (some of the boys currently have cases pending against their abusers) and allow them to control how they are represented in the photographs. Developed over several weeks, each character explores the individual's interests, passions, and dreams, and in the end is a true reflection of their personality. Dressing up as superheroes is something children do all around the world. **The Heroes Within** project aims to present the difficult topic of human trafficking in a familiar and relatable format so that people will be more comfortable confronting and discussing the dark reality that children are sold, exploited, and abused around the world every day. For more information on this project, please visit [www.theheroeswithin.com](http://www.theheroeswithin.com).

