victims participated in an investigation or prosecution during the reporting period. In 2011, the government granted 48 Permanent Witness Protection (Trafficking) visas to victims and their immediate family members; permanent visas required the victims' contribution to an investigation or prosecution of an alleged trafficking offense. Victims identified by authorities were not incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. Officials followed formal procedures for proactively identifying victims involved in the legal sex trade, and referred them for services, though efforts to identify and assist victims of forced labor could be improved. To date, there have been few claims for compensation made on behalf of trafficking victims, and there are reports that victims are not always informed about visa options available to individuals who wish to remain in Australia to pursue compensation or civil remedies.

Prevention

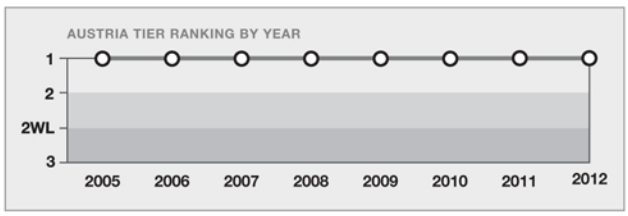
The Government of Australia continued to demonstrate notable efforts to prevent trafficking in persons during the year. Government anti-trafficking efforts were coordinated by the Interdepartmental Committee, chaired by the Attorney General's Department, which produced an annual report on its efforts for Parliament. In May 2011, police endorsed the Australian Policing Strategy to Combat Trafficking in Persons 2011-2013. In September 2011, the government appointed a Global Ambassador for Women and Girls, whose formal duties include efforts to end the trafficking of women and girls. The government hosted a visit by the UN Special Rapporteur on trafficking in persons in November 2011; the Special Rapporteur stated that Australia has demonstrated strong leadership in combating trafficking in persons, but needs to increase victim support as well as efforts to combat labor trafficking. In May 2011, the government convened the first Senior Officials' Meeting, to supplement the National Roundtable on People Trafficking, a mechanism for coordinating among its agencies, NGOs, unions, and industry bodies. Human trafficking units within the Australian Federal Police hosted a training seminar in April 2011 for 50 governmental and non-governmental stakeholders, which resulted in the formation of local human trafficking community groups that held stakeholder meetings in Brisbane, Sydney, and Melbourne. The government continued to provide the equivalent of $600,000 a year to fund the Australian Institute of Criminology to analyze human trafficking trends in Australia and the region, as well as four NGOs to provide *pro bono* legal services to trafficking victims, direct support for victims, and raise community awareness of trafficking. The Ministry for Home Affairs and Justice awarded the equivalent of more than $500,000 from confiscated criminal assets to fund five NGOs to implement projects to raise awareness of labor trafficking among vulnerable groups; these programs are scheduled to be implemented in future years. The Fair Work Ombudsman continued to conduct awareness campaigns and pursue efforts through the courts for workplace violations such as underpayment of wages; however, none of the cases it investigated were referred to the AFP or the Department of Immigration and Citizenship for criminal investigation of potential forced labor. Officials continued to include the "Travel Smart: Hints for Australian Travelers," brochure with all passport issuances, which highlights Australian trafficking and child sex crime laws and details for reporting a possible violation of the child sex laws to the AFP. The Australian Institute of Criminology released several reports throughout the year on trafficking in persons, including reports focused on the trafficking of children in the Asia-Pacific region, Australia's Pacific Seasonal Worker Pilot Scheme, and vulnerabilities to trafficking in persons in the Pacific islands.

Australia is a regional leader in combating trafficking in persons. Australian diplomats and consular personnel received training on their obligations to report extraterritorial offenses of serious crimes, including child sex crimes and trafficking in persons. The government provided substantial funding for law enforcement training, victim assistance programs, and prevention activities throughout Southeast Asia. The Australian Agency for International Development continued to fund anti-trafficking activities in the Asia-Pacific region, including efforts to improve criminal justice systems to address trafficking, enhance efforts to identify and protect child soldiers, and implement anti-trafficking public awareness programs. In 2011, the government provided assistance to Cambodian authorities to prosecute and convict an Australian child sex offender; officials in Australia prosecuted two cases of alleged child sex tourism offenses, but did not obtain any convictions of such cases during the year. The government did not take significant steps to reduce the demand for commercial sex acts or forced labor during the reporting period. The Australian government educated troops and police officers on human trafficking prior to their deployments on international peacekeeping missions.

AUSTRIA (Tier 1)

Austria is a destination and transit country for women, men, and children subjected to forced labor and sex trafficking. Victims originate from Eastern Europe, Africa, and Asia. Some domestic servitude occurs at the hands of foreign diplomats from Asia, the Middle East, and Africa working in Austria. According to a March 2011 study funded by the European Commission, forced labor also occurs in the agricultural, construction, and catering sectors. The forced begging of Roma children and other children from Eastern Europe continues to be a problem. An NGO that works with Nigerian trafficking victims in Austria reports traffickers abuse the legal prostitution and asylum processes to control their victims.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. During the reporting period the government prosecuted its first forced labor case and significantly increased the number of trafficking victims it identified and referred for care. The government continued its proactive efforts to prevent domestic servitude in diplomatic households, and it identified victims subjected to domestic servitude by diplomats during the year. However, many convicted trafficking offenders continued to receive inadequate sentences of one year or less in prison. There were also reports that the government treated some trafficked children as offenders, particularly in areas outside of Vienna.



Recommendations for Austria: Aggressively prosecute and convict trafficking offenders to ensure that more of them receive sentences that are proportionate to the gravity of the crime; establish a case-based analysis of trafficking cases to help demonstrate vigorous prosecution of trafficking offenders; step up training and outreach efforts to proactively identify trafficking victims among children in prostitution and men working in agriculture, construction, and other sectors where foreign migrants are vulnerable to exploitation; expand the use of systematic procedures to identify indications of trafficking among women in the legalized prostitution sector; establish and formalize a nationwide trafficking identification and referral system, including in reception centers for asylum seekers; and continue to explore ways to increase victims' incentives to cooperate with law enforcement.

Prosecution

In 2011, the Austrian government demonstrated important progress in its anti-trafficking law enforcement efforts, including the first conviction for forced labor. However, courts continued to hand down suspended sentences and penalties of less than one year's imprisonment to trafficking offenders. The government prohibits both sex trafficking and labor trafficking under article 104(a) of the Austrian criminal code, but continued to use primarily article 217, which prohibits the transnational movement of persons for prostitution, to prosecute suspected traffickers. Paragraph 2 of article 217 prohibits the movement of people into Austria for prostitution. Article 104 criminalizes "trafficking for the purpose of slavery" and prescribes penalties ranging from 10 to 20 years in prison. Penalties prescribed in article 104(a) range up to 10 years' imprisonment, while penalties prescribed in article 217 range from six months' to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

In March 2011, the government successfully prosecuted its first labor trafficking case when a Serbian woman was sentenced to 10 months' imprisonment for subjecting Romanian women to forced labor in the cleaning sector. In September 2011, the government took an important step towards improving the handling of trafficking cases and increasing the penalties for traffickers when it established a human trafficking division within the Vienna criminal court staffed by a judge dedicated to trafficking cases. The government reportedly prosecuted 65 offenders using articles 217 and 104(a) in 2010 – the most recent year for which comprehensive data were available – which is the same number of offenders prosecuted under these statutes in 2009. Austrian courts convicted 14 offenders in 2010, the majority under article 217, a decrease from the 32 convicted trafficking offenders reported in 2009. Five offenders convicted under article 217 were sentenced to one to five years' imprisonment; one received a suspended sentence and no jail time, and six received partially suspended sentences resulting in jail time of one month to one year. Two offenders convicted under Article 104(a) received suspended sentences and no jail time.

The Council of Europe's Group of Experts on Trafficking (GRETA) September 2011 report on Austria noted the "dissuasiveness of penalties provided in article 104(a)" and urged the government to increase maximum penalties to reflect that trafficking is a serious human rights abuse. According to a media report, a trafficker received a 27-month sentence for the commercial sexual exploitation of a child. A case-based analysis of trafficking cases prosecuted under 217 in 2011 and early 2012 demonstrates that the government used article 217 to convict at least nine human trafficking offenders. In March 2012, a court convicted six Bulgarian nationals under article 217 for subjecting 31 Bulgarian women to forced prostitution or forced begging. The ringleader received a full four-year prison sentence, the others five offenders received sentences of between 12 months' and four years' imprisonment. On April 3, 2012, a court convicted three Serbian nationals under article 217 for subjecting a Serbian woman to forced prostitution in the escort sector. Sentences for these three offenders ranged from 12 months' to two years' imprisonment. In 2011, the government reported it secured one conviction under its slavery law, article 104, which prescribes a minimum ten-year sentence; however, sentencing data was not available for this case. In October 2011, the government, in partnership with NGOs, conducted an anti-trafficking seminar for judges, prosecutors, and other officials. The government also addressed trafficking perpetrated by diplomats posted in Austria, despite challenges that diplomatic immunity posed to the prosecution of these offenders. The government reported that several diplomats left the country in 2011 due to pressure from the Austrian government, which included requiring diplomats suspected of trafficking to renew their diplomatic identification cards every three months. The government did not prosecute any acts of trafficking-related complicity.

Protection

The Government of Austria sustained effective partnerships with civil society to assist female victims of trafficking; these partnerships resulted in the identification of a significant number of trafficking victims in 2011. NGOs reported the police improved cooperation, particularly in referring victims to NGOs for the victims' recovery and reflection period. The government, in coordination with NGOs, identified 251 trafficking victims in 2011, compared to 63 identified in 2010. The GRETA report for Austria, however, noted shortcomings in the government's identification of child victims of trafficking. The report noted potential victims of child trafficking are sometimes treated as offenders and arrested for theft, drug trafficking, or prostitution-related offenses. The government's anti-trafficking police unit used a database to track when local law enforcement arrested a child for prostitution in order to check for indications of trafficking. The government's regulation of Austria's sizable, legal, commercial sex sector continued to include weekly health checks for sexually transmitted infections and periodic police checks of registration cards. In 2011, the police began screening women in prostitution for trafficking indicators. Police had at their disposal various manuals on trafficking and victim identification – including a pocket card developed in coordination with NGOs – that listed the main indicators for identifying victims of trafficking. In 2011, the government, in cooperation with an NGO, launched a pilot project in a reception center for asylum seekers to facilitate the identification of trafficking victims. During the reporting period, the government identified 12 victims of domestic servitude in the residences of Asian, Middle Eastern, and African diplomats working in Austria.

The Austrian government continued to fund a specialized anti-trafficking NGO that provided shelter, housing, and services in Vienna to female trafficking victims; victims provided such shelter were not detained involuntarily. The government provided the equivalent of $744,000 to this NGO in 2011, compared with the equivalent of $840,000

in 2010. During the year, the NGO provided counseling, outreach, and other assistance services, including responsible repatriation, to the 251 trafficking victims it identified in cooperation with the police. The government reported it provided foreign victims of trafficking with legal alternatives to their removal through its 2009 Residence and Settlement Act, which listed victims of trafficking as a special category with a right for temporary resident status of at least six months. The government reported that between April and December 2011, it issued 24 temporary residence permits or renewals to trafficking victims. Residence permits are generally granted for a period of one year. In July 2011, via an amendment to the Law on Foreigners, the government granted trafficking victims who hold residence permits access to the Austrian labor market. The government encouraged victims to assist with investigations and prosecutions, though NGOs reported that few victims assisted in prosecution of their traffickers due to fear of retaliation. The government continued to fund the city of Vienna's specialist center for unaccompanied minors, which accommodated approximately 17 child victims of trafficking in 2011, a decrease from the 40 it assisted in 2010. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked.

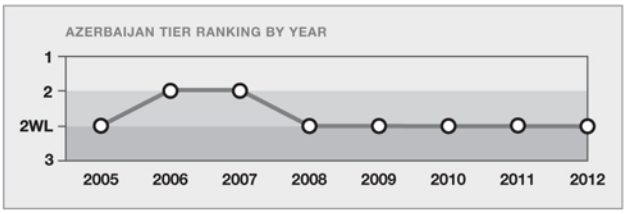
Prevention

Austria sustained strong efforts to prevent domestic servitude within diplomatic households, requiring all foreign domestic workers to appear in person at the Ministry of Foreign Affairs to receive information on how to get help if they become victims of forced labor. In addition, the government required diplomatic employers of domestic servants to provide evidence of direct salary transfers to accounts held in the domestic servant's name. In July 2011, it enhanced this oversight by requiring domestic workers to obtain their own ATM cards. The government continued its series of school exhibitions to sensitize Austrian youth to sex trafficking and continued to run an anti-trafficking hotline. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism; it reported it prosecuted three child sex tourists in 2011. The government demonstrated transparency in its anti-trafficking efforts in 2011 by drafting a report on the implementation of its 2009-2011 national action plan, released in March 2012. The government continued to fund courses conducted by an anti-trafficking NGO to sensitize troops prior to their deployment on peacekeeping missions.

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia. Women and children from Azerbaijan are subjected to sex trafficking in the United Arab Emirates, Turkey, Russia, and Iran. Women and children from Azerbaijan are subjected to sex trafficking and children are subjected to forced labor, including forced begging, within the country. Azerbaijan is also a destination country for men from Turkey, Afghanistan, and China subjected to conditions of forced labor, primarily in the construction industry. Chinese women are subjected to forced labor as street vendors and in agriculture within Azerbaijan. In 2011, Azerbaijani victims were identified in Afghanistan and Turkmenistan, and victims from Turkmenistan, Pakistan, Ukraine, and the Philippines were identified in Azerbaijan by civil society groups.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. During the year, the government prosecuted fewer alleged trafficking cases and convicted fewer trafficking offenders than in the previous year, and it did not identify any labor trafficking victims; therefore, Azerbaijan is placed on Tier 2 Watch List for a fifth consecutive year. Azerbaijan was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the reporting period, the government did increase funding for protection services, implemented measures to protect at-risk children, made new efforts to inspect work places, and passed legislative amendments which, if implemented, could contribute to an increase in prosecutions and victim protection.



Recommendations for Azerbaijan: Strengthen efforts to identify victims of forced labor by improving implementation of the national victim referral mechanism and by training labor inspectors on proactive victim identification techniques; demonstrate and report on efforts to vigorously investigate, prosecute, convict, and criminally punish government officials complicit in both sex and labor trafficking; improve quality of labor inspections at construction sites in order to identify victims of forced labor; consider amending legislation governing labor migration to require work permits for migrant construction workers from all countries; enhance victim protection during court proceedings; send court verdicts to addresses chosen by the victims; enforce the law against passport withholding; increase provision of victim identification and victim sensitivity training to working-level law enforcement officials; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Government of Azerbaijan demonstrated some anti-trafficking law enforcement efforts during the reporting period. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor and prescribes penalties of five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported two new labor trafficking investigations and 17 new sex trafficking investigations in 2011, compared with three labor trafficking investigations and an unknown number of sex trafficking investigations in 2010. The government reported prosecuting 20 individuals – nine of which were new prosecutions – for sex trafficking crimes in 2011, compared with 38 individuals prosecuted for such crimes in 2010. The government convicted