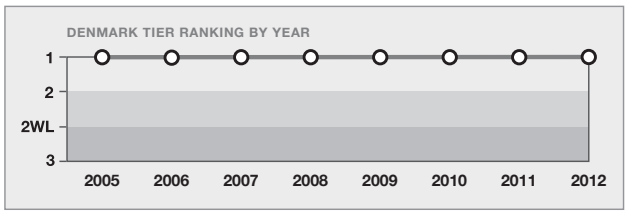
tighter rules governing the responsible representatives of labor agencies; provisions requiring labor agencies to have bankruptcy insurance to cover at a minimum three months of wages for all workers; and prohibiting agencies from assigning third country nationals to temporary jobs. Under the new regulations, businesses engaged in illegal employment are barred from government procurement for three years, lose their business license, and are barred from re-applying for a license for three years. As a result, the number of employment agencies with permits dropped from 1,800 to 1,250, reducing the number of potentially predatory agencies. Some of these regulations applied primarily to third country nationals, while the employment of workers from other EU member states, such as Romania and Bulgaria, were governed by existing EU regulations. As of January 2012, the government adopted legislation permitting corporate criminal liability, enabling the Czech Republic to ratify the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. In 2011, the Ministry of Interior conducted a study of EU nationals in the Czech labor market to prepare further activities on labor trafficking. The Czech government enhanced its outreach to potential trafficking victims abroad. The Ministry of Foreign Affairs organized five anti-trafficking trainings for consular officers, reaching 50 attendees. The government published a Romanian language brochure on labor trafficking to distribute at the Czech Embassy in Bucharest. The government did not provide specific funding for any major public trafficking awareness raising campaigns this year. The government organized its anti-trafficking efforts through the Ministry of Interior and through the Inter-Ministerial Coordination Group for Combating Trafficking in Human Beings. The National Rapporteur's office at the Ministry of Interior prepared a comprehensive annual report on anti-trafficking patterns and programs, which it released publicly. The government also allocated the equivalent of $189,500 for NGO-run prevention activities. The government funded an NGO-run hotline to identify victims of trafficking; the hotline received calls from 465 separate individuals, of whom thirty were calling on behalf of groups of potential victims ranging from three to thirty people. The government took no formal steps to reduce demand for commercial sex acts. The government provided anti-trafficking training to Czech soldiers prior to their deployment abroad on international peacekeeping missions.

DENMARK (Tier 1)

Denmark is primarily a destination and transit country for women and children from Africa, Southeast Asia, Eastern Europe, and Latin America subjected to sex trafficking. Foreign men and women working in agriculture, domestic and cleaning service, restaurants, hotels, and factories remain vulnerable to forced labor. Unaccompanied foreign children who arrive in the country every year are vulnerable to human trafficking. Copenhagen's relatively small red light district represents only a small portion of the country's larger commercial sex industry, which includes brothels, strip clubs, and other underground venues.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. During the year, the government maintained its efforts to investigate and prosecute sex trafficking offenders. The government took some important initial steps to address ongoing, serious concerns expressed by the anti-trafficking community about its treatment of trafficking victims as criminal offenders. NGOs report that potential trafficking victims often remain in jail for immigration violations or petty crimes if they are not identified within the 72 hour legal limit within which police are able to detain a person without referral to a judge. The inherent challenges of victim identification within this short time frame in a detention setting have been noted by country experts as a significant impediment to victim identification. Furthermore, the government's emphasis on the prepared return of non-EU trafficking victims to their countries of origin, combined with reliance on rarely used non-trafficking specific mechanisms to grant trafficking victims immigration relief to stay in Denmark through the course of an investigation, arguably resulted in a disincentive for victims to participate in law enforcement investigations and prosecutions.



Recommendations for Denmark: Ensure immigration status concerns do not override Denmark's obligations to protect trafficking victims, including children; ensure all potential trafficking victims are provided with a meaningful reflection period, consistent with the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings, Article 13 (Council of Europe Convention), to escape the influence of traffickers, begin their recovery, and/or make an informed decision about cooperating with authorities; continue to follow through on plans to change and implement guidelines for police to take potential trafficking victims to a shelter rather than jail pending their identification, in order to build trust and increase victims' incentives to cooperate with law enforcement; move towards a more victim-centered approach by establishing trafficking-specific short-and long-term legal residency for foreign trafficking victims, including child victims, more in line with the European Convention and the Council Directive 2004/81/EC on the residence permit issued to third country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities; per the government's new National Action Plan (NAP), issue further guidelines to prosecutors to cease prosecution of trafficking victims for crimes they committed as a result of their trafficking; consider strengthening the role of government social workers and NGOs in the victim certification process for non-EU foreign victims without legal status in Denmark; continue to build capacity to investigate and increase detection of forced labor victims by strengthening links between labor unions and police; continue to vigorously investigate and prosecute trafficking offenses and convict and sentence sex and labor trafficking offenders under the trafficking law; ensure traffickers receive sentences commensurate with the heinous nature of the offense; and consider appointing a national anti-trafficking rapporteur to improve anti-trafficking results.

Prosecution

The Government of Denmark maintained its anti-trafficking law enforcement efforts in 2011. Denmark prohibits both

sex and labor trafficking through Section 262(a) of its criminal code, which prescribes punishments of up to eight years' imprisonment; these are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In March 2012, the government passed a law increasing the maximum penalty for trafficking to ten years imprisonment, complying with the EU anti-trafficking directive. The government reported investigating 14 sex trafficking cases in 2011, compared with 13 cases investigated in 2010, and prosecuted 13 trafficking suspects during 2011, the same number prosecuted in 2010. Denmark convicted 9 sex trafficking offenders in 2011, compared with 11 convicted offenders in 2010. Penalties for these trafficking offenders ranged from nine to 30 months' imprisonment. Victim service NGOs reported the same trafficking offenders continue to operate with relative impunity within the commercial sex sector in the country. Furthermore, as noted by country experts, the government's compressed time table for victim identification for detained potential victims provided few opportunities for trafficking victims to self-identify or to cooperate with law enforcement. The government commissioned an independent study on forced labor in the agricultural and cleaning industries, thought to be the most vulnerable industries besides prostitution. Although the resulting December 2011 report concluded that these sectors showed little current threat of trafficking, some country experts questioned the validity of the study methodology. The government has yet to prosecute any labor trafficking offenders in Denmark.

Protection

The Government of Denmark took initial steps to improve its protection of trafficking victims during the reporting period. The government reported that it continued to use proactive victim identification techniques to locate victims of sex trafficking. During the year, the government identified and certified 60 trafficking victims compared with 52 in 2010. Of the identified victims in 2011, two were children. All victims received comprehensive services, including medical, dental, psychological, and legal services, although the victim certification process differed based on immigration status. EU victims were certified by government social workers and were allowed to remain in Denmark for 3 months if they were unemployed and indefinitely if they were employed. However, victims without legal immigration status – which generally included the vast majority of non-EU victims – can typically only remain in Denmark beyond the 30-100 day reflection period if they opt for repatriation under the government's prepared return program or if they apply for asylum. Non-EU victims were certified by the Danish Immigration Service, with input from front-line responders who performed initial assessments, and received 30-100 day "reflection" periods during which time they received a stipend. Country and regional experts note that, although all victims (both EU and non-EU) received support and assistance during this time and it is referred to as a reflection period, the ultimate aim is to prepare victims for their departure from Denmark in line with the Aliens Act, rather than creating an opportunity for recovery and decision-making about cooperation with law enforcement, as required by the Council of Europe Convention. That convention requires that victims be accorded at least 30 days or whatever time would be sufficient to recover, escape the influence of their traffickers and make an informed decision about cooperating with competent authorities. Consistent with the Aliens Act, the NAP defines the reflection period as an "extended time limit from departure." Because of the government of Denmark's emphasis on victims' return, few victims were allowed to remain in country long enough to build their trust in order to facilitate prosecution of their traffickers in 2011.

Although Danish authorities assert identified victims are removed from jails after they are identified, NGOs report that potential trafficking victims often remain in jail for immigration violations or petty crime if they are not identified within the 72 hour legal limit within which police are able to detain a person without referral to a judge. Experts note that 72 hours is an unrealistically short time frame for victims to self-identify and disclose elements of their exploitation and noted ongoing serious concerns about non-EU potential trafficking victims being punished for immigration violations while the Danish Immigration Services reviews whether they are victims of trafficking in persons. Furthermore, the government's new NAP states, "if foreign victims of trafficking are only identified after they have had an encounter with the police, e.g., in connection with police raids within the group of women in prostitution, the women often feel under tremendous pressure and the window of opportunity regarding identification is very small if dealing with a foreign national who is in Denmark illegally." Although the government reported it issued guidelines not to prosecute victims for crimes committed as a result of their being trafficked, there is no statutory protection against such prosecutions under Danish law. The government's new National anti-trafficking action plan called for further guidelines for prosecutors to withdraw charges for victims for violations committed in the course of their trafficking. However, NGOs continued to report cases were driven by victims' illegal immigration status or crimes committed under coercion, resulting in their prosecution or imprisonment; one NGO cited a case of a trafficking victim prosecuted for forced cannabis cultivation.

While the government reported offering asylum as a long-term legal alternative to the removal of trafficking victims to countries where they face retribution or hardship, the standard for asylum is high and the Denmark government granted asylum for only two trafficking victims in 2011. There were no legal provisions entitling trafficking victims to apply for or receive a residence permit. In fact, Denmark continued to stand out as the only EU country without this specific legal protection for trafficking victims. After the 30-100 day reflection period, victims were repatriated as part of the government's "prepared return program" unless they apply for asylum. The government returned 12 trafficking victims to their countries of origin under this program in 2011; this is an increase from two victims in 2010. The government acknowledged in its recent NAP that relatively few trafficking victims accept the offer of prepared return. Local and regional experts continued to call into question the voluntariness of accepting an assisted return from Denmark. The government reported it encouraged victims to assist in law enforcement investigations. However, it did not provide further information on the number of victims who cooperated or whether any assisted in the prosecution of their traffickers.

Prevention

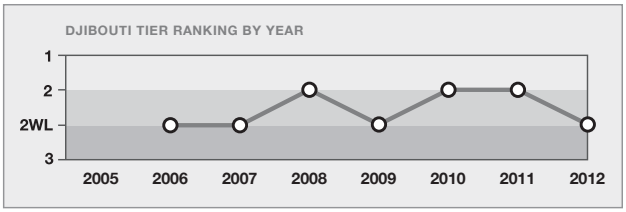
The government of Denmark sustained its efforts to prevent trafficking during the reporting period. In November, the government's Center Against Human Trafficking launched an outreach program and website aimed at reducing demand for prostitution called, "Out with the Traffickers." During

the reporting period, this Center also produced a training film for health professionals and continued to run public awareness campaigns in various media targeting potential clients of prostitution. The government released its new anti-trafficking action plan for 2011-2014 during the reporting period. Although it contains general aspirations to address some of Denmark's deficiencies, many NGOs question the political will of the government to authentically tackle its trafficking problem. The Ministry of Defense provided human rights training to Danish soldiers prior to their deployment abroad on international peacekeeping missions, which included instruction on its zero-tolerance policy regarding human trafficking.

DJIBOUTI (Tier 2 Watch List)

Djibouti is a transit, source, and destination country for men, women, and children subjected to forced labor and sex trafficking. Large numbers of voluntary and undocumented economic migrants from Ethiopia, Somalia, and Eritrea – including men, women, and children – pass through Djibouti *en route* to Yemen and other locations in the Middle East; an unknown number of these migrants are subjected to conditions of forced labor and sex trafficking upon arrival in these destinations. Within Djibouti, this large migrant population, which includes foreign street children, is vulnerable to various forms of exploitation, including human trafficking. A small number of women and girls may fall victim to domestic servitude or forced prostitution after reaching Djibouti City, the Ethiopia-Djibouti trucking corridor, or Obock – the preferred crossing point into Yemen. Djibouti's older street children reportedly act, at times, as pimps for younger children. A small number of girls from impoverished Djiboutian families may be coerced into prostitution by family members or other individuals. Members of foreign militaries stationed in Djibouti contribute to the demand for women and girls in prostitution, including trafficking victims. Street children, including Djiboutian children, are forced by their parents or other adult relatives to beg as an additional source of family income; children may also be recruited from foreign countries for begging in Djibouti. Children are also vulnerable to forced labor as domestic servants and coerced to commit crimes, such as theft, often by trafficking networks who force the children to use drugs. The Polish government identified one Djiboutian trafficking victim in 2011.

The Government of Djibouti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite its conviction of 20 smugglers, and provision of basic healthcare to undocumented migrants – demonstrating the government's continued focus on the smuggling problem that plagues the country and its ability to respond to transnational crime– the government did not demonstrate evidence of increasing efforts to address human trafficking during the year; therefore, Djibouti is placed on Tier 2 Watch List. Specifically, the government did not take steps to prosecute traffickers or develop procedures for the identification of trafficking victims and their referral to available services. Police continued monitoring bars for child prostitution; however, no investigations, prosecutions, or convictions of pimps or clients were reported and there is no evidence that children in prostitution were referred to care. The government did not improve implementation of the protection or prevention components of its anti-trafficking law, even within the confines of its limited resources and capacity.



Recommendations for Djibouti: In implementing Law 210, identifying victims, and combatting trafficking generally, ensure use of a broad definition of trafficking in persons, consistent with the 2000 UN TIP Protocol that does not rely on evidence of movement, but rather on exploitation of the victim; continue to work with judges, prosecutors, and police to clarify the difference between cases of human trafficking and alien smuggling; enforce the anti-trafficking statute through investigation and prosecution of trafficking offenders, especially those responsible for child prostitution, domestic servitude, or other forced labor offenses and provide data on convictions and sentences of trafficking offenders; institute a module on human trafficking as a standard part of the mandatory training program for new police and border guards; establish policies and procedures for government officials – including health and social welfare officers – to identify proactively and interview potential trafficking victims and transfer them to care; expand mechanisms for providing protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; form partnerships with local religious leaders, encouraging them to educate their congregations about trafficking; and launch a nationwide anti-trafficking awareness campaign.

Prosecution

The government made minimal efforts to enforce its laws against human trafficking during the reporting period. In the previous reporting period the government named a deputy prosecutor as a focal point for all human trafficking prosecutions; however, the government did not prosecute or convict any trafficking offenders in 2011. Djibouti's Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, prohibits both forced labor and sex trafficking. It also provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to two to five years' imprisonment, penalties are sufficiently stringent. However, these penalties are not commensurate with those prescribed for other serious crimes, such as rape. Djiboutian authorities failed to demonstrate efforts to investigate or punish domestic servitude, other forced labor, or sex trafficking offenses. The government did not provide anti-trafficking training to officials during the year.

Protection

The government demonstrated decreased efforts to protect victims of trafficking during the reporting period and did not provide shelter or services directly to victims of trafficking. Unlike in 2010, the government did not report the rescue of any children from prostitution or their referral to care in 2011. With few resources itself and a small pool of underfunded NGO partners, the government had little means with which to address the needs of trafficking victims during the year.

During 2011, IOM identified and repatriated 17 Ethiopian, Somali, and Eritrean trafficking victims in Djibouti, including four children and 12 adults. The Ministry of Health in Obock provided care to African migrants, including food and emergency outpatient care for dehydration, pregnancy, or injuries received while traveling. The Coast Guard provided water and bread to migrants aboard smuggling vessels intercepted at sea and referred them to hospital care if needed. Djiboutian authorities continued to lack a formal system to proactively identify victims of trafficking among high-risk populations, such as undocumented immigrants and those arrested for prostitution. The government regularly deported undocumented foreigners and did not screen for indicators of human trafficking. Additionally, the government detained street children, including potential trafficking victims, following sweeps to clear the streets in advance of holidays or national events. Although victims of trafficking were permitted to file civil suits against their traffickers, there did not appear to be encouragement from the government for victims to assist in criminal investigations of their traffickers. Foreign victims of trafficking are not offered legal alternatives to removal to countries in which they may face hardship or retribution.

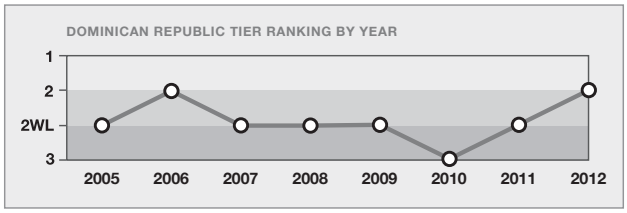
Prevention

The government made modest efforts to prevent trafficking during the year. It remains unclear whether the government's working group on trafficking, led by the Ministry of Justice, met during 2011 or finalized the national anti-trafficking action plan. The government continued its partnership with IOM to inform migrants of the potential dangers of irregular migration through billboard, radio, and television campaigns. The Ministry of Justice, in partnership with IOM, created and distributed a French-language pamphlet to raise awareness of trafficking in persons among the Djiboutian population. In January 2012, the Governments of Djibouti and Ethiopia signed an "Agreement to Combat Illegal Immigration and Human Trafficking" and a Memorandum of Understanding on labor exchange that establish legal recognition of and access to labor protection for undocumented Ethiopians residing in Djibouti. In fall 2011, the government created the Djiboutian Coast Guard, which interdicted 20 overloaded boats of Ethiopians and Somalis making the water crossing to Yemen during the year. The government did not take any known measures to reduce the demand for commercial sex acts or forced labor; the Ministry of Labor did not conduct any child labor inspections in 2011.

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. Reports indicate that Dominican women and children are subjected to sex trafficking throughout the Dominican Republic, the Caribbean, Europe, South America, the Middle East, and the United States. Additionally, child sex tourism is a problem, particularly in coastal resort areas of the Dominican Republic, with child sex tourists arriving year-round from the United States and European countries. Dominican officials and NGOs have documented cases of children being forced into domestic service, street vending, begging, agricultural work, and construction. Reportedly, forced labor of adults exists in construction, some sectors of agricultural production, and service sectors. Street children and the large population of undocumented or stateless people of Haitian descent are groups particularly vulnerable to trafficking, though authorities identified Dominican victims in the Dominican Republic as well.

The Government of the Dominican Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government made notable progress in identifying and assisting child trafficking victims as well as convicting child trafficking offenders. Authorities continued to face challenges in addressing official complicity, proactively identifying and protecting adult trafficking victims, coordinating the government's anti-trafficking efforts, and addressing the demand for human trafficking within the country.



Recommendations for the Dominican Republic: Vigorously prosecute and punish offenders involved in the trafficking of children and adults, including public officials complicit in forced prostitution or forced labor; encourage the identification and documentation of more victims by working with NGOs to establish formal procedures for officials' identification of adult and child trafficking victims, especially those in the legalized sex trade, and referring them to available services; ensure adequate shelter and services are available to adult male victims; establish formal legal alternatives to removal for foreign victims to countries where they would face retribution or hardship; empower an interagency task force that meets regularly and is made up of police, prosecutors, victim services providers, and NGOs with tools and resources to ensure coordination of anti-trafficking efforts, justice for perpetrators, and restorative care for victims; implement a forced labor and forced prostitution awareness campaign in Spanish and Creole that targets the demand for commercial sex acts and forced labor as well as trafficking victims.

Prosecution

The government made clear progress in prosecuting trafficking offenders during the reporting period. Dominican Law 137-03 of 2003 prohibits all forms of human trafficking and prescribes penalties of up to 20 years' imprisonment with fines. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported at least 39 new human trafficking investigations during the reporting period, an increase from 35 investigations last year, and 14 new sex trafficking prosecutions and eight forced labor prosecutions, a noted improvement from the lack of any confirmed prosecutions last year. The government also reported five new convictions for sex trafficking offenders, all of which involved child sex trafficking; this contrasts with no convictions reported in the preceding reporting period. Convicted offenders received sentences ranging from one to ten years' imprisonment. One sentence – for two years' imprisonment – was suspended, and one

prosecution resulted in an acquittal that the government has since appealed. Official complicity with trafficking remained a problem, but the government did not report any prosecutions, convictions, or sentences of trafficking officials complicit in human trafficking during the reporting period. Despite the lack of prosecutions of government officials, the Dominican government demonstrated a willingness to investigate possible trafficking cases with potential official ties. One alleged case of prostitution of a child involving members of the military was swiftly investigated, the military members were detained, and the case was referred to civilian prosecutors for action. In this particular instance, officials determined the case did not involve child trafficking. In labor trafficking cases that also involved other labor violations, the prosecution of the trafficking case reportedly was conditional on the success of the separate labor violation proceedings, and in cases where the labor proceeding was dismissed or withdrawn due to victim intimidation or bribery, the trafficking case was brought to a standstill.

In February 2012, the District Attorney for Santo Domingo announced the creation of a new dedicated unit to investigate and prosecute cases of trafficking. The government reported it spent the equivalent of over $112,000 on trafficking-specific training during the reporting period, including the Ministry of Foreign Affairs' specialized training for ministry officials and 467 members of the Tourism Police.

Protection

The government made progress in the identification and protection of child trafficking victims during the reporting period, though progress in the identification and protection of adult victims was less apparent. During the reporting period, the government reportedly identified 76 adult and child trafficking victims. It was not clear how many of these victims were in forced labor or sex trafficking. The Dominican Republic's trafficking statute mandates that trafficking victims shall receive physical, psychological, and social assistance, as well as advice and information regarding their rights from government agencies in coordination with NGOs. The government did not report the amount of funding that it spent on trafficking victim protection during the year. The government operated short-term shelter facilities for adult female and child trafficking victims during the reporting period; however, it did not offer specialized care for male trafficking victims. The government's child protection agency reported assisting 60 child trafficking victims in cooperation with NGOs during the reporting period. The government did not, however, provide data on the number of adult trafficking victims, if any, to whom its agencies offered assistance. The government did not develop or implement formal procedures to guide many front-line responders, such as police, labor inspectors, and health workers, on how to proactively identify trafficking victims among vulnerable groups, such as people in the Dominican Republic's legalized sex trade and migrant workers, and refer them to available services. However, the Ministry of Foreign Affairs, in partnership with IOM, developed and disseminated a comprehensive consular manual on addressing human trafficking cases and assisted with the rescue and repatriation of at least six Dominican trafficking victims during the reporting period. The government did not provide formal long-term reintegration assistance programs for repatriated Dominican trafficking victims, or legal alternatives to foreign victims' deportation, though the government provided limited immigration relief for Haitian child victims of trafficking displaced as a result of the earthquake. Although the Dominican trafficking law protects victims from being punished for crimes committed as a direct result of their being trafficked, there were reports of some victims being detained and fined by law enforcement.

Prevention

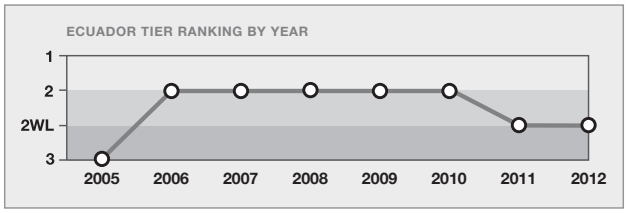
The government made some progress in the prevention of human trafficking during the reporting period. The government, in partnership with NGOs, undertook some public awareness efforts to clarify the difference between human trafficking and human smuggling. The Office of the First Lady launched an anti-trafficking website to provide information on the legal framework, government institutions and NGOs addressing trafficking, as well as a mechanism for victims to report cases. In addition, the Ministry of Foreign Affairs and Ministry of Women continued additional anti-trafficking campaigns. The General Migration Directorate carried out a national radio campaign to create awareness about the exploitation of street children. The Dominican government announced a plan to issue identity cards to resident and nonresident temporary workers, including undocumented Haitians, although the Minister of Migration noted that workers must first present proof of citizenship in order to receive the cards. The Ministry of Foreign Affairs chaired an interagency anti-trafficking commission. There were reports that the commission has had limited effectiveness as a coordinating body because it lacked adequate staffing and did not hold regular meetings. The Dominican government, with assistance from a foreign government, maintained a specialized police unit empowered to vigorously investigate and prosecute child sex tourism cases in the Dominican Republic. The Office of the First Lady signed a memorandum of understanding with an NGO to educate travel agency workers on human trafficking. The government did not undertake efforts to reduce the demand for commercial sex acts or forced labor during the reporting period.

ECUADOR (Tier 2 Watch List)

Ecuador is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. The majority of trafficking victims are believed to be women and children recruited within the country from border and central highland areas and moved to urban centers where they are exploited for sex trafficking, as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. Indigenous Ecuadorians are vulnerable to forced labor. Some families reportedly allowed traffickers temporarily to take their children in order to earn money either within the country and or in neighboring countries; these children are forced to work as domestic servants, street vendors, and beggars. There also have been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery, and Ecuadorian children have been recruited by armed groups along the northern border with Colombia. Ecuadorian children were identified in situations of forced labor in Brazil and Venezuela during the year. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, and Spain. Ecuador is a destination for Colombian and Peruvian women and girls exploited in sex trafficking. Colombian refugees and migrants are subjected to forced labor in palm oil plantations. There were limited reports

of child sex tourism involving Ecuadorian citizens visiting tourist destinations, such as Tena and the Galapagos Islands.

The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year authorities increased efforts to investigate trafficking offenses by establishing a dedicated anti-trafficking police unit, and supplemented the number of centers providing general assistance to at-risk youth, including trafficking victims. However, the government did not convict any trafficking offenders during the year, official complicity continued to be a significant and largely unaddressed problem, and victim services remained minimal in many parts of the country; therefore, Ecuador is placed on Tier 2 Watch List for the second consecutive year.



Recommendations for Ecuador: Match the increased effort to investigate and prosecute trafficking offenses with an effort to convict and punish trafficking offenders, including public officials complicit in trafficking crimes; develop and implement formal procedures for identifying trafficking victims among vulnerable populations, such as those in prostitution or among child and migrant workers; increase funding for specialized care services for trafficking victims, including for adults; increase anti-trafficking training for local police officers, judges, labor inspectors, immigration officials, social service workers, and other government officials; provide foreign victims with formal legal alternatives to their removal to countries where they may face hardship or retribution; enhance data collection and coordination; and increase public awareness of all forms of human trafficking.

Prosecution

The government made uneven progress in its law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005, which prescribes punishments of six to nine years' imprisonment for labor trafficking offenses, and eight to 12 years' imprisonment for sex trafficking offenses. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Other statutes, including those prohibiting various forms of sexual exploitation, also are used to prosecute human trafficking crimes.

In July 2011, the government established an anti-trafficking police unit with a staff of 14 in Quito to improve efforts to identify and investigate trafficking cases. During the previous year, the police unit responsible for investigating all crimes against children had been responsible for trafficking cases but was unable to report how many were investigated. The organized crime prosecutorial unit continued to handle trafficking cases with insufficient resources to deal with a large caseload. Data collection on trafficking crimes remained uneven.

The new police unit reported initiating 49 trafficking investigations between June and December 2011, with a significant number of cases involving forced labor. Authorities reported that all of these investigations led to prosecutions, due to a new policy of police and prosecutors working closely during the investigative stage. However, the government did not report any convictions for human trafficking in 2011; while authorities achieved convictions under statutes prohibiting various sexual crimes, there was no disaggregated data available to confirm whether any of these convictions were for human trafficking crimes. In comparison, officials reported convicting three sex trafficking offenders in 2010.

Some judges demonstrated a lack of knowledge about trafficking: one judge dismissed a child sex trafficking case because prostitution is legal over the age of 18, while another dismissed a domestic servitude case on the grounds that the accused were helping the victim by providing food and shelter. Other judges reduced charges of trafficking to charges of pimping or disappearance, crimes that carry shorter sentences. Civil society organizations and some officials noted that corruption impeded investigation and prosecution efforts. According to NGOs, police officers were partners in brothels that employed women and girls with false documentation, civil registry officials issued false identity documents to children, and police threatened Colombian women with deportation in order to obtain sexual favors. Some corrupt officials allegedly informed traffickers prior to law enforcement operations. Despite these reports of trafficking-related corruption, no prosecutions or convictions of complicit officials took place last year, although one local government official reportedly was under investigation for trafficking offenses. The specialized police unit trained several thousand police officers in seven cities, and officials attended other training sessions provided by international organizations. Ecuadorian officials partnered with Venezuelan, Brazilian, and Colombian authorities to investigate several international labor trafficking cases.

Protection

The Ecuadorian government sustained limited protections for victims of trafficking throughout the year. Authorities reported continued efforts to remove children from commercial sexual exploitation but did not have systematically applied procedures to identify adult victims among vulnerable populations, such as women in brothels. Authorities referred victims to services through the National Institute for Children and Families, although NGOs noted that sometimes cases were not properly referred. There was no reliable estimate of the total number of trafficking victims identified during the reporting period, although one NGO reported assisting more than 79 child sex trafficking victims at its shelter, and the dedicated police unit reported rescuing 12 victims – four were victims of sex trafficking, while the rest were victims of forced labor, and seven were children.

One NGO maintained a dedicated shelter capable of caring for 25 girl sex trafficking victims at a time, and was almost always at capacity. There were few specialized services and no specialized shelters for adult trafficking victims or for boys. Authorities reported that child victims could receive general care services through a network of government-run at-risk youth protection centers that expanded from 43 to 86 over the last year. However, there were no data on how many child trafficking victims were helped at these centers, nor were all of these centers able to provide adequate services or

protection for trafficking victims. The government provided limited funds to other general-purpose shelters operated by civil society organizations. In addition to these short-term services, the government reported providing victims with counseling, protection, job training, and educational training but did not report how many victims received these services during the year.

The government encouraged victims to assist with the investigation and prosecution of trafficking offenders, and at least one victim did so during the year. The government maintained and funded a victim and witness protection program, although this program had insufficient resources for adult victims. Many victims chose not to participate in investigations due to inadequate protection or lack of faith in the justice system. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, although it often allowed identified foreign victims to remain in the country temporarily. In the past, however, there were reports that some foreign victims were not identified and were deported instead of receiving care services. The government reportedly provided victim services to repatriated Ecuadorian trafficking victims.

Prevention

The Government of Ecuador maintained trafficking prevention efforts last year. The interagency anti-trafficking working group reportedly began meeting on a biweekly basis in late 2011, and the Ministry of the Interior created an anti-trafficking sub-directorate to coordinate government anti-trafficking efforts. A draft national anti-trafficking plan, which included a budget and sought to address challenges such as poor data collection mechanisms and limited funding, was discarded, and officials reported using the 2006 anti-trafficking plan. The Ministry of Tourism continued an awareness campaign aimed at preventing sexual exploitation of children in tourist areas. Local authorities worked with an international organization and with NGOs to conduct awareness and prevention activities in their localities. The government continued to fund a campaign to prevent seasonal begging, a practice that sometimes involves forced child labor. Most awareness efforts focused on child sexual exploitation or child labor. The government did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor during the reporting period.

EGYPT (Tier 2)

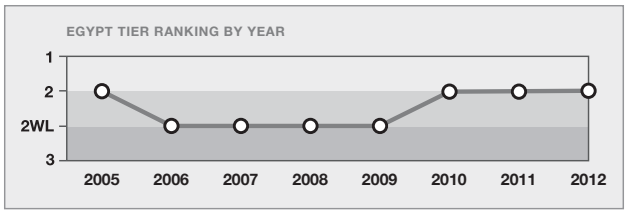
Egypt is a source, transit, and destination country for women and children who are subjected to conditions of forced labor and sex trafficking. Men and women from Egypt, South and Southeast Asia, and Africa may be subjected to forced labor in Egypt. Workers in domestic service in Egypt may have been held in conditions of forced labor, including foreign women from Indonesia, the Philippines, Sudan, Eritrea, Ethiopia, and possibly Sri Lanka; Indonesians make up the largest number of foreign domestic servants, including those that are held in conditions of forced labor. Some of these conditions include no time off; sexual, physical, and emotional abuse; withholding of wages and documents; and restrictions on movement. Employers may use the domestic workers' illegal status and lack of employment contracts as coercive tools.

During the reporting period, there has been an increase in foreign migrants, particularly from Eritrea, Sudan, and to a lesser extent Ethiopia, who are smuggled or kidnapped by organized criminal groups and, in many cases, held captive under extended periods in the Sinai by Bedouin and other Egyptian smugglers as they attempt to migrate to Israel. An increasing number of these migrants are reportedly forced into sexual servitude or forced labor during their captivity, based on documented victim testimonies; in many cases, there were also allegations of extreme torture. As many as 2,000 migrants, including men, women, and children, cross the Israeli border from the Sinai every month; Egyptian border patrols commonly shoot and sometimes kill these migrants, some of whom may be trafficking victims, as they attempt to cross the Israeli border. Young and middle-aged Egyptian men filled construction, agriculture, and low-paying service jobs in Jordan; NGO and media reports indicate some Egyptians are forced to work in Jordan and experience the withholding of passports, forced overtime, nonpayment of wages, and restrictions on their movements.

Some of Egypt's estimated 200,000 to one million street children – both boys and girls – are subjected to sex trafficking and forced begging. Informal criminal groups are sometimes involved in this exploitation. Egyptian children are recruited for domestic service and agricultural labor; some of these children face conditions indicative of forced labor, such as restrictions on movement, nonpayment of wages, threats, and physical or sexual abuse. In addition, wealthy men from the Gulf, including Saudi Arabia, the United Arab Emirates, and Kuwait reportedly continue to travel to Egypt to purchase "temporary" or "summer marriages" with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females' parents and marriage brokers who profit from the transaction. Children involved in these temporary marriages suffer both sexual servitude and forced labor as servants to their "husbands." Child sex tourism occurs in Egypt, particularly in Cairo, Alexandria, and Luxor. Egypt is a destination country for women and girls forced into prostitution, including refugees and migrants, from Asia and sub-Saharan Africa and to a lesser extent the Middle East. In previous reporting periods, some evidence suggested that Egypt is a transit country for women from eastern European countries trafficked to Israel for commercial sexual exploitation; however, little evidence indicates that this is still a preferred trafficking route.

The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. Due to prolonged political unrest, the Government of Egypt was unable to provide law enforcement and prosecution data on its efforts to combat trafficking during the reporting period. However, Egypt operated shelters, provided services for victims, and provided in-kind assistance to IOM to operate a shelter for victims of trafficking in Cairo. Egypt continued to develop strategies to implement its comprehensive action plan to address all aspects of trafficking; the government completed a national victim referral mechanism to facilitate victim identification and treatment, in cooperation with IOM. However, the government did not proactively identify victims of trafficking among vulnerable groups, and the government's capacity to do so remained limited. The government also did not report any

significant efforts to address forced child labor in domestic servitude and forced domestic labor of female migrant workers. Moreover, Egypt failed to investigate and prosecute government officials who were complicit in trafficking offenses, particularly the forced labor of domestic workers in their private residences. The government's security forces continued a practice of shooting foreign migrants in the Sinai, including possible trafficking victims.



Recommendations for Egypt: Implement the 2010 anti-trafficking law and the 2008 child trafficking law by increasing investigations and prosecutions against all forms of trafficking, including against domestic servitude and other forms of forced labor, as well as forced prostitution; cease shooting foreign migrants, including possible trafficking victims, along the Sinai border, and make efforts to identify and assist victims of trafficking among foreign migrants exploited in the Sinai; undertake greater efforts to investigate, detain, prosecute, and punish smugglers, including in the Sinai, for trafficking victims from the Horn of Africa to Israel; utilize the national victim referral mechanism to better institute and apply formal procedures to identify victims of trafficking among vulnerable groups, including those arrested for prostitution, street children, and undocumented migrants; ensure identified trafficking victims, including those subject to forced prostitution, are not punished for unlawful acts committed as a direct result of being trafficked; further expand the scope of protection services and make these services available to all victims of trafficking; encourage victims of trafficking to assist in investigations against their traffickers; assess the potential for forced labor and related offenses among domestic servants; improve legal protections for domestic workers; make greater efforts to investigate and punish government officials complicit in trafficking offenses; continue to implement the national action plan on human trafficking; and raise awareness on the definition and dangers of trafficking among the public and government officials.

Prosecution

The Government of Egypt made minimal progress in its anti-trafficking law enforcement efforts during the reporting period. Egypt prohibits all forms of human trafficking through its 2010 anti-trafficking law, which prescribes penalties from three to 15 years' imprisonment along with fines ranging from $8,300 to $33,300. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Amendments to the Child Law (No. 126 of 2008) include provisions prohibiting the sex trafficking of children and forced labor, which prescribe sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Due to sustained political instability and unrest, and a concomitant diminishment in capacity of the country's policing and court functions, the government did not report data on its efforts to investigate, prosecute, convict, or punish trafficking offenders using the 2010 law, nor did it provide official data on investigating and prosecuting "summer marriages" under the Child Law or other criminal codes. The government, however, reportedly cooperated with Indonesia on investigations into allegations of abuse of Indonesian female domestic workers in Egypt. Despite this effort, international organizations and source country embassies report that the Government of Egypt failed to investigate accusations that multiple government officials, including judges, Ministry of the Interior officials, and other high level government leaders, forcibly held Indonesian domestic workers inside their homes, and in some cases physically and sexually abused them. At the end of this reporting period, the women were still being held in conditions of forced labor without pay or access to travel documents. The government did not report any efforts to punish government officials for complicity in trafficking offenses during the reporting period. The government provided trafficking-related trainings, but owing to a lack of resources and budget constraints, relied in many cases on support from international organizations and NGOs. Six-hundred government officials and NGO workers participated in National Council for Childhood and Motherhood (NCCM)-organized and IOM-funded trainings on trafficking issues. NCCM reported providing another 800 officials with in-house anti-trafficking training using its own resources. The government, in conjunction with IOM, also distributed 500 copies of victim identification guidelines – with copies of the relevant laws – for investigating and prosecuting trafficking offenses to government officials, including law enforcement, immigration, medical, and social service officials.

Protection

The Government of Egypt made significant, yet uneven, progress in its efforts to protect victims of trafficking during the reporting period. The government, in partnership with international organizations and NGOs, provided shelter and a range of protective services to trafficking victims during the reporting period; however, most government officials failed to employ victim identification and referral procedures to proactively identify victims among vulnerable groups, thus treating many trafficking victims as criminals. A joint IOM-NCCM shelter designated for female and child trafficking victims provided female victims of forced prostitution and forced labor with medical, psychological, legal, vocational, and repatriation assistance. The facility provided shelter for 12 victims for up to three months; the shelter was usually at full capacity, indicating a need for additional space or shelters. The Ministry of Health, with international assistance, began operation of a treatment center for victims of trafficking in a Cairo hospital. This day facility served four or five victims a day by the end of the reporting period; however, it is not intended as an overnight or long-term facility. With international assistance, the Ministry of Social Affairs opened a new shelter in Cairo during this reporting period to assist vulnerable children, including trafficking victims, with walk-in services, an overnight shelter, and a juvenile detention center; it is unknown how many child trafficking victims the shelter assisted during the reporting period. However, many other government facilities for street children were reportedly in disrepair, lacked funds, and were not prepared to specifically identify and assist trafficking victims. There were reports, however, that government officials who visited one shelter suggested that a child trafficking victim return to her family, despite the fact that the family was involved in the trafficking. IOM and NCCM provided protection and assistance to 122 victims of trafficking from January 2011 to February 2012. The

majority of these victims were Indonesian; 75 of them were victims of forced labor, 31 were victims of sexual exploitation, two were victims of child marriage, and one was a victim of forced begging. In addition, an international NGO, in partnership with the government, continued to run a day center in Cairo to care for abused street boys involved in forced begging or petty crime; the center provided counseling, medical care, and literacy and computer classes. In another positive development from the previous reporting period, the government adopted a formal IOM-recommended victim referral mechanism in February 2012, which designates NCCM as the approved entity for victim screening and identification and case management; the referral mechanism was developed to identify victims and refer them to shelter, medical, legal, and other services.

Despite the adoption of the victim referral mechanism, most government personnel did not systematically employ victim identification and referral procedures to proactively identify and assist trafficking victims among vulnerable groups during the majority of the reporting period. As a result, trafficking victims, including many street children, women in prostitution, and some foreign migrants held in the Sinai, were often treated as criminals rather than victims; some were prosecuted on charges of prostitution, robbery, or immigration violations. Anecdotal reporting suggests that some trafficking victims were deported during the reporting period. In early 2011, the government's National Center for Social and Criminological Research found that 40 percent of women in jail charged with crimes of prostitution were forced or coerced into prostitution through methods of trickery, threat, or rape. In addition, law enforcement officers may have further mistreated trafficking victims, including minor girls, through verbal, physical, and sexual abuse. Egyptian border security personnel in the Sinai continued to shoot some undocumented migrants attempting to enter Israel, including suspected trafficking victims, often killing them. Egyptian authorities made no attempt to identify trafficking victims among these migrants transiting the Sinai. Some children may be sent to juvenile detention centers that are in poor condition, while others may be subject to incarceration with adults despite the Child Law, which prohibits this practice. Some foreign trafficking victims were not offered legal alternatives to removal to countries in which they faced hardship or retribution. The government did not actively encourage victims to assist in investigations against their traffickers. Domestic workers were not covered by existing labor laws, making them vulnerable to abuse and forced labor.

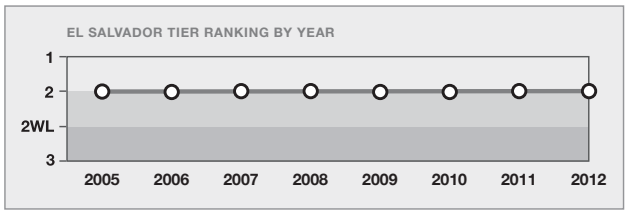
Prevention

The government made some efforts to prevent trafficking in persons during the reporting period. The government continued to implement its 2010 comprehensive national action plan to combat trafficking in persons in the areas of cooperation with international and local NGOs and developing victim identification procedures, though political instability and lack of funding hindered full implementation of the plan. NCCM organized, and sometimes funded, trainings that addressed victim identification and victim protection measures for over 1,400 government and NGO officials. The government actively cooperated with international donors on defined benefit and education programs to prevent trafficking and forced child labor in agriculture. Unlike the previous reporting period, the government did not engage in anti-trafficking information or education campaigns. There was no evidence that the government took measures to prevent forced domestic servitude, though the government began a study to determine the scope of forced child labor in domestic servitude. The government did not make efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. While there were no reports of government efforts to provide anti-trafficking training for its troops before deploying them to international peacekeeping missions, the government provided training to 25 judges who will participate in peacekeeping operations with Egyptian troops.

EL SALVADOR (Tier 2)

El Salvador is a source, transit, and destination country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls, many from rural areas of El Salvador, are exploited in sex trafficking in urban centers. Some Salvadoran adults and children are subjected to forced labor in agriculture, domestic service, and forced begging. The majority of foreign victims are women and children from neighboring countries, particularly Nicaragua, Guatemala, and Honduras, who migrate to El Salvador in response to job offers, but are subsequently forced into prostitution, domestic service, construction, or work in the informal sector. Gangs continued to use children for illicit activities, in some cases using force or coercion, and police reported that over 2,500 gang members detained in 2011 were children. Salvadorans have been subjected to sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Members of organized criminal groups are reportedly involved in some trafficking crimes in El Salvador.

The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its convictions of sex trafficking offenders and maintained a shelter for underage victims of sex trafficking. However, there was little information regarding victims identified or assisted, minimal specialized services for adult victims, and only modest interagency public awareness efforts.



Recommendations for El Salvador: Provide comprehensive victim services and assistance for victims, particularly for adults, through increased funding for such services; strengthen efforts to investigate and prosecute trafficking offenses, and to convict and sentence trafficking offenders, including government officials complicit in trafficking offenses; proactively investigate possible cases of forced labor, including domestic servitude; increase training on victim identification and assistance for local immigration, law enforcement, and judicial officials; enhance funding and capacity for specialized police and prosecutorial anti-trafficking units; establish formal mechanisms for identifying victims among vulnerable populations; provide foreign victims with legal alternatives

to their deportation; improve data collection capacity regarding victim identification and care; and increase public awareness of all forms of human trafficking.

Prosecution

The Government of El Salvador's law enforcement efforts against human trafficking during the reporting period included increased convictions of traffickers; however, official complicity remained a problem. Article 367B of the Salvadoran Penal Code prohibits all forms of human trafficking and prescribes penalties of four to eight years' imprisonment. Such penalties are sufficiently stringent, though not commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years' imprisonment. Cases involving children who may have been forced by gangs to engage in illicit activities were not investigated or handled as potential trafficking cases, despite indications that force or coercion may have been involved. The government's dedicated anti-trafficking police and prosecutorial units were located in the capital, and officers highlighted the need for more effective investigative efforts at the local level. During the year, police significantly increased the number of "work teams" in the special unit for investigation of trafficking, smuggling, and crimes against sexual liberty, from three to eight.

Officials reported investigating 76 potential cases of human trafficking in 2011. Authorities prosecuted fifteen traffickers, and obtained nine convictions for sex trafficking with imposed sentences ranging from four to nine years' imprisonment. This is an increase compared with five prosecutions and three convictions reported in 2010. There was no information available regarding the investigation of the former head of the dedicated prosecutorial anti-trafficking unit for trafficking-related complicity. NGOs reported that corruption is a significant obstacle to trafficking convictions. In November 2011, a judge dismissed charges against nine suspects in a child sex trafficking case and stated that the underage victim should have been prosecuted for having false identity documents; the attorney general's office is appealing the case. Dependence on witness testimony in the judicial process and the absence of witness protection provisions left victims and their families vulnerable to threats. Some officials demonstrated a limited understanding of human trafficking. During the reporting period, the government conducted investigations with other governments and extradited a trafficking suspect from the Dominican Republic.

Protection

The Salvadoran government maintained a shelter for underage girls who were victims of sex trafficking in the capital, but services for other victims remained minimal. Immigration officials continued efforts to identify possible trafficking victims in border regions, notifying the police and referring victims to care facilities; in general, however, the Salvadoran government did not proactively identify trafficking victims among vulnerable populations, such as people in prostitution or migrant laborers. The government's San Salvador shelter accommodated up to 15 girls at a time and offered victims psychological and medical care as well as education and vocational training; victims could not leave the shelter unaccompanied. During the year 22 victims received assistance at this shelter. Most assistance and services, including shelter, were not readily accessible to adults or male children, and many services, including vocational training, were provided by NGOs and international organizations. The government did not report funding civil society organizations to provide care to trafficking victims.

Authorities did not report the number of victims identified or assisted during the year, but noted that 26 victims were involved in the 76 cases under investigation. Authorities encouraged identified victims to assist with law enforcement efforts and provided limited psychological and medical assistance to those who did; 24 victims participated in investigations or prosecutions of their traffickers during the reporting period. Other victims chose not to assist law enforcement efforts due to social stigma, fear of reprisals from their traffickers, or lack of trust in the judicial system. Identified trafficking victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked. The government offered no legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

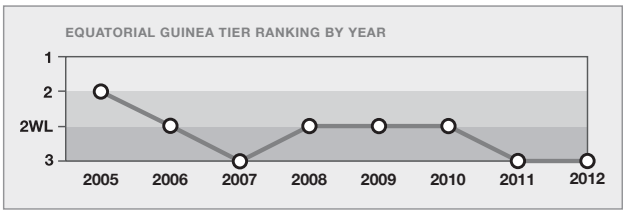
The Salvadoran government maintained modest prevention efforts during the reporting period. In July 2011 the government replaced its anti-trafficking committee with a new anti-trafficking council. This move was intended to reflect a higher level of commitment to the issue, but the new council was not noticeably active during the reporting period. The government indicated it maintained a campaign about child sex tourism, but there were no details, and authorities did not report identifying or investigating any cases of child sex tourism during the year. No specific government efforts to reduce demand for commercial sex acts or forced labor were reported over the last year.

EQUATORIAL GUINEA (Tier 3)

Equatorial Guinea is a source and destination for women and children subjected to forced labor and sex trafficking. The majority of trafficking victims are believed to be exploited in Malabo and Bata, where burgeoning construction and economic activity funded by oil wealth has contributed to increases in the demand for cheap labor and commercial sex acts. Children are transported from nearby countries – primarily Nigeria, Benin, Cameroon, Togo, and Gabon – and may be forced to work as domestic servants, market laborers, ambulant vendors, and launderers. In some instances, distant relatives claiming to be their parents are responsible for subjecting these children to forced labor. Equatoguinean girls, some as young as 14 or 15, are victims of sex trafficking in Malabo and Bata, and reports indicate some parents may encourage their daughters to engage in prostitution, especially with foreigners, in order to receive groceries, gifts, housing, and money. Women from Cameroon, Benin, and other neighboring countries are recruited for work in Equatorial Guinea, but may be subsequently subjected to forced labor or forced prostitution. Some Chinese women migrate to Equatorial Guinea for work or to engage in prostitution and may be subject to passport confiscation. In 2011, an Equatoguinean woman was identified and rescued from forced prostitution in Spain. Sub-contractor staff in the oil services and construction sectors, including migrants from Africa, Asia, and the Americas, may be vulnerable to forced labor, as they reportedly endure sub-

standard working conditions and, in some instances, may be subject to passport confiscation.

The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Over the reporting period, the government neither identified a single victim of human trafficking nor made any efforts to provide victims of trafficking with protective services, despite the mandate to do so in its 2004 anti-trafficking law. If the government had recognized a child victim of human trafficking it could possibly refer the child to a church-run orphanage and provide a scholarship for the child's care. The government routinely deported illegal immigrants without attempting to determine whether they were victims of trafficking or referring them to assistance services, and rarely notified embassies that their nationals had been detained. Prevention efforts were extremely limited; the government did not undertake any public awareness campaigns and its interagency commission on human trafficking took no action. The government's response to human trafficking has been negligible, particularly given its substantial financial resources.



Recommendations for Equatorial Guinea: Increase the use of the 2004 anti-trafficking law to prosecute and convict trafficking offenders and complicit officials; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; dedicate funding for the sheltering and protection of trafficking victims and develop a formal system to refer victims to such care; train law enforcement officials, immigration officials, and social workers in the use of identification and referral procedures; cease summary deportation of foreign men, women and children from Equatoguinean territory without first screening for trafficking and, if appropriate, providing them with care and safe, voluntary repatriation; notify embassies when their nationals have been detained; research the extent and nature of the problem of human trafficking within the country; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Equatorial Guinea demonstrated minimal 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 which are sufficiently stringent. Despite having a law in place and reports of child trafficking, the government initiated no investigations or prosecutions of suspected trafficking offenses. Foreign embassies reported the resolution outside the justice system of potential trafficking cases involving their nationals; Ministry of Justice officials confirmed that this practice inhibits their ability to prosecute offenders. The Ministry of National Security reported conducting a training session on methods for identifying victims of human trafficking for police officers at the airport, border patrol agents, and chiefs of inspections. This training was funded by the Government of Equatorial Guinea.

Protection

The Government of Equatorial Guinea failed to demonstrate effective measures to protect trafficking victims during the reporting period. It did not identify or refer any victims to protective services in 2011. Although the 2004 anti-trafficking law mandates the government's provision of legal assistance, psychological and medical care, counseling, lodging, food, access to education, training, and employment opportunities to trafficking victims, the government failed to provide any of these protective services during the year. Care for possible Equatoguinean child trafficking victims continued to be provided by church-run orphanages with scholarships provided by the Equatoguinean government; foreign children continued to be deported summarily. There were no shelters or other types of protective services in Equatorial Guinea for adult trafficking victims. Law enforcement authorities did not employ procedures to identify victims of trafficking proactively and did not make efforts – in either a systematic or an *ad hoc* way – to refer victims to organizations that provide short- or long-term care, although the Ministry of National Security claimed it had procedures in place to screen illegal immigrants detained at the border to determine if they were victims of human trafficking. The absence of a proactive victim identification process, including procedures for screening deportees, impaired the government's ability to provide care or assistance to foreign trafficking victims. The government continued to penalize victims for unlawful acts committed as a direct result of their trafficking; it detained foreign nationals, including potential trafficking victims, at police stations for periods of several days to several months, and seldom notified their embassies of their detention or deportation. 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 with temporary or permanent resident status, or any other legal alternatives to their removal to countries where they might face retribution or hardship. Officials did not appear to fine or prosecute detainees, but sometimes confiscated their possessions and money.

Prevention

The Government of Equatorial Guinea decreased its efforts to prevent trafficking during the reporting period. It did not launch any anti-trafficking informational or educational campaigns for the general public. The effectiveness of the Interagency Commission for Trafficking in Persons, directed by the Prime Minister's Office and chaired by the Ministry of Justice, remained limited, and it did not convene or produce any results during the year. The national action plan, produced following passage of the 2004 law, has not been implemented and is out of date. In February 2010, the government consulted with UNICEF and UNDP to revise this plan to include an initial study on the extent of child trafficking and establishment of a pilot shelter in Malabo, but it has still not finalized or implemented the plan. The Government of Equatorial Guinea worked with UNDP to revise and implement a new anti-trafficking plan as part of a wider human rights strategy for 2012. During the reporting period, the government made significant improvements in the residency cards it issues to foreigners to include biometric and holographic security

features, which were not present in previous residency cards. In 2011, the Ministry of Labor conducted numerous workplace inspections to verify adherence to labor laws in regard to pay, benefits, and working conditions; when violations were found, the government required some employers to correct the problem, pay fines, or pay reparations to the employees. The Government of Equatorial Guinea did not participate in or implement any programs to address forced child labor, and did not identify a single child labor victim despite having 100 labor inspectors dedicated to documenting labor infractions. It did not undertake any discernible measures to reduce the demand for commercial sex acts during the year.

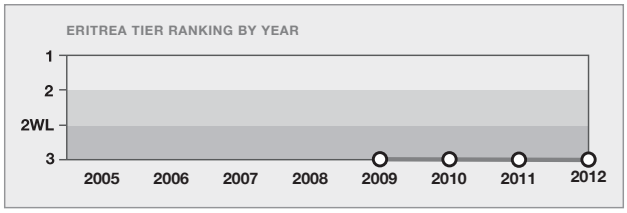
ERITREA (Tier 3)

Eritrea is a source country for men, women, and children subjected forced labor and, to a lesser extent, sex trafficking. During the reporting period, forced labor occurred in Eritrea, particularly due to the country's national service program. Under the Proclamation of National Service (No. 82/1995), men aged 18 to 54 and women aged 18 to 47 are required to provide 18 months of military and non-military service in any location or capacity chosen by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for more than 10 years under the threat of inhuman treatment, including harsh working conditions, torture, or punishment of their families. There continue to be reports that some Eritrean conscripts are forced to build private homes for army officers, as well as to perform agricultural labor on farms and construction activities for firms owned by the state, the ruling party, senior army officers, and private investors, functions that fall outside the scope of the proclamation. During the reporting period, the Ministry of Education continued *Mahtot*, a national program in which schools send children to build stone terraces, maintain roads, and lay power lines. The military's four command zones reportedly use conscripted labor to undertake diversified economic activities, including trading, farming, property development, and infrastructure construction, for the enrichment of the government, the ruling party, and high-ranking army officers. National service conscripts could not resign from their jobs or take new employment, received no promotions or salary increases, and could not leave the country because they were denied passports or exit visas. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy; these individuals continued to receive only their national service salary and were required to forfeit to the government any money they earned above and beyond that salary.

Eritrean children work in various economic sectors, including domestic service, street vending, small-scale manufacturing, and agriculture; child laborers frequently suffer abuse from their employers and some may be subjected to forced labor. In addition, children may be exploited in Eritrea's sex trade. Each year, tens of thousands of Eritrean workers migrate in search of work, particularly to the Gulf States and Egypt, where some become victims of forced labor, primarily in domestic servitude. Smaller numbers of Eritrean women and girls are subjected to sex trafficking inside the country and potentially in Gulf countries.

Over the past decade, large numbers of Eritreans have fled the country to find work or escape indefinite conscription. During the past three years, an estimated 2,000 to 3,000 Eritreans have escaped to refugee camps in eastern Sudan each month; traffickers seek out vulnerable Eritreans in the camps, some of whom were extorted and tortured as they were transported through the Sinai Peninsula. A significant number of fleeing Eritreans encounter serious risks of being shot and killed by Eritrean authorities, or forcibly repatriated to Eritrea, where they are at times tortured or killed by the Eritrean government. Adolescent children that attempt to leave Eritrea have been forced into military service despite being younger than the minimum service age of 18. As part of the requirements to complete their senior year of high school, adolescent children are also sent to *Sawa*, Eritrea's military academy, prior to their eighteenth birthday. Over the reporting period, there were numerous reports of Eritrean nationals being brutalized by smugglers operating in the Sinai; victims were often chained together, whipped and beaten regularly, deprived of food, raped, and forced to do construction work at gunpoint at smugglers' personal homes. Eritrean refugees were concerned that Eritrean and Sudanese officials colluded with smugglers to abduct Eritreans from Sudanese refugee camps, targeting those refugees that voiced dissent against the government or were prominent military figures.

The Government of the State of Eritrea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Eritrean government does not operate with transparency and did not publish data or statistics regarding any effort to combat human trafficking; it did not respond to requests to provide information for this report.



Recommendations for Eritrea: Pass and enforce a comprehensive anti-trafficking statute that includes prohibitions against forced labor; launch a campaign to increase the general public's awareness of human trafficking at the local, regional, and national levels; cease indefinite conscription and the use of threats and physical punishment for non-compliance; cease sending children to *Sawa*, the military school; allow international NGOs to assist in combating trafficking in Eritrea; institute trafficking awareness training for diplomats posted overseas; provide training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; and in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims.

Prosecution

The Government of the State of Eritrea made no known progress in prosecuting and punishing trafficking crimes over the reporting period. 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, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are sufficiently stringent, but not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes punishment of five to 20 years' imprisonment, penalties which are sufficiently stringent. Forced labor and slavery are prohibited, except where authorized by law under Article 16 of the ratified, but suspended, Eritrean Constitution. Proclamation 11/199 prohibits the recruitment of children younger than 18 years of age into the armed forces. Though the penalties are sufficiently stringent, the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on its investigations or prosecutions, if any, of human trafficking offenses during the reporting period. Eritrea similarly did not report any law enforcement efforts against official complicity in trafficking offenses, such as the use of forced labor to build personal homes or for other personal gain of military officers and government officials. Forced labor of conscripts within the national service continued without any government effort to abate or eliminate this practice. The government provided no known training to its law enforcement officials on identifying and responding to trafficking crimes.

Protection

The government made no discernible efforts to protect victims of trafficking during the reporting period. The government did not report identifying any trafficking victims, and it has no known facilities dedicated to trafficking victims. During 2011, the government forced the few remaining international NGOs to leave Eritrea. It is not known whether the government encouraged victims' assistance in the investigation and prosecution of trafficking crimes. The Ministry of Labor and Human Welfare oversees the government's trafficking portfolio, but individual cases of transnational human trafficking are reportedly handled by the Eritrean embassy in the country of destination; information regarding embassy efforts to assist trafficking victims was not provided. The government reported no efforts to train its diplomatic officials on identifying and responding to trafficking situations involving Eritreans overseas.

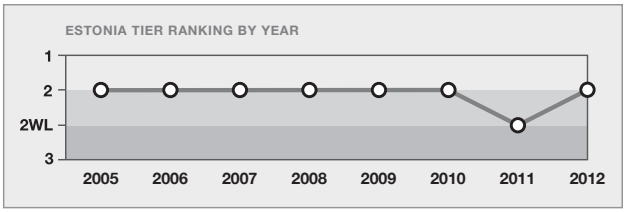
Prevention

The government made no known efforts to prevent trafficking during the reporting period. Eritrean media, all of which is state-owned, made neither public announcements nor media presentations regarding human trafficking during the reporting period. There were no anti-trafficking public awareness or other education campaigns. Although the government does not publicly acknowledge human trafficking as a problem, an office exists within the Ministry of Labor to handle labor cases, including human trafficking cases; the accomplishments of this office during the reporting period are unknown. The government made no known efforts to reduce the demand for commercial sex acts. Eritrea is not a party to the 2000 UN TIP Protocol.

ESTONIA (Tier 2)

Estonia is a source, transit, and destination country for women subjected to forced prostitution, and for men and women subjected to conditions of forced labor. Estonian women are subjected to sex trafficking in Finland, the Netherlands, the United Kingdom, Germany, Spain, France, Cyprus, Portugal, Ireland, and Italy. Estonian women, including women with mental disabilities, were forced into prostitution in Tallinn. Estonian men were reportedly subject to labor trafficking in Finland and the United Kingdom. Young Estonian women forced into marriage abroad after promises of employment are also vulnerable to trafficking in persons. Men and women from Estonia are subjected to conditions of forced labor in Spain, Sweden, Norway, and Finland. Men and women with Russian citizenship or stateless residents of Estonia are the most vulnerable to labor trafficking. Third-country nationals who enter Estonia on the basis of the Schengen agreement are at risk for labor trafficking within the country. Ukrainian nationals were reportedly subjected to labor exploitation within Estonia within the reporting period.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In March 2012, the Government of Estonia took an important step forward in its anti-trafficking efforts by enacting a law criminalizing trafficking in persons. The government collaborated closely with NGOs on the law, which should set the groundwork for future efforts to prosecute trafficking offenders and protect victims. Prior to enacting the law, the Government of Estonia pursued very few criminal trafficking cases in comparison to the number of victims of trafficking identified. In 2011, Estonian authorities failed to convict any trafficking offenders under the previous law against enslavement (Article 133). Nevertheless, the government funded trafficking victim care through NGOs, which reported a strong and supportive relationship with the Ministry of Social Affairs. The government also funded an active anti-trafficking hotline to educate vulnerable individuals about trafficking and to refer them to care.



Recommendations for Estonia: Implement the new anti-trafficking statute vigorously; using the new trafficking statute, increase efforts to investigate, prosecute, convict, and punish trafficking offenders; increase efforts to investigate labor recruiters as potential trafficking offenders; broaden the authority of the labor inspectorate to investigate human trafficking and energize labor inspectors to address trafficking in persons; increase government efforts to proactively identify victims of trafficking; strengthen anti-trafficking training to include adding a distinct section on human trafficking to the curriculum of the Public Service Academy and other professional development programs for law enforcement personnel, and encourage a diverse range of government officials to engage in the trafficking victim identification process; ensure that potential trafficking victims are fully informed of their rights upon identification, including the right to apply for a residency permit; encourage more victims to assist in the prosecution of trafficking offenders by consistently funding legal counsel for victims; consider incorporating NGOs into law enforcement interviews; increase

victim protections during trial; increase the number of repatriated Estonian trafficking victims assisted; consider coordinating trafficking victim services with the Ministry of Foreign Affairs to ensure that repatriated victims are fully aware of available victim services; fully implement the trafficking-specific policy objectives in the Development Plan for Reducing Violence for Years 2010-2014; collect law enforcement data and victim protection data on trafficking; and publish an annual report on trafficking.

Prosecution

The Government of Estonia improved its law enforcement efforts during the reporting period by enacting legislation that prohibits all forms of trafficking in persons. In March 2012, the Estonian parliament passed an anti-trafficking law that amended Article 133. The penalties trafficking offenses now range up to 15 years' imprisonment, penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. During the reporting period, Estonian authorities conducted three new investigations and prosecuted one trafficking offender under the existing Article 133, compared with approximately three investigations and three prosecutions under this statute in 2010. The Estonian police also investigated a high profile sex trafficking case under a non-trafficking statute in February 2012. Estonian authorities did not convict any trafficking offenders under Article 133, compared with three convictions in 2010. Many trafficking cases were closed in the pre-trial investigation stage. A study on labor trafficking concluded that awareness of trafficking remained low among law enforcement officials. Prosecutors allegedly lacked experience trying trafficking cases and had difficulty constructing trafficking cases because of victims' unwillingness to testify given uncertainties in the victim protection scheme. The government did not report conducting any specialized anti-trafficking trainings for law enforcement officials during the reporting period. Law enforcement officials did have access to a government-produced trafficking victim identification guide in Estonian and Russian. The government had no specialized law enforcement unit for trafficking. Estonian law enforcement authorities collaborated on trafficking investigations with foreign counterparts, including authorities in the Netherlands, Finland, Sweden, Germany, Norway, Cyprus, and Luxembourg. The Estonian government did not report the investigation, prosecution, or conviction of any government employees complicit in trafficking during the reporting period.

Protection

The Government of Estonia modestly improved victim protection efforts during the reporting period, mainly by increasing its funding of victim services. Nevertheless, victim identification remained low. Government-funded NGOs assisted 56 victims of trafficking in 2011; 57 trafficking victims were assisted in 2010. Of the 56 victims, 39 were women and 17 were men; 37 were sex trafficking victims, and 19 were labor trafficking victims. The government did not record the number of victims it directly identified; one NGO reported that two of the 29 trafficking victims it cared for were referred by law enforcement during the reporting period. NGOs reported that the law enforcement authorities struggled with victim identification and that the government focused disproportionately on victim identification for sex trafficking rather than labor trafficking. According to a study, the institutions with access to workplaces vulnerable to labor trafficking, such as the labor inspectorate, lacked the jurisdiction and interest to investigate suspected labor trafficking offenses. In total, the government allocated the equivalent of approximately $158,000 for victim assistance during the reporting period, an increase from $142,630 in 2010. During 2011, as in 2010, no victims participated in the prosecution of trafficking offenders. NGOs reported that victims of trafficking were afraid to cooperate with the police or testify in court, in part because of fear of reprisals. The government assisted three trafficking victims repatriated to Estonia by providing them with medical aid, shelter, financial and legal assistance; an inter-governmental organization funded the travel costs of the victims' repatriation. The government claimed that no identified trafficking victims were penalized for unlawful acts committed while being trafficked. Although foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for such residency in 2011; one NGO reported that no trafficking victim has ever applied for a trafficking temporary residence permit since the introduction of such permits in 2007.

Prevention

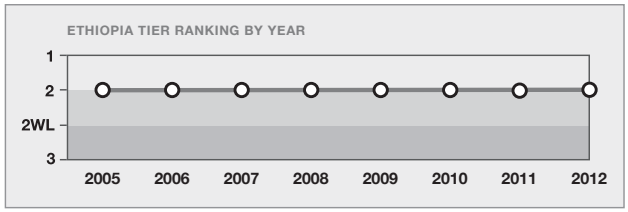
The government demonstrated limited prevention activities during the reporting period. The government provided an NGO with the equivalent of $42,148 to operate an anti-trafficking hotline; the hotline received an average of 50 calls a month from individuals vulnerable to trafficking. In 2011, consular officers from the Ministry of Foreign Affairs visited Estonian schools to educate middle school students on the dangers of human trafficking, reaching approximately 500 students. The government also distributed trafficking related materials at an annual tourism fair and at three job fairs intended to recruit Estonian job seekers for foreign employment. The Government of Estonia collaborated with other Nordic and Baltic countries in the Council of Baltic Sea States project "DEFLECT" in addressing labor trafficking. Nevertheless, the Government of Estonia conducted no broad-based awareness raising campaign on trafficking during the reporting period. The Ministry of Justice led the government's anti-trafficking working group, bringing together approximately 75 representatives of various government agencies who met regularly to discuss anti-trafficking policy. The working group prepares an annual report of activity. There were no special campaigns to reduce the demand for commercial sex acts, though the topic was covered at trainings and seminars conducted by the Ministry of Social Affairs.

ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children who are subjected to forced labor and sex trafficking. Girls from Ethiopia's rural areas are exploited in domestic servitude and, less frequently, prostitution within the country, while boys are subjected to forced labor in traditional weaving, herding, guarding, and street vending. Brokers, tour operators, and hotel owners in the Southern Nations, Nationalities, and Peoples Region (SNNPR) facilitate child prostitution for tourists. Ethiopian girls are forced into domestic servitude and prostitution outside of Ethiopia, primarily in Djibouti and South Sudan – particularly in Juba, Bor, and Bentiu – while Ethiopian boys are subjected to forced labor in Djibouti

as shop assistants, errand boys, domestic workers, thieves, and street beggars. Young women, most with only primary education, are subjected to domestic servitude throughout the Middle East, as well as in Sudan and South Sudan, and many transit through Djibouti, Egypt, Somalia, Sudan, or Yemen as they emigrate seeking work. Some women become stranded and exploited in these transit countries, unable to reach their intended destinations. Many Ethiopian women working in domestic service in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, withholding of passports, confinement, and murder. Many are also driven to despair and experience psychological problems, with some committing suicide. Although the Ministry of Labor and Social Affairs (MOLSA) reported a fourfold increase – from 20,000 to 80,000 – in applications to work overseas in 2011, it estimated that this represents only 30 to 40 percent of Ethiopians migrating to the Middle East; 60 to 70 percent of labor migration is facilitated by illegal brokers, increasing migrants' vulnerability to forced labor. Ethiopian women are also exploited in the sex trade after migrating for labor purposes – particularly in brothels, mining camps, and near oil fields in Sudan and South Sudan – or after fleeing abusive employers in the Middle East. Low-skilled Ethiopian men migrate to Saudi Arabia, the Gulf States, and other African nations, where some are subjected to forced labor. In 2011, Ethiopian victims of sex and labor trafficking were also identified in the United States, the United Kingdom, and Ecuador.

The Government of Ethiopia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the Federal High Court convicted an increased number of transnational labor traffickers, the government's continued failure to investigate and prosecute internal labor or sex trafficking crimes, to compile data on such efforts from local jurisdictions, and to utilize the criminal code's trafficking-specific provisions remained a concern. The government's provision of assistance to trafficking victims remained stymied by its reticence to partner with NGO service providers actively and consistently. The limited and inconsistent assistance provided to trafficking victims by Ethiopian diplomatic missions in the Middle East was inadequate compared to the scale of the problem; the parliament did not allocate funds for the establishment of labor attaché positions in these missions.



Recommendations for Ethiopia: Strengthen criminal code penalties for sex trafficking, and amend Criminal Code Articles 597 and 635 to include a clear definition of human trafficking and explicit coverage for male victims and to enhance penalties to make them commensurate with other serious crimes; continue to improve the investigative capacity of police and enhance judicial understanding of trafficking throughout the country to allow for more prosecutions of internal child trafficking offenses; increase the use of Articles 596, 597, and 635 to prosecute cases of labor and sex trafficking; appropriate funding for the deployment of labor attachés to overseas diplomatic missions; institute regular trafficking awareness training for diplomats posted overseas, as well as labor officials who validate employment contracts, regulate employment agencies, or provide pre-departure training to migrant workers; engage Middle Eastern governments on improving protections for Ethiopian workers; partner with local NGOs to increase the level of services available to trafficking victims returning from overseas, including by allocating funding to enable the continuous operation of either a government or NGO-run shelter; improve the productivity of the National Anti-Trafficking Task Force; and launch a campaign to increase awareness of internal trafficking at the local and regional levels.

Prosecution

Although the government convicted and punished an increased number of transnational trafficking offenders during the reporting period, it failed to utilize the trafficking-specific articles of its criminal code to deal with these crimes and did not provide information on its efforts to address internal trafficking cases. Regional law enforcement entities throughout the country continued to exhibit an inability to distinguish human trafficking properly from human smuggling crimes and lacked capacity to properly investigate and document cases, as well as to collect and organize relevant data. Ethiopia's criminal code criminalizes sex trafficking in Article 635 (Trafficking in Women and Minors) and prescribes punishments not exceeding five years' imprisonment, penalties which are sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. Article 636, which outlines aggravating factors, prescribes penalties of three to 10 years' imprisonment if the victim is a minor or the offender uses force, fraud, or coercion. Articles 596 (Enslavement) and 597 (Trafficking in Women and Children) outlaw slavery and labor trafficking and prescribe punishments of five to 20 years' rigorous imprisonment, penalties which are sufficiently stringent. Articles 597 and 635, however, lack a clear definition of human trafficking and have rarely been used to prosecute trafficking offenses; instead, Articles 598 (Unlawful Sending of Ethiopians to Work Abroad) and 571 (Endangering the Life of Another) are regularly used to prosecute cases of transnational labor trafficking. These statutes prescribe penalties of five to 20 years' and three months' to three years' imprisonment, respectively. The continued lack of a legal definition of human trafficking impeded the Ethiopian Federal Police (EFP) and Ministry of Justice's (MOJ) ability to investigate and prosecute trafficking cases effectively. Despite recent improvements in overall law enforcement capacity, Ethiopian police remained unable to respond adequately to the high rate of incidence of human trafficking in the country.

The EFP continued to make progress in investigating transnational labor trafficking cases, as well as cooperating with the Federal Prosecutor's Office to bring an increased number of cases to trial and conclusion. The EFP's Human Trafficking and Narcotics Section, located within the Organized Crime Investigation Unit, investigated 136 suspected cases of transnational labor trafficking during the reporting period; at year's end, 13 cases remained under investigation, 38 had been initiated as prosecutions in the court (compared to 33 in 2010), and eight were dropped due to lack of evidence. The Federal High Court's 11th Criminal Bench secured 77 convictions (compared to 71 in 2010) under Articles 598 and 571 and ordered punishments ranging from one year's to 12 years'

imprisonment, with no suspended sentences. In contrast to the previous reporting period, the government did not prosecute any sex trafficking offenses last year. Local law enforcement bodies, including regional governments, had responsibility for investigating and prosecuting internal trafficking cases and there was minimal liaison between federal and local law enforcement entities on data collection and information sharing. Regional police in the SNNPR arrested six suspected trafficking offenders in the vicinity of Arba Minch in 2011 and local judicial officials prosecuted and convicted all six under the criminal law, imposing sentences of one year's imprisonment for each trafficker. The government did not provide any trafficking-specific training to its law enforcement officials in 2011. The government did not report taking law enforcement action against any public officials complicit in human trafficking.

Protection

The government provided limited assistance to trafficking victims during the reporting period, continuing to rely on the services of international organizations and NGOs almost exclusively. The January 2009 Charities and Societies Proclamation prohibits charities, societies, and associations that receive more than 10 percent of their funding from foreign sources from engaging in activities that promote, among other things, human rights, the rights of children and persons with disabilities, and justice. These restrictions continued to have a negative impact on the ability of some NGOs to adequately provide a full range of protective services during the reporting period, including assistance to victims in filing cases against their traffickers with appropriate authorities. As a result of the proclamation, the joint police-NGO identification and referral units ceased operation in all Addis Ababa police stations in 2010. In contrast to what was previously a systematic identification and referral process, police and district officials in the capital region referred an unknown number of child trafficking victims to NGO shelters and government orphanages in an *ad hoc* fashion during 2011. Local police and officials in the regional administrations continued to identify trafficked children and assist in the return of these victims to their home areas. For example, police and civil society organizations in Arba Minch and Gamo Gofa jointly rescued and reunited 345 trafficked children with their families. Healthcare and other social services are generally provided to victims of trafficking by government-operated hospitals in the same manner as they are provided to other victims of abuse. The government's over-reliance on NGOs to provide direct assistance to most trafficking victims resulted in unpredictable availability of adequate care in the country. Many of these facilities lacked sustainability as they depended on project-based funding for continued operation. While police strongly encouraged victims' participation in investigations and prosecutions and victims testified during some court proceedings, resource constraints prevented law enforcement authorities from covering travel costs or providing other material resources to enable such testimony in the majority of cases. There were no reports of trafficking victims being detained, jailed, or prosecuted in 2011.

Limited consular services provided to Ethiopian workers abroad continued to be a weakness in government efforts. The Ethiopian consulate in Beirut reportedly provided assistance with mediation between domestic workers and their employers, issuance of new travel documents, visitation of workers held in a detention center, law enforcement and immigration proceedings, and referrals to NGOs in Lebanon. It also continued operation of a small safe house that provided shelter to trafficked women in 2011, but did not make available information regarding the shelter's capacity or services. In March 2012, Ethiopia's consulate in Beirut filed a lawsuit against a Lebanese employment agent accused of beating an Ethiopian domestic worker in front of the consulate. Specific information regarding the victim services provided by the Ethiopian missions in Kuwait, Saudi Arabia, and Yemen was not made available. The Ministry of Foreign Affairs (MFA) reported that 6,500 stranded or detained Ethiopian migrants returned from abroad in 2011, but did not maintain records as to how many were victimized by trafficking or directly assisted by its overseas missions. Although the Employment Exchange Services Proclamation No. 632/2009, which governs the work of approximately 200 licensed labor recruitment agencies, requires licensed employment agencies to place funds in escrow to provide assistance in the event a worker's contract is broken, the MFA has never used these deposits to pay for victims' transportation back to Ethiopia. Furthermore, while the proclamation mandates the establishment of labor attaché positions in diplomatic missions abroad, the parliament did not appropriate funds for MOLSA to establish these positions. During 2011, airport authorities and immigration officials at Bole International Airport in Addis Ababa routinely referred female victims returning from the Middle East to a local NGO consortium that provided shelter and services for trafficking victims, though such referrals were made only at the behest of self-identified victims of trafficking and not always in a timely fashion.

In 2011, Ethiopia granted asylum to more than 10,000 Eritrean refugees, including an increasing number of unaccompanied children, who allegedly fled Eritrea to escape situations of forced labor associated with the implementation of the country's national service program or were deported from Egypt after being brutalized by smugglers in the Sinai, including under conditions of forced construction or domestic labor.

Prevention

The government sustained its efforts to prevent human trafficking during the reporting period. Working-level officials from federal ministries and agencies met weekly as part of a newly formed Technical Working Group on Trafficking, which identified patterns and tactics of traffickers and selected source regions for targeted public awareness campaigns. The Inter-Ministerial Task Force on Trafficking, which in previous years failed to meet or produce tangible results, built on momentum created by the technical working group and convened its first meeting in January 2012 to review MOLSA-drafted bylaws intended to guide its work; the bylaws await approval by the prime minister. Its draft national anti-trafficking action plan, however, remained pending with the Council of Ministers for a second year. In June 2011, MOLSA, with other stakeholders, organized an event at Chencha Woreda (Gamo Gofa Zone) – a major source area for child trafficking – to campaign against child trafficking and identify and assist potentially trafficked children at bus stations during times of peak labor migration to the capital. During the year, a six-*woreda* (district) steering committee in SNNPR partnered with the Bureau of Education and the regional school system to raise awareness of human trafficking among school students and provide protective services. Every *kebele* (local administration) in these six *woredas*, as well as the *woredas* themselves, have local anti-trafficking bylaws, which were stringently enforced, with fines collected

from parents caught sending their children away to work and the funds collected through these fines used to support social services for children in the *kebeles*. During the year, the SNNPR government provided free radio time to a local NGO to air anti-trafficking outreach programming. The SNNPR Tourism and Culture Bureau did not take action to implement or enforce its 2009 tourism code of conduct that bans facilitating or participating in sex tourism by tour operators or tourists. The country's primary school textbooks included instruction on prevention of child labor and trafficking.

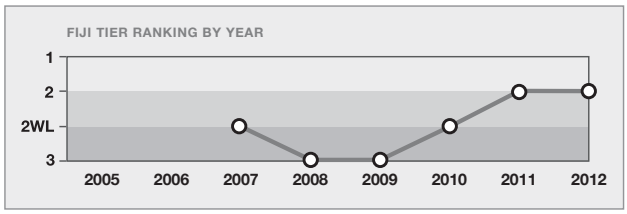
Due to the systemic abuses of its nationals in the Middle East, the government continued to bar employment agencies from sending Ethiopian domestic workers to any Middle Eastern country except Kuwait, the United Arab Emirates, or Saudi Arabia. During the reporting period, however, it showed only nascent signs of engaging destination country governments in an effort to improve protections for Ethiopian workers. In December 2011, the government attempted to negotiate a bilateral labor agreement with the Government of Saudi Arabia that reportedly included provisions to prevent forced labor. In 2011, MOLSA reviewed and approved 80,000 contracts for overseas employment, predominantly of domestic workers, a fourfold increase from 2010. It provided a day-long pre-departure orientation session to all workers migrating through this process, which consisted of modules on understanding employment contracts, Middle Eastern culture, health, and financial management. As a result of joint EFP-MOLSA investigations to enforce Proclamation No. 632/2009, the government revoked three private employment agencies' licenses and suspended the operations of four agencies.

MOLSA's inspection unit – comprised of 130 inspectors – lacked sufficient capacity or resources to enforce labor laws and standards routinely, particularly in rural areas; it removed no children from harmful labor situations in 2011. The national government provided official support, including money and staffing, for some NGO efforts to uproot child labor. One local NGO reported receiving a limited amount of material and logistical support from the Addis Ababa municipal government in 2011, including police protection during unannounced visits to homes where they had reason to believe children were subjected to domestic servitude. A second local NGO spearheaded efforts – in partnership with child protection officers, labor inspectors, police, and local community leaders – to identify and reintegrate child laborers in Addis Ababa and Adama into schools. Ethiopia is not a party to the 2000 UN TIP Protocol.

FIJI (Tier 2)

Fiji is a source country for children subjected to internal sex trafficking and forced labor, and a destination country for foreign men and women subjected to forced labor and forced prostitution. Fiji's role as a regional transportation hub makes it a potential transit area for human trafficking. Victims in Fiji are allegedly exploited in illegal brothels, local hotels, private homes, and other rural and urban locations. Victims primarily are recruited in their home countries or deceptively recruited while visiting Fiji. Family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels have been alleged to participate in the prostitution of Fijian children. Fiji's liberal visa requirements allow many foreign nationals to travel to Fiji without first acquiring a valid visa. Some Fijian children are at risk of human trafficking if their families follow a traditional practice of sending them to live with relatives or families in larger cities or close proximity to schools. These children may be subjected to domestic servitude or may be coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Over the past year, the Fijian government demonstrated greater efforts to acknowledge publicly and address human trafficking, particularly through increased law enforcement trainings, governmental involvement in public awareness campaigns, and expanded victim protection services. Despite its limited resources, the Fijian government provided a range of victim protection services throughout the reporting period. Nevertheless, the government made insufficient progress in combating the serious problem of sex trafficking, including of children, within the country. Authorities did not widely implement formal procedures to proactively identify victims of trafficking among vulnerable populations during the year.



Recommendations for Fiji: Continue efforts to identify, prosecute, convict, and sentence trafficking offenders under the provisions of the Crimes Decree; increase anti-trafficking cooperation between the Department of Immigration, the police Human Trafficking Unit, the police Transnational Crimes Unit, and other relevant government bodies; institute more trainings for law enforcement and immigration officers on victim identification and protection; continue efforts to finalize the database on child labor statistics and increase efforts to identify, protect, and assist child trafficking victims; develop and strengthen formal procedures to proactively identify victims of trafficking, especially among vulnerable groups, such as migrant workers, those allegedly involved in prostitution, and children exploited by local citizens; enhance efforts to provide access to legal, medical, and psychological assistance to victims of trafficking; make efforts to allow identified trafficking victims to work and earn income while assisting with investigations; develop a specialized care unit for identified victims of trafficking; and disseminate more anti-trafficking awareness campaigns directed at clients of child prostitution, commercial sex, and sex tourism.

Prosecution

The Government of Fiji increased its anti-trafficking law enforcement efforts during the reporting period. The government's 2009 Crimes Decree includes comprehensive anti-trafficking provisions for both domestic and international cases. The prescribed penalties of up to 25 years' imprisonment, and possible fines of up to $400,000, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In July 2010, the government established a dedicated anti-trafficking police unit, which it staffed during the reporting period with four permanent detectives dedicated

exclusively to human trafficking. The unit works closely with the Department of Immigration, which heads the government's interagency task force on human trafficking, and the police Transnational Crime Unit. As a result, the government investigated 11 cases, of which two were prosecuted during the current reporting period – a significant increase from the lack of any cases prosecuted during the previous year. During the current reporting year, the government funded the Police Human Trafficking Unit's training workshops to train the police personnel at many police stations on how to detect and investigate human trafficking related cases. The Fijian government did not report any investigations, prosecutions, convictions, or sentences of public officials or of peacekeepers complicit in human trafficking.

Protection

The Government of Fiji made modest efforts to identify and protect trafficking victims during the reporting period. Victim identification efforts were sustained, as four adult foreign national victims of forced labor and debt bondage were identified, in addition to one minor domestic victim of sexual exploitation. During the current reporting period, the government provided four Chinese victims with care and coordination in their repatriation. Authorities also provided one underage victim with medical and psychological care, accommodation, and security. The government continues to rely on NGOs and international organizations to supply long-term care facilities and specialized services for trafficking victims. The Fijian government did not penalize trafficking victims for unlawful acts they may have committed while being trafficked. Nevertheless, the government did not offer any trafficking victim long-term shelter or rehabilitation, permanent residency status, or proactively pursue financial restitution for victims before criminal trials were completed. The government has a policy of not punishing trafficking victims detained by police, but rather referring them to the anti-trafficking unit for assistance; however, there was no firm evidence of this policy's wide implementation. While authorities sustained efforts to identify and prosecute trafficking cases, victim screening and identification efforts were minimal. During the year, the Immigration Department and the Police Human Trafficking Unit developed guidelines for identifying potential trafficking victims, and standard operating procedures related to victim identification were put in place with immigration agents at borders. Budgetary allotments were not specifically allocated for trafficking-related cases. The government did not develop or utilize formal procedures to proactively identify victims of trafficking among vulnerable populations with which they come in contact, such as women and girls in prostitution, illegal brothels in operation, and child labor situations.

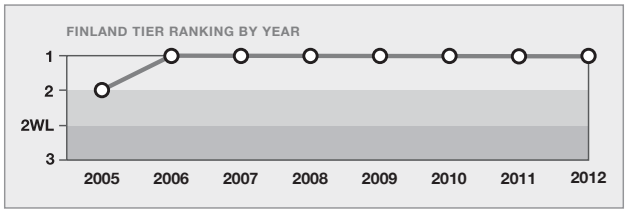
Prevention

Fijian authorities increased efforts to raise public awareness about human trafficking. The government worked with the media to provide press releases on its anti-trafficking efforts, and the Police Human Trafficking Unit's two public awareness campaigns reached approximately 1,500 people. In addition, the police conducted outreach on trafficking issues at the Police Awareness Centre during the annual Hibiscus Festival, through which approximately 20,000 Fijians were reached during this annual celebration in Suva. The government also sustained a partnership with an NGO to raise awareness, through a poster campaign, at police stations, airports, and other locations. However, the government did not make efforts to reduce specifically the demand for commercial sex. The Fijian government provided anti-trafficking training as a component of human rights training to military personnel prior to their deployment abroad on international peacekeeping missions. Fiji is not a party to the 2000 UN TIP Protocol.

FINLAND (Tier 1)

Finland is a source, transit, destination, and limited source country for women and girls subjected to sex trafficking, and for men and women subjected to conditions of forced labor. Female sex trafficking victims originate in Russia, Estonia, Latvia, Lithuania, Bulgaria, the Caucasus, and Asia, and the Caribbean. Sex trafficking victims were sometimes forced into prostitution through debt, threats of violence, or voodoo. Forced labor victims come from a variety of countries including India, China, Thailand, Pakistan, Bangladesh, Latvia, Lithuania, and Estonia, and are exploited in the construction industry, restaurants, agriculture, in berry picking fields, and as cleaners and domestic servants. There were reports that migrants who have voluntarily traveled to Finland are coerced to work long hours for minimal wages through threats of violence, deportation, and other means of control; some are forced to sleep at work sites and to surrender their passports. Finnish authorities believed there are likely small numbers of trafficked workers in most major Finnish cities. Recruitment agencies allegedly are involved in labor trafficking cases, extracting high fees from migrant laborers. Some Finnish teenagers reportedly are exploited in prostitution.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. Concerted efforts by law enforcement officials led to a near doubling of the number of trafficking investigations under the trafficking statute in 2011. Offenders convicted under the trafficking statute received serious sentences, up to twelve years in prison. The Finnish anti-trafficking national rapporteur continued exemplary self-critical reporting on trafficking in Finland. Although Finnish legislation allowed the granting of residence permits to trafficking victims, in practice these permits were rarely given. The government also cared for trafficking victims in mixed-use shelters, which put trafficking victims at risk of being re-victimized.



Recommendations for Finland: Continue making greater use of the trafficking statute to investigate and prosecute cases; continue training for investigators, prosecutors, and judges on human trafficking and the rights of trafficking victims; examine why so few residence permits have been granted to trafficking victims; encourage victims to participate in the criminal process by consistently offering victims the benefits of the reflection period and employing victim-witness safety procedures in all trafficking prosecutions; ensure that victims of trafficking are offered appropriate housing and specialized

care, taking into consideration the risks of secondary trauma inherent in mixed-use shelter; consider establishment of a specialized anti-trafficking police or prosecutorial unit; encourage officials to proactively identify potential sex and labor trafficking victims and refer them to services to which they are entitled under Finnish law; examine the vulnerabilities posed by residence permits that are valid only for one employer; investigate labor recruitment agencies for involvement in human trafficking; and explore increased cooperation between different labor entities, including labor inspectors, the police, the tax authorities, and the safety and health administrations, to prevent and identify labor trafficking.

Prosecution

The Government of Finland significantly improved its anti-trafficking law enforcement activities over the previous year, nearly doubling its investigations under the trafficking statute and awarding serious sentences. Law 1889-39 of the Finnish penal code prohibits all forms of trafficking and prescribes up to 10 years' imprisonment for convicted offenders, penalties sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other non-trafficking criminal statutes which prescribe lower penalties, such as pandering, continued to be used frequently to prosecute sex trafficking offenders. In 2011, the Government of Finland reported initiating 21 trafficking investigations under the trafficking statute, including seven sex trafficking investigations and 14 labor trafficking investigations. This was a significant increase from 2010, when the government investigated 11 trafficking investigations under the trafficking statute. The police reported that the increase in investigations derived from an improvement in anti-trafficking law enforcement efforts rather than an increase in crime. The government also claimed that it investigated several trafficking offenses under non-trafficking statutes such as pandering and usury. The government prosecuted at least seven alleged trafficking offenders under a variety of statutes. In 2011, Finish courts convicted two trafficking offenders under the trafficking statute, and sentenced one of them to two and half years' and the other to twelve and a half years' imprisonment; the government convicted no offenders under the trafficking statute in 2010. In trafficking cases charged under an aggravated pandering statute, courts sentenced convicted offenders to sentences ranging from a suspended one year in jail to three years' and five months' imprisonment. In 2010, sentences averaged three years in prison. Police and investigators often investigated potential sex trafficking cases as pandering offenders because pandering was easier to prove and because of possible bias against women in prostitution. In cases not investigated and prosecuted as trafficking cases, victims did not have the same rights and benefits during investigations. The Finish national rapporteur concluded that trafficking victims in labor cases were more readily identified as trafficking victims than were sex trafficking victims. The Finnish government provided several anti-trafficking trainings for police, border guards and prosecutions to enhance victim identification and prosecutions. Law enforcement authorities collaborated with other governments on trafficking investigations. The Finnish government did not report the investigation, prosecution, or conviction of any government employees complicit in trafficking in persons.

Protection

The government sustained its protection efforts in 2011, although there were continuing reports that problems with victim identification resulted in victims being deported. The government fully funded victim protection efforts for trafficking victims, whether Finnish or foreign. The government provided both direct care and funding for appropriate third-party care for trafficking victims through two asylum reception centers that offer shelter, psychological assistance, medical care, and other services to identified victims of trafficking. The staff of these reception centers was also empowered to identify and authorize care for trafficking victims, even when law enforcement authorities did not identify a person as a trafficking victim. However, both international organizations and the Finnish national rapporteur claimed that the mixed population and lack of specialized care in reception centers posed risks for the re-victimization of some trafficking victims, particularly victims of sex trafficking. In 2011, the government asylum reception centers reported that they spent $1,535,738 on the care of trafficking victims and for the operating expenses. Officials identified 41 victims during the reporting period, in contrast to 52 victims identified in 2010. In total, 68 potential trafficking victims asked for assistance in 2011.

Finnish police and border guards employed written trafficking identification guidelines developed by the Finnish Immigration Service. These guidelines included a victim-centered protocol for law enforcement interviews. Nevertheless, government reports concluded that officials more readily identified asylum seekers as victims of trafficking than other potential trafficking victims, but that identifying trafficking victims has not taken root in the work of many authorities. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. During the reporting period, approximately ten victims participated in the prosecutions of offenders, with some court cases including multiple victims. Finnish law allowed identified trafficking victims a six-month reflection period, during which they could receive immediate care and assistance while considering whether to assist law enforcement. The rapporteur indicated, however, that the reflection period was not provided consistently. This year no victims received it. The government offered an extended residence permit for victims of trafficking wishing to stay longer than six months, and two trafficking victims received such extended permits during the reporting period. In practice, Finland's immigration service has only issued residence permits to the victims after the trafficking offenders have been convicted. Victims of trafficking who are waiting for their residence permit were unable to work legally and may have been vulnerable to trafficking. Although the government made efforts to ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked, the rapporteur reported that some potential trafficking victims were deported without attempts made to identify possible trafficking indicators.

Prevention

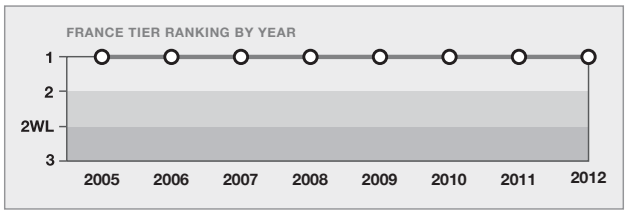
The government improved its anti-trafficking prevention activities in 2011, particularly through the continued strong reporting and awareness raising activities undertaken by the rapporteur. The government organized many of its anti-trafficking activities through its interagency National Steering Group. The national anti-trafficking rapporteur, an independent entity within the government, continued

her analysis of the government's anti-trafficking efforts and advocated for specific changes through its public report; her office encouraged self-critical policy examination and positive momentum in the government's anti-trafficking policy. The Government of Finland does not have a national coordinator; in this absence, the national rapporteur performs many of the coordinator functions. The rapporteur's office also arranged a week-long anti-trafficking awareness raising campaign in October, including street signs at bus stops, radio, and newspaper articles. To prevent child sex tourism by Finnish citizens traveling abroad, the government also distributed brochures at a travel show to thousands of potential travelers, highlighting the harm child sex tourism causes to children. The government continued to provide assistance to other governments for counter-trafficking programs and to a regional expert group on trafficking. The Finnish government collaborated with Finnair to train the airline's ground staff to identify trafficking in persons. The Finnish government provided anti-trafficking training to Finnish forces prior to their deployment abroad on international peacekeeping missions.

FRANCE (Tier 1)

France is a destination and transit country for men, women, and children from Eastern Europe, West Africa, and Asia, as well as the Caribbean and Brazil, subjected to sex trafficking and forced labor. France is also a limited source country for French citizens subjected to forced labor and forced prostitution. Sex trafficking networks controlled by Bulgarians, Romanians, Nigerians, and French citizens force women into prostitution through debt bondage, physical force, and psychological coercion, including the invocation of voodoo. Women and children, many from Africa, South Asia, or Brazil, continued to be subjected to forced domestic service. Many of these cases were reportedly inter-familial, in which families exploited family members brought from Africa to work in their households in France; other cases involved a small number of diplomats. Victims in domestic servitude are often falsely promised education; when they arrive in France, they are required to surrender their passports and live in isolation in the family's household. The Government of France estimates that the majority of the 20,000 people in France's commercial sex trade, about 75 percent of whom are foreigners, are likely forced into prostitution. There are also reports that a significant number of children, primarily from Romania, West Africa, and North Africa, are victims of sex trafficking in France. The economic crisis in neighboring countries has led to an increase in the number of child victims of trafficking. The government observed an increase in the number of criminal networks exercising violence against people in prostitution, including Chinese victims. Roma and other unaccompanied minors in France continued to be vulnerable to forced begging and forced theft. Some French citizens were documented to have participated in sex tourism in foreign countries. Women and children from Brazil and Guyana were subjected to forced labor and sex trafficking in the French overseas territory of French Guiana.

The Government of France fully complies with the minimum standards for the elimination of trafficking. The government's number of criminal cases classified as trafficking rather than as pimping, however, remained far below the estimated occurrence of trafficking in France. A report to parliament concluded that the charging of trafficking cases as pimping impaired international collaboration on criminal cases. Furthermore, victim protection efforts were limited by the system for granting residence permits to trafficking victims. According to experts, France did not administer its residency permit system for trafficking victims in a victim-centered manner, instead putting the needs of criminal investigations before the exigencies of victim care. Nevertheless, the French government funds a range of victim services through dedicated anti-trafficking NGOs. Law enforcement authorities also continued to increase the number of offenders convicted under the trafficking statute. The government enhanced transparency through a broad congressional inquiry and reporting effort aimed at improving conditions for sex trafficking victims and individuals in prostitution.



Recommendations for France: Increase implementation of France's anti-trafficking statute, as directed in the Ministry of Justice Circular of November 1, 2009; increase anti-trafficking training for prosecutors and judges, ensuring that emphasis is placed on increasing the use of the trafficking statute; ensure the safety and confidentiality of trafficking victims during the course of investigations and trials; improve protections for all unaccompanied minors in France who are potentially victims of trafficking; improve implementation of proactive identification procedures and referral for potential trafficking victims, including through offering more training to officials who work in asylum; offer residency permits to all identified victims; consider eliminating, reducing, or allowing waivers for victims' residency permit fees to encourage more victims to apply; soften the requirement that victims of trafficking participate in the prosecution of trafficking offenders in order to receive long-term benefits; ensure that victims are thoroughly explained their rights, including the right to a residence permit and the prosecutor's discretion to give a residence permit in the absence of a conviction, at the outset of any contact with the victim; enhance collection and compilation of law enforcement and victim assistance data, including a breakdown of types of involuntary servitude and prosecutions for forced labor; continue to establish a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; establish an independent national rapporteur to ensure consistent self-evaluation on anti-trafficking activities; explore methods to improve trafficking victims' access to restitution through the Crime Victims Compensation Program; and report on assistance provided to identified victims of trafficking in mainland France and in French Guinea.

Prosecution

The Government of France made modest anti-trafficking law enforcement efforts during the reporting period; the majority of trafficking offenses were still charged under non-trafficking statutes. France prohibits all forms of trafficking in persons through Article 225-4 of its penal code, which prescribes

statutory maximum penalties of between seven years' and life imprisonment for trafficking offenses. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The government continued to implement the policy specified in a Ministry of Justice circular, urging prosecutors to charge cases under the trafficking statute more frequently, even when those cases are also charged as pimping, exploitation of begging, or under labor statutes. Nevertheless, a report before parliament concluded that the trafficking statute remained under-utilized in trafficking cases. The government had difficulty collecting and reporting current data on its anti-trafficking law enforcement efforts. In 2011, French law enforcement authorities placed 40 individuals under formal investigation for human trafficking and opened 10 new trafficking cases under Article 225-4. In 2010, the most recent year for which comprehensive data was available, French authorities convicted approximately 19 offenders under Article 225-4-2, an aggravated trafficking section, compared with convictions in three cases in 2009. The government also convicted 42 offenders for the prostitution of children in 2010, compared with 17 convictions for the prostitution of children in 2009. In addition, in 2010, the government convicted 24 individuals for the exploitation of begging, including at least two offenders for forcing individuals into begging through violence or constraint. Some trafficking cases may be reflected in the 508 convictions under the aggravated anti-pimping statute; approximately 15 percent of the original arrests in those cases were for trafficking-specific offenses. In 2010, trafficking offenders were sentenced to up to 30 years' imprisonment, though some offenders were sentenced to terms of two years imprisonment with serious fines. Some severe trafficking offenders continued to receive very serious sentences; in 2011, two trafficking offenders charged under non-trafficking statutes were sentenced to terms of thirty years' imprisonment, the highest sentence available under French law. Experts observed that trafficking prosecutions were difficult when certain parts of the trafficking offense, such as recruitment, took place outside of the country, thus requiring international collaboration. The parliamentary report concluded that judges were reserving the use of the trafficking statute for cases in which the offense was especially serious, but cautioned that both victim protection and international cooperation was better in cases charged under the trafficking statute because foreign governments responded to requests for information more readily in trafficking cases, instead of pimping cases. The Central Office for Combating Human Trafficking served as the specialist and coordinating unit of the police, providing guidance to anti-trafficking prosecutions throughout the country. The Ministry of Justice trained prosecutors and magistrates on France's anti-trafficking laws. The French government trained police and distributed pocket-sized cards to border police and NGOs on how to identify trafficking victims. NGOs objected that authorities did not always grant protection to trafficking victims' families during the course of trial; as a consequence, some trafficking victims' families have been vulnerable to retaliation by traffickers. French law enforcement authorities collaborated with several governments, including authorities in Romania, Ukraine, Bulgaria, Nigeria, and Brazil, to investigate human trafficking cases. This year, the government investigated high profile sex trafficking cases involving trafficking networks from Eastern Europe, Brazil, and Nigeria. The government did not report the investigation, prosecution, conviction, or sentencing of any public official for complicity in trafficking in persons.

Protection

The government sustained its victim protection efforts during the reporting period, although the residency permit system did not, in practice, offer protection to the majority of trafficking victims. The Government of France managed its anti-trafficking protection program, named *Ac-Sé*, for adult trafficking victims through a network of 49 NGO shelters funded, in part, by the central government and the City of Paris. *Ac-Sé* assists vulnerable adult victims of sex or labor trafficking; the program assisted over 60 victims of trafficking in 2011, providing shelter, legal, medical, and psychological services. Victims were also given access to French language classes and could have qualified for subsidized housing and job training programs. In 2010, *Ac-Sé* assisted approximately 50 victims. These victims receive the equivalent of approximately $450 as an initial stipend from the government, and approximately $150 per month subsequently. NGOs objected that the financial stipend was insufficient to permit victims to rehabilitate successfully. Victims had to wait an average of 40 days for access to a shelter. Other NGOs, partially funded by the central or municipal governments, operated shelters and emergency apartments to give care to other trafficking victims. While French authorities did not report overall funding allocations to NGOs for victims of trafficking, the central government, municipal governments, and the City of Paris provided at least the equivalent of three million dollars to NGOs for victim assistance in 2011.

The government reported that police identified 654 trafficking victims in 2011; French authorities identified 688 trafficking victims in 2010. The government did not report the number of victims it referred to care. *Ac-Sé* had guidelines for victim identification. Nevertheless, reports concluded that some first responders, including those interacting with asylum applicants, needed a stronger and more proactive response to victim identification. The report observed that some trafficking victims attempted to claim asylum with stories devised by traffickers.

Victims of trafficking were eligible for six months' or one year's temporary residency permits, provided they file a formal complaint against their exploiters and made efforts to reintegrate into French society. Victims of trafficking may work or leave the country during trial proceedings. These permits were available during the duration of the criminal process and automatically become permanent upon an offender's conviction. In cases in which offenders were not convicted, local prefects had the discretion to grant permanent residency cards to victims. Nevertheless, victims are often not informed that prosecutors have this discretion until they are deported. A government-funded report concluded that these residency permits were insufficient for granting all trafficking victims effective access to justice, particularly when the case was not formally classified under the trafficking statute. The French government did not report the number of trafficking-specific residency permits granted, but a report to parliament concluded that very few trafficking victims benefitted from the residency permits and that these permits were not always available to victims when the trafficking offenders had already been identified. The Ministry of Justice reports that it is focusing on improving the consistent and effective application of the temporary residency regulations throughout France. A limited number of trafficking victims also received permanent residency in cases of grave threat through the National Asylum Court. Trafficking victims were eligible to receive restitution through the Crime Victims

Compensation Program; only two victims of trafficking have received compensation through the program since its inception. There were no reports that identified trafficking victims were penalized for crimes committed as a direct result of their being trafficked.

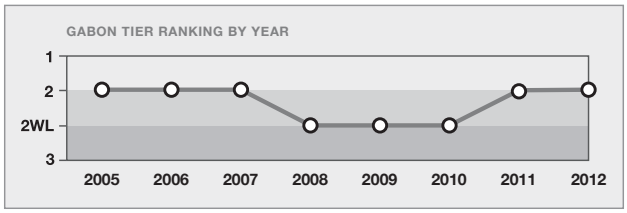
Prevention

The government sustained its prevention efforts during the reporting period. The City of Paris, the Interior Ministry, the Justice Ministry, and NGOs launched a working group in February 2012 to address sex trafficking, focusing on improving victim housing and reintegration. The French government supported anti-trafficking projects in many countries, including through direct funding of victim care through French embassies. The government, through the French International Technical Police Cooperation Service and French embassies, also funded training for foreign governments on trafficking victim identification and prosecution. The French government works closely with source countries on preventing trafficking. In January 2012, France and Bulgaria began a joint project to prevent trafficking in persons. The French government funded programs through airlines and tourism operators describing the penalties for sex tourism. The French government took criminal action against some French citizens who had engaged in sex tourism abroad. In July 2011, a Paris magistrate investigated a 65-year-old French citizen for sexual abuse of minors in the Philippines. France requested the extradition of a French citizen, accused of engaging in sex tourism abroad, who had been convicted of similar crimes in France. All tourism students in France were obligated to take course work on preventing sex tourism. The French government cooperated with other EU countries to identify common trafficking victim identification guidelines. In 2011, the French government focused on addressing the demand for commercial sex. In April 2011, parliament released an extensive report on prostitution in France, as part of an effort to examine how best to shape policy on prostitution, including addressing demand. Nevertheless, the French government did not take any broad based public awareness campaigns on human trafficking. The French government provided anti-trafficking training to all peacekeeping troops prior to their deployment abroad on international peacekeeping missions.

GABON (Tier 2)

Gabon is primarily a destination and transit country for children and women from Benin, Nigeria, Togo, Mali, Guinea, and other West African countries who are subjected to forced labor and sex trafficking. Some victims transit Gabon *en route* to Equatorial Guinea. The majority of victims are boys forced to work as street hawkers or mechanics. Girls are subjected to domestic servitude and forced labor in markets or roadside restaurants. Traffickers appear to operate in loose, ethnic-based crime networks. Most child traffickers are women, who serve as intermediaries in the victims' countries of origin. In some cases, child victims report that their families turned them over to intermediaries promising employment opportunities in Gabon. There is evidence that some traffickers have moved their operations to Lambarene to avoid detection in Libreville. Reports indicate the involvement of Nigerian syndicates in bringing trafficking victims to Gabon. West African women are forced into domestic service or prostitution in Gabon.

The Government of Gabon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained strong prosecution efforts during the year through the initiation of prosecutions of eight alleged trafficking offenders – several of whom remain in prison awaiting trial – and presidential approval of a Ministry of Justice request to hold and fund a special session of the High Court to prosecute pending trafficking cases. The government made strong efforts to protect victims during the year, working with several governments in the region to repatriate 10 foreign victims of trafficking, following their stay in shelters operated by the government or in government-supported NGO shelters. The Inter-Ministerial Committee (IMC) actively and effectively oversaw the efforts of vigilance committees – present in seven provincial capitals – that coordinated between departments on victim care and case follow-up. It also finalized the 2012 National Action Plan. Nonetheless, the government failed to convict any trafficking offenders in 2011.



Recommendations for Gabon: Increase efforts to prosecute, convict, and punish trafficking offenders by convening the High Court; draft and enact provisions prohibiting the trafficking of adults; continue to strengthen cooperation between police, immigration, and gendarmerie to address trafficking cases jointly; and develop a system to track trafficking cases and provide relevant law enforcement and victim protection statistics.

Prosecution

The Government of Gabon maintained strong law enforcement efforts during the reporting period. Existing laws do not prohibit all forms of human trafficking, including bonded labor. Law 09/04, "Concerning the Prevention and the Fight Against the Trafficking of Children in the Gabonese Republic," enacted in September 2004, prohibits child trafficking for both labor and sexual exploitation and prescribes penalties of five to 15 years' imprisonment, along with fines the equivalent of $20,000 to $40,000; 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 a sufficiently stringent penalty of two to five years' imprisonment. Law 21/63-94 prohibits forced prostitution of adults and prescribes sufficiently stringent penalties of two to 10 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. 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. During the year, the government revised Law 3/94 to list specifically both acceptable and prohibited forms of work for those younger than 16 years of age. The government made

minimal efforts to harmonize its legislation with the 2000 UN TIP Protocol, to which it acceded in 2010.

The High Court is required to hear trafficking cases since they are a crime equivalent to murder; however, the High Court is backlogged with cases filed from as early as 2001 and, due to funding issues, does not routinely meet, presenting a significant obstacle to prosecutions of trafficking crimes. In May 2011, the President approved a request, submitted by the Ministry of Justice, to hold and fund a special session of the High Court to hear pending trafficking cases; however, no special session was held during the year.

Despite the arrest of over 76 suspected trafficking offenders between 2003 and 2011– including eight during the reporting period – there have been no convictions under the 2004 child trafficking act. The prosecution of 38 alleged trafficking offenders under Law 09/04 – as a result of the government's December 2010 "Operation Bana," in cooperation with INTERPOL – remained pending with all offenders in pre-trial detention. The Gabonese government continued work with UNICEF, INTERPOL, and West African governments to verify documents and the identities of trafficking victims and suspected offenders in the "Operation Bana" cases, involving the rescue of 20 child labor trafficking victims and the arrest of their 38 suspected traffickers in the previous reporting period. Following the establishment of a vigilance committee in Mouila (Ngounie Province), authorities arrested and charged several suspected traffickers; tips received in several cases were a direct result of awareness campaigns. Police charged a Malian man with child trafficking, committing a sex crime against a minor, and falsification of a passport for the forced marriage of a 13-year-old Malian girl who came to Gabon for domestic work but instead was forced to marry him and prevented from leaving his home. Authorities also charged the imam who presided over the marriage ceremony and the intermediary who met the child at the airport upon arrival with child trafficking, committing a sex crime against a minor, and document fraud; the two offenders remain in jail awaiting trial, while the imam was released on bail. In another forced marriage case in February 2011, a Malian man was charged with trafficking for forcing his 14-year-old wife to work in a nail salon and enter prostitution; the suspect was released on bail, pending trial. In January 2012, authorities in Mouila charged a Beninese woman with use of false documents and mistreatment of minors for the forced labor of six children; in this case, authorities also charged the former assistant mayor of Mouila with falsifying birth certificates. The government partnered with UNICEF to provide training to 36 police officers, 45 social workers, and nine labor inspectors on anti-trafficking law enforcement and protection mechanisms in Gabon.

Protection

The Government of Gabon sustained strong efforts to ensure that victims of trafficking received access to necessary protective services during the reporting period. It provided the equivalent of approximately $270,000 to support four centers offering shelter, medical care, education, and psychosocial services to orphans and vulnerable children, including child trafficking victims, in Libreville and Port Gentil. One center is completely government-funded, while the other three are financed partly by the government through financial and in-kind donations, as well as the provision of service support, including social workers. Government officials identified nine victims during the year; a total of 10 victims received care at these government-funded shelters. The government could shelter trafficked adults in government- and NGO-run transit centers, though it did not identify any adult victims during the reporting period. Working with officials in the countries of origin, the government coordinated the repatriation of one male and nine female child trafficking victims; one victim, rescued in December 2010 in "Operation Bana," remained in a government-supported NGO shelter for seven months before repatriation. The Ministry of Labor contracted a local NGO to accompany and assist victims during repatriation. If victim repatriation was not an option, the Ministry of Social Affairs would provide a victim with immigration relief and resettle them in Gabon; no victims availed themselves of this legal alternative when offered during the reporting period.

Government personnel employed procedures to identify victims of trafficking among vulnerable groups, such as migrant children, and systematically referred them to government or NGO shelters. In 2011, the IMC trained social workers on the National Procedural Manual for Assisting Trafficking Victims, which outlines standard procedures for the identification and removal of children in trafficking situations, as well as their subsequent care and repatriation. Security forces routinely took testimony at the time of arrest of the trafficking offender or recovery of the victim and prosecutors, with social workers present, had access to the children at shelters for follow-up interviews. The government routinely sought costs of repatriation for the victim from the offender and source country governments but absorbed the costs when these avenues of assistance were unavailable; in June 2011, a prosecutor in Port Gentil secured payment from two alleged trafficking offenders for tickets to repatriate a victim to Benin.

Prevention

The Gabonese government maintained strong efforts to prevent human trafficking over the last year. Created by Law 09/04 and under the leadership of the Minister of Labor, the IMC remained actively engaged and served as an effective coordinating body for the government's anti-trafficking efforts during the year. In December 2011, the IMC, vigilance committees, and NGOs met to report their activities in 2011 and finalize the 2012 National Action Plan. Vigilance committees in seven regional capitals – including those in Mouila and Tchibanga launched during the reporting period – brought together local government, law enforcement, and civil society actors to raise awareness, facilitate reporting of trafficking cases, and refer victims to care; the IMC provided anti-trafficking training for these two new committees. The government continued its "Be Vigilant" billboard campaign to target those who might exploit trafficking victims, as well as its "door-to-door" public awareness campaigns in Libreville, in cooperation with UNICEF. During "Operation Bana" authorities discovered that traffickers used fraudulent documents to alter the ages of children; as a result, in September 2011, the Ministry of Health initiated a census to determine the number of children living in Gabon without legal birth certificates.

THE GAMBIA (Tier 2 Watch List)

The Gambia is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Within The Gambia, women and 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, in particular to meet the demands of European tourists seeking sex with children. Observers believe organized networks use travel agencies to promote child sex tourism. Many Gambian boys attend Koranic schools led by *marabouts* (religious teachers). Corrupt or unscrupulous *marabouts* sometimes force such boys into street vending.

Gambian trafficking victims have been identified in neighboring West African countries, as well as in the United Kingdom.

The Government of The Gambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts to address human trafficking over the previous year; therefore, The Gambia is placed on Tier 2 Watch List for a second consecutive year. Although the government established a national agency against trafficking in persons and convicted one trafficker, the sentence of a modest administrative fine did not adequately convey the serious nature of the crime. The government claimed to monitor boys in street vending and unaccompanied girls in resorts known to be destinations of sex tourists, but it did not identify any as victims of trafficking during the reporting period.

Recommendations for The Gambia: Increase efforts to investigate and prosecute trafficking offenses and ensure adequate sentencing for convicted trafficking offenders; 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; begin to take measures to decrease the demand for commercial sex acts, specifically those committed by sex tourists; engage with anti-trafficking counterparts in the region to enable the safe repatriation of victims to and from The Gambia; and increase efforts to raise public awareness about the dangers of trafficking.

Prosecution

The Government of The Gambia sustained modest anti-trafficking law enforcement efforts during the reporting period. Its 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 explicitly prohibits child sex trafficking, prescribing a penalty of 10 years' imprisonment.

The government investigated one case of suspected sex trafficking during the year. A Nigerian trafficker was arrested and prosecuted on charges of trafficking two Nigerian women to The Gambia for forced prostitution; he was convicted in September 2011 and was fined only the equivalent of $333 before being deported to Nigeria. Despite reports of the convicted trafficker having three accomplices in Nigeria, the government neither engaged the appropriate Nigerian anti-trafficking authorities for assistance in the case nor even informed the Nigerian government of the offenders' deportation to Nigeria. The March 2011 case against a *marabout* transporting boys to Senegal for forced begging was dropped when the *marabout* promised to stop the practice of sending his students to beg in Senegal. No law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, and the government did not take any action to investigate NGO-reported allegations that an official at The Gambian Embassy in Mauritania allegedly was complicit in a case of cross-border child trafficking between Mauritania and Sierra Leone.

Protection

The Gambian government undertook inadequate efforts to protect trafficking victims during the year, as it identified no Gambian trafficking victims and only two foreign victims of sex trafficking. Although it claimed to monitor the activities of boys in Koranic schools, it did not rescue or provide services to any victims of forced street vending or begging. The Ministry of Social Welfare operated a 24-hour multi-purpose hotline and allocated the equivalent of $11,500 toward running a shelter and drop-in center, although the government did not report the number of trafficking victims it may have cared for in these shelters. The Department of Social Welfare continued to maintain an electronic child protection database, which includes information on trafficking cases, although no cases were identified in 2011. The Trafficking in Persons Act allows foreign victims to obtain temporary residence visas for the duration of legal proceedings, though the government offers no other legal alternatives to the removal of foreign trafficking victims to countries where they may face retribution or hardship. The government did not provide the Nigerian victims in the aforementioned case with shelter support during their stay in The Gambia. Instead authorities deported them to Nigeria after they provided testimony. There were no reports of victims being penalized for unlawful acts committed as a result of being trafficked; however, the lack of a formal identification system likely resulted in some victims remaining unidentified in the law enforcement system.

Prevention

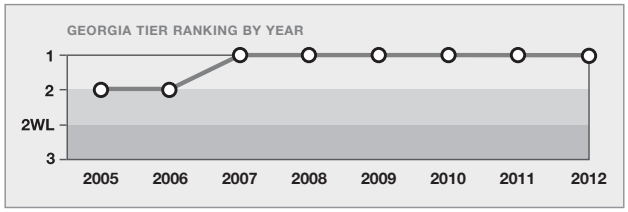
The government made limited efforts to prevent trafficking during the year. In October 2011, The Gambian tourism board officially launched its training manual on addressing child sex tourism. The government also organized a one-day orientation that addressed curbing commercial sex, particularly child sex tourism, for 50 members of the tourism security unit in preparation for the start of the tourism high season. Authorities report removing unattended children from resort areas, in accordance with a policy to combat child sex tourism, but this effort did not lead to the referral of any child trafficking victims to protective services or the apprehension of any

suspected traffickers. In December 2011, the Ministry of Justice launched the National Agency Against Trafficking in Persons with four staff members and a budget the equivalent of $8,474. The agency began work to develop a trafficking database that will eventually collect trafficking information from all government agencies. It was unclear whether the government provided anti-trafficking training to Gambian troops before their deployment abroad on international peacekeeping missions.

GEORGIA (Tier 1)

Georgia is a source, transit, and destination country for women and girls subjected to sex trafficking and men and women subjected to conditions of forced labor. Women and girls from Georgia are subjected to sex trafficking within the country and also in Turkey and the United Arab Emirates. In recent years, Georgian women and girls have also been subjected to sex trafficking in Egypt and elsewhere. Women from Uzbekistan and possibly other countries are found in forced prostitution in the commercial sex industry in Georgia. Country experts report that foreign women in prostitution in saunas, strip clubs, hotels, and escort services are vulnerable to forced prostitution. Men and women are subjected to conditions of forced labor within Georgia, and Georgians are subjected to forced labor in Russia, Turkey, and elsewhere. In recent years, there have been cases of foreign nationals exploited in agriculture, construction, and domestic service within Georgia. In years past, Turkish men have been subjected to forced labor in the occupied territory of Abkhazia, which remains outside the central government's control. NGOs that work with street children from Georgia, Armenia, and Russia, as well as with Roma children, report that some children are exploited into begging or theft by third parties, including their parents, a form of trafficking. Although children are not commonly found working in agriculture in Georgia, except on family-owned farms, a labor trafficking expert in the country indicated that children working in agriculture and in the informal urban economy are highly vulnerable to forced labor.

The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government increased the number of trafficking cases investigated and the percentage of prosecutions that resulted in convictions of trafficking offenders. The government also significantly increased funding for anti-trafficking training and prevention activities, including in the budgets of its shelters for victims. The government significantly increased the number of Georgian officials provided training on victim identification. During the year, however, local experts expressed serious concerns about the government's view of its trafficking problem and its lack of effective efforts in the first half of the reporting period to proactively identify victims of this serious crime.



Recommendation for Georgia: Employ more effective methods to detect and identify potential trafficking victims, especially those experiencing non-physical forms of coercion, the more common manifestation of trafficking in the country; ensure that NGOs continue to be funded and remain active partners in providing victim services and reintegration; ensure NGOs are provided with funding to assist potential trafficking victims before they receive official victim status and become eligible for state assistance; continue to expand formal partnerships with NGOs to help develop the trust of potential victims and achieve a more multi-disciplinary victim-centered approach to anti-trafficking efforts; systematically check for indicators among deported and returning Georgians at border points and involve NGOs in this process; consider appointing a victim-witness advocate or specialized NGO to help ensure the rights of victims are respected during legal proceedings and to ensure their participation is voluntary; given the absence of labor inspectors in Georgia, ensure proactive outreach to workers, including both documented and undocumented foreign migrants, who are vulnerable to trafficking; ensure that children who are subjected to forced begging and vulnerable to commercial sexual exploitation are not inadvertently criminalized or punished for crimes committed as a direct result of their being trafficked; increase efforts to investigate, prosecute, and convict labor and sex trafficking offenders; ensure children in prostitution are properly identified as trafficking victims; continue awareness campaigns for government officials and the general public about trafficking and its links to prostitution as well as forced labor; and continue the government's active information campaigns targeted at vulnerable groups.

Prosecution

The Government of Georgia demonstrated improvements in its anti-trafficking law enforcement efforts during the reporting period. Georgia prohibits all forms of trafficking in persons through Article 143 of its criminal code, which prescribes penalties ranging from seven to 20 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In 2011, the government initiated 16 trafficking investigations involving 18 individuals, compared with 11 investigations of 18 individuals in 2010. Authorities prosecuted and convicted five sex trafficking offenders in 2011, including one *in absentia*, an increase from one offender convicted in 2010. Sentences ranged from six to 19 years' imprisonment; one offender who received a 15.5 year prison sentence was convicted and sentenced within two months of his arrest. The government reported it recently reviewed certain criminal cases involving the use of fraudulent passports, illegal border crossings, and the bribery of border and customs officials for elements of possible official complicity in human trafficking. The government reported it found no indicia of complicity in these cases. The government did not report any prosecutions, convictions, or sentences of government officials complicit in trafficking crimes in 2011.

Country experts reported that a lack of labor inspectors and weaknesses in the government's labor code contributed to workers' vulnerability to abuse and forced labor. In September 2011, Georgian trade unionists reported indicators suggesting conditions of trafficking, including employers not returning passports to workers who complained about mistreatment, among 100 Indian nationals working at a steel plant in Kutaisi. In response to these allegations, the government opened a

lengthy investigation into the case, interviewing over 200 persons, including Indian and Georgian workers at the plant, and inspecting salary records and living conditions. The government determined that none of the Indian workers were trafficking victims, all were free to travel inside Georgia and back to India without restriction, and all were paid the full amounts promised in their contracts. The government continued its institutionalized training for law enforcement and provided additional specialized training for prosecutors, judges, immigration officials, border police, and other front-line responders during the year, increasing the number of officials trained by 23 percent over the preceding year.

In addition to basic in-service anti-trafficking training for police and prosecutors, the Georgian government provided at least 40 specialized training sessions on the law, interview and investigative techniques, identification of victims, and working with victim services, often in collaboration with NGOs and international organizations.

Protection

The Government of Georgia maintained protections for identified trafficking victims in 2011. Government efforts to identify victims during the first half of the reporting period were not effective. According to government data, no victims were identified during the first half of 2011. Further, no potential victims were referred to the government's Permanent Group, an alternative mechanism for identification, between December 2010 and September 2011. Most victims were identified by government authorities late in the reporting period, with a total of 18 victims identified. This compares with 19 victims identified in 2010 and 48 victims identified in 2009. During the first half of the year, local experts noted concerns that lack of attention to identification was an impediment to achieving further needed improvements. Specifically, country experts reported concerns with the low level of victim identification and overall lack of success in locating trafficking victims, including children in exploitative situations on the street, children in the sex trade, foreign women in the commercial sex sector, and Georgian and foreign workers in vulnerable labor sectors. Authorities identified two Uzbek victims of forced prostitution in February 2012; one such victim declined the government's offer of residency and, at the victim's request, was repatriated by IOM.

Although one expert reported that government officials' understanding of the nature of trafficking is increasing, some NGOs, trade unions, and other regional experts – including a labor trafficking expert – reported little awareness among Georgian authorities about forced labor. During the reporting period, half of all identified victims took the initiative to report themselves to authorities or to seek assistance themselves, and the other half were identified by Georgian authorities as the result of investigations. According to some country experts, border officials do not systematically look for trafficking victims; few returning trafficking victims are detected at the border. A significant number of Georgian trafficking victims, however, were identified in Turkey during the reporting period.

During the year, the government increased funding for state-provided victim services by nearly 50 percent, including by allocating the equivalent of $302,000 to two government-run shelters for trafficking victims, an increase from the $127,000 allotted in the previous year. Two other shelters are run by NGOs; these are used infrequently, largely as a short-term, interim solution when a victim cannot immediately be housed in a state-run shelter. The government prefers to provide rehabilitation services and shelter directly to victims, although in cases where the government is unable to provide rehabilitation services, it will reimburse an NGO providing such services. During the reporting period, the government reimbursed NGOs an amount equivalent to approximately $1,700 for rehabilitation services provided to victims. According to a government official, victims were required to have a chaperone – for their own protection – when leaving the shelters during the investigation and prosecution of their cases. The government's state shelters provided medical aid, psychological counseling, and legal assistance to 20 victims of trafficking in 2011, compared with nine in 2010. Six trafficking victims received financial assistance from the government in 2011, consisting of a one-time payment in an amount equivalent to $650. The government reported it provided foreign victims with legal alternatives to their removal to countries where they would face hardship or retribution; foreign victims were eligible for temporary residence permits, although no foreign victims requested a residence permit in 2011. The government reported that victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; all 18 victims identified by the government assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, NGOs reported that children occasionally were arrested for begging and coerced into criminality, as opposed to being identified and assisted as trafficking victims.

Prevention

The Government of Georgia improved its anti-trafficking prevention activities in 2011 and significantly increased cooperation with NGOs to conduct prevention campaigns. The government enacted legislation in December 2011 authorizing the executive branch for the first time to make grants to NGOs. Pursuant to this legislation, the government provided small grants to two NGOs in early 2012 to work on projects related to public awareness of trafficking and information pertaining to victim identification. It also entered into memoranda of understanding with leading NGOs to expand and coordinate cooperation in addressing trafficking.

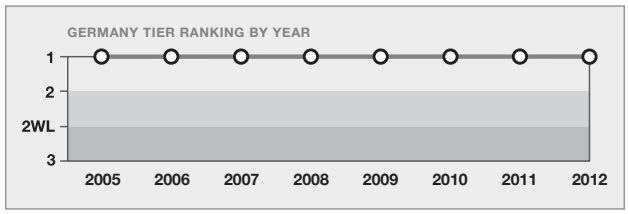
During the year the government conducted multiple information campaigns utilizing a broad array of media, including public service announcements, seminars, and television broadcasts throughout the country. The Civil Registry Agency continued its practice of distributing anti-trafficking related pamphlets when it issued new passports to citizens. The government also conducted numerous outreach events including some focused on specific segments of the population, such as university and high schools students, internally displaced persons, and ethnic minorities living in the regions. Events included numerous panel discussions, a film screening, a peer education campaign, and an essay contest. The government distributed 10,000 donor-funded trafficking indicator cards to front-line responders, including law enforcement and border officials. In coordination with NGOs, the government posted anti-trafficking posters on cross-border buses and distributed multilingual leaflets to cross-border truck drivers and others. In November 2011, authorities created a high-level, interagency steering committee to oversee the implementation of an EU-funded project to address street children. In March 2011, the government approved its new anti-

trafficking National Action Plan for 2011-2012, produced with extensive collaboration with the NGO community. During the reporting period, the government did not initiate any campaigns to reduce demand for commercial sex acts.

GERMANY (Tier 1)

Germany is a source, transit, and destination country for women, children, and men subjected to sex trafficking and forced labor. Approximately 85 percent of identified victims of sex trafficking originated in Europe, including 20 percent from within Germany, 20 percent from Romania, and 19 percent from Bulgaria. Non-European victims originated in Nigeria, other parts of Africa, Asia, and the Western Hemisphere. The majority of sex trafficking victims have been exploited in bars, brothels, and apartments – approximately 36 percent of identified sex trafficking victims reported that they had agreed initially to engage in prostitution. Young German women were sometimes coerced into sex trafficking by purported boyfriends in "loverboy" schemes. Nigerian victims of trafficking are often coerced into prostitution through voodoo rituals. Victims of forced labor have been identified in hotels, domestic service, construction sites, meat processing plants, and restaurants. Members of ethnic minorities, such as Roma, as well as foreign unaccompanied minors who arrived in Germany, were particularly vulnerable to human trafficking. Individuals with disabilities, including those hard of hearing, were vulnerable to forced labor. NGOs reported an increase of domestic workers complaining of abuse in diplomatic households. Various governments reported German citizen participation in sex tourism.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. The German government increased its identification of labor trafficking victims by approximately 75 percent, though the number of sex trafficking victims it identified decreased. The government lengthened the reflection period granted to suspected victims and provided opportunities for certain victims of exploitation to remain in the country during civil claims against their employers. The government proactively identified a high proportion of trafficking victims. Nevertheless, a German government study showed that labor trafficking identification lagged behind sex trafficking victim identification. Sentencing convicted trafficking offenders to terms of imprisonment remained a significant deficiency in the German government's anti-trafficking efforts. Available statistics continued to indicate the majority of convicted labor and sex trafficking offenders were not required to serve time in prison, placing victims at potential risk when convicted offenders were free after trial.



Recommendations for Germany: Explore ways to increase the number of convicted trafficking offenders who receive sentences commensurate with the gravity of the crime committed; vigorously investigate, prosecute, and convict labor trafficking offenders; consider expanding residence permit eligibility for trafficking victims that are not reliant on the victim's willingness to testify at trial; establish an independent national anti-trafficking rapporteur to produce critical assessments on the Government of Germany's anti-trafficking efforts; ensure forced labor and child victims' access to appropriate assistance and protection; ensure that labor trafficking victims are fully informed of their rights; standardize victim assistance measures and government-civil society cooperation across the 16 federal states; encourage victims to take advantage of financial restitution procedures available to them in court; ensure that labor trafficking is fully integrated into Cooperation Agreements at the state level; strengthen awareness campaigns targeting beneficiaries of forced labor and clients of the sex trade, particularly in the most frequented red light districts; consider creating a mechanism to coordinate German efforts to address forced labor; and ensure that conviction data reported include all convictions for trafficking in persons.

Prosecution

The Government of Germany sustained its overall anti-trafficking law enforcement efforts during the reporting period. It significantly improved its investigations of labor trafficking cases, though its investigation of sex trafficking cases decreased. German courts continued to grant suspended sentences to convicted offenders. In 2010, the German authorities reported that the overwhelming majority of convicted labor and sex trafficking offenders were given suspended sentences. This practice derived from a provision in the criminal code allowing the suspension of assigned prison terms lower than two years, particularly for first-time offenders. Furthermore, when an accompanying criminal charge, such as one for organized crime, resulted in a higher sentence than that produced by the trafficking charge, the German authorities did not record a conviction as a trafficking conviction. Nevertheless, the reported statistics reveal that convicted traffickers frequently avoided imprisonment, creating potential safety problems for victims of trafficking and a weakened deterrence of trafficking offenses.

Germany prohibits all forms of trafficking; sex trafficking is criminalized under Section 232 of the penal code, and forced labor is criminalized 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 forcible sexual assault. In 2010, the last year for which statistics were available, the German state and federal authorities completed 470 sex trafficking investigations, a 12 percent decrease from 534 investigations completed in 2009. The government investigated 24 labor trafficking cases in 2010, a significant increase from 10 cases in 2009. The German authorities prosecuted 172 alleged offenders for sex trafficking offenses in 2010, compared with 189 in 2009. Of those alleged offenders, 115 were convicted, a decrease from 2009, when 135 offenders were convicted. German courts continued to suspend sentences in the majority of cases recorded as trafficking; of the 115 offenders convicted, only 23 (20 percent) were actually imprisoned. These 23 offenders received sentences between two and 10 years in prison. The German authorities prosecuted 17 alleged labor trafficking offenders, of whom 13 were convicted, though none received time in prison. This was an increase from the 15 labor trafficking offenders prosecuted in 2009. German

officials reported that securing victim testimony remained a challenge for prosecutions. According to NGOs and some officials, poor or withdrawn victim testimony impaired trials and may have contributed to the high rate of suspended sentences by resulting in lower initial sentences. Police and prosecutors noted that many trafficking investigations are led by officers with trafficking expertise, whereas many of the prosecutors on trafficking cases are organized crime specialists who have less specialized experience in human trafficking prosecutions. Some NGOs observed that some judges were insensitive to trafficking victims.

In May, the Federal Criminal Police collaborated with police from 120 stations of 13 to 16 federal states and EUROPOL to raid 1,000 prostitution venues across Germany in an effort to identify trafficking victims from West Africa. The Federal Criminal Police collaborated with several governments, including Romania, Switzerland, Bulgaria, Poland, and Nigeria to investigate trafficking cases. The German Federal Criminal Police organized several specialized seminars to educate investigating officers and prosecutors on trafficking topics, focusing, for example, on specific countries of origin and intercultural competence. The German government did not prosecute, convict, or sentence any officials complicit in trafficking in persons this year.

Protection

The German government sustained its victim protection efforts during the reporting period, offering and granting temporary residency to trafficking victims, but identifying fewer trafficking victims. The federal family ministry funded an umbrella organization representing 39 NGOs and counseling centers that provided or facilitated shelter, medical and psychological care, legal assistance, vocational support, and other services largely for adult female victims. These NGOs provided services in all German states. State governments provided significant supplemental funding for the support of trafficking victims, including shelter and counseling.

The German Federal Criminal Police developed new internal tools to improve labor victim identification, including a pocket-sized card containing indicators to guide identification and, in cooperation with the Federal Labor Ministry, other agencies and NGOs, a brochure on identifying labor trafficking victims to help identify potential victims. According to the 2010 Federal Criminal Police report, in 57 percent of all cases, the first contact between police and victims resulted from police measures. Authorities registered 610 victims of sex trafficking in 2010, a decrease from 710 sex trafficking victims in 2009. Of these 610 victims, 35 percent were cared for by counseling centers. The German authorities reported identifying 41 labor trafficking victims, a 78 percent increase from the previous year. The majority of these victims were males exploited in the restaurant sector. In 2011, the German government extended the term of the reflection period for trafficking victims from one month to three months. Trafficking victims who agreed to testify against defendants at trial were entitled to remain in Germany for the duration of the trial with residence permits on humanitarian grounds. Some victims of trafficking who faced personal injury or threats to life or freedom in their countries of origin were granted long-term residence permits during the reporting period. German law permits prosecutors to decline to prosecute victims of trafficking who have committed minor crimes. NGOs reported that, although prosecutors in practice exercise this discretion, victims may have been penalized or deported on occasion before their legal status as victims of trafficking had been clarified.

German authorities encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders. One NGO stated that approximately 70 percent of the trafficking victims it counseled were willing to testify in court. This year, the German government amended the Residence Act to extend the right to remain in Germany to certain victims of exploitation if the victims faced an exceptional hardship were they to make claims for outstanding wages from abroad. Trafficking victims were permitted to work during the course of trial. Although compensation procedures have rarely been used in practice, an independent institute, funded in part by the German government and foundations, conducted a project to help trafficking victims claim their financial rights, focusing on educating trafficking victims and government institutions and assisting victims with their claims. Trafficking victims have 11 legal actions pending in civil and labor courts supported by the institute's project.

Prevention

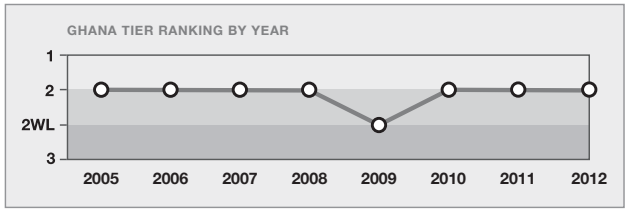
The German government sustained efforts to prevent human trafficking throughout the year. The government sustained funding for NGOs that produced public awareness campaigns in Germany and abroad through websites, postcards, telephone hotlines, pamphlets, and speaking engagements. The umbrella organization of government-funded trafficking NGOs produced a study about the sex trafficking of German citizens. In 2011, the German federal government launched an action plan for the protection of children and teenagers from sexual violence and exploitation. One of the pillars of the action plan focused on trafficking in children for the purpose of sexual exploitation. The German government continued to monitor its anti-trafficking activities through interagency mechanisms. The Federal-State Interagency Working Group on Trafficking in Women, led by the Family Ministry, reviewed counter-trafficking issues, disseminated best practices, and provided input to new laws and directives. The German Federal Criminal Police published an annual report on trafficking in persons in Germany, describing law enforcement efforts, victims, and trends. Several German states also have anti-trafficking working groups to facilitate collaboration between government agencies and NGOs.

The German Institute for Human Rights, in cooperation with a Berlin-based NGO, supported an Indonesian domestic worker's claims against her employer, a Saudi Arabian diplomat. Applying the extraterritorial jurisdiction of German law prohibiting the sexual abuse of children, German authorities in December 2011 charged a 51-year-old German citizen with nine counts of sexually abusing children in Thailand. The government also collaborated with law enforcement officials in Southeast Asia to investigate German sex tourists. NGOs reported that the majority of German sex tourists are prosecuted in destination countries. The government did not take specific measures to reduce the demand for commercial sex acts or focus public awareness on potential clients in some of Germany's best known red light districts. The German government trained military personnel to recognize and prevent trafficking in persons prior to their deployment abroad on international peacekeeping missions.

GHANA (Tier 2)

Ghana is a country of origin, transit, and destination for men, women, and children subjected to forced labor and sex trafficking. The trafficking of Ghanaian citizens, particularly children, within the country is more prevalent than the transnational trafficking of foreign migrants. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to prostitution within Ghana. Child prostitution, and possibly child sex tourism, are prevalent in the Volta region and are growing in the oil-producing Western regions. Ghanaian women and children are recruited and transported to Nigeria, Cote d'Ivoire, Burkina Faso, The Gambia, South Africa, Israel, Syria, Lebanon, Russia, France, the United Kingdom, Germany, and the United States for forced labor and sex trafficking. Women and girls, voluntarily migrating from China, Nigeria, Cote d'Ivoire, Burkina Faso, and Benin are subjected to commercial sexual exploitation after arriving in Ghana. Citizens from other West African countries are subjected to forced labor in Ghana in agriculture or domestic service.

The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The police's Anti-Human Trafficking Unit (AHTU) received reports of 117 suspected trafficking cases and initiated 91 investigations across Ghana's 10 regions. Of those 91 investigations, prosecutions were initiated in 16 cases, 29 trafficking offenders were convicted, including three foreign trafficking offenders who were deported. The AHTU identified 409 trafficking victims during the reporting period and the Department of Social Welfare continued its support of a shelter for trafficking victims. The government engaged in anti-trafficking awareness raising activities across the country and drafted a new national action plan on combating trafficking. Despite conducting a large number of investigations and identifying several hundred victims, the AHTU remains under-staffed and under-funded. AHTU officials are the only government officials able to prosecute trafficking cases, and their limited resources impair the government's ability to adequately address the number of cases brought before it each year.



Recommendations for Ghana: Increase efforts to investigate, prosecute, and convict trafficking offenders, ensuring the AHTU has the necessary resources to achieve appropriate convictions; train law enforcement personnel to identify proactively trafficking victims among vulnerable populations – such as females in prostitution and children working in agriculture – or from emergency calls made to the Ghana Police Service (GPS), and refer them to protective services; increase government funding for protective services to victims and make information about funding allocations available to the public; improve data collection and reporting on victims identified and assisted, and harmonize law enforcement data across the three entities – the Economic and Organized Crime Office (EOCO), the AHTU, and the Ghana Immigration Service (GIS) – responsible for investigating trafficking cases; implement the National Plan of Action against Trafficking, including a clear division of responsibilities and allocation of resources between the EOCO, GIS, GPS, and the AHTU; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Ghana demonstrated progress in its anti-trafficking law enforcement efforts during the reporting period. The AHTU, the GIS, and the EOCO identified 91 suspected trafficking cases during the last year. The AHTU secured the conviction of 29 traffickers – an increase from four convictions obtained during the previous reporting period. Ghana's 2005 Human Trafficking Act – amended in 2009 to align the definition of trafficking with the 2000 UN Trafficking in Persons Protocol – prohibits all forms of trafficking and prescribes penalties of five to 20 years' imprisonment for all trafficking crimes. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

In May 2011, 232 Ghanaian law enforcement officials worked with agents from INTERPOL to carry out a three-part operation against child trafficking. Despite reports of some 125 brothels operating in Accra, INTERPOL and Ghanaian law enforcement raided only five. During these raids, authorities removed 55 women and 65 underage female victims, although traffickers were not apprehended. During a second operation in May 2011 officials arrested 30 suspected traffickers in Lake Volta fisheries, leading to the prosecution and conviction of 28 of these trafficking offenders under a child exploitation law; each convicted trafficker received a 16-month prison sentence. In the third action, also in May 2011, law enforcement officers removed three children – one from Ghana and two from Burkina Faso – from a cocoa plantation in Tarkwa and arrested a Burkinabe man for alleged child trafficking; his case remains pending before the court. In January 2012, a court convicted and sentenced a Ghanaian woman to five years in prison for trafficking 11 Ghanaian girls to Nigeria for forced labor and prostitution. In August 2011, the AHTU opened its ninth regional Anti-Human Trafficking Unit in the town of Koforidua for the Eastern Region; however, these units remain under-funded and under-trained. EOCO conducted two training courses for its anti-human trafficking unit and members from the GPS participated in an international workshop on human trafficking. An international workshop on human trafficking, led by a local NGO, trained nearly 50 police officers from the AHTU. The GIS, with assistance from UNICEF and IOM, conducted several training courses on trafficking for immigration officers throughout the country, including training 20 GIS staff in data collection, as well as verification and management skills for trafficked and migrant people. In addition, the training also covered personal identification registration systems and in-depth passport verification and was intended to increase GIS abilities to verify travel documents and detect fraud, especially in cases of suspected human trafficking. Observers note that despite law enforcement's awareness of growing numbers of child trafficking victims in regions such as the Volta, they often do not take initiative to address a situation unless prodded by an NGO. The government did not report any investigation, prosecution, or punishment

of government employees complicit in trafficking-related criminal activities during the reporting period.

Protection

The government made limited efforts to protect trafficking victims during the year. The AHTU reported identifying 409 trafficking victims and referred an unknown number of these victims on an *ad hoc* basis to government and NGO-run facilities offering protective care. The government did not employ formal procedures to identify victims among vulnerable groups, such as women in prostitution or children at work sites. The GPS maintained a 24-hour hotline for reporting crime, including trafficking; it is not known if the hotline received any trafficking-related calls during the reporting period. Immigration officials questioned large groups of travelers suspected to include trafficking victims, and identified 15 victims during the year. Law enforcement budgets did not include provisions for victim support and, as a result, law enforcement officials often used personal funds to assist victims. Through a shelter operated in partnership with the Ghanaian government, IOM reported assisting 20 Ghanaian child labor victims during the reporting period. In Accra, the Department of Social Welfare maintained a multipurpose shelter for abused children, which also cared for an unknown number of trafficked children during the report period. If reintegration with family members is not possible, children may be placed in foster families with approval from the courts; it is unknown whether this occurred in 2011. The Department of Social Welfare paid for all medical costs associated with caring for victims, while IOM and UNICEF sponsored psychiatric rehabilitation and care. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders, and provided them with protective escorts and legal counsel during trial proceedings. The government continued to offer foreign trafficking victims 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 were granted temporary or permanent residency during the year. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

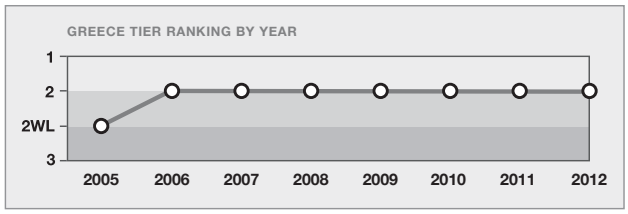
During the year, the government sustained its efforts to prevent trafficking. With support from an international organization, the AHTU conducted educational outreach campaigns in the Volta region; it also joined with the Ministry of Women and Children's Affairs and local NGOs to implement an awareness campaign that reached 500 community members in the Kraboa-Coaltar district in the Eastern Region to warn of the dangers of trafficking. The Ministry of Women and Children's Affairs worked with the police and IOM to air anti-trafficking radio programs in the Upper East, Eastern, and Greater Accra regions. The government also aired human trafficking documentary programs on television. The Human Trafficking Management Board – the inter-sectoral board chaired by the Minister for Women and Children's Affairs and comprised of government agencies and NGOs – met quarterly and drafted a new national action plan against all forms of trafficking in persons, as the 2006 plan remained unimplemented. Although the government took no discernible measures to decrease the demand for forced labor, it launched a child labor monitoring system in March 2012 to monitor children in the Volta Region as a means of preventing them from being engaged in the worst forms of child labor, including trafficking. The government did not provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions, though such training was provided to Ghanaian troops by foreign donors. Ghana is not a party to the 2000 UN TIP Protocol.

GREECE (Tier 2)

Greece is a transit and destination country for women and children subjected to sex trafficking and for men, women, and children in forced labor. Female sex trafficking victims originate in Eastern Europe – Albania, Belarus, Bulgaria, Latvia, Lithuania, Moldova, Russia, Romania, and Ukraine – the Balkans, and increasingly from Asia and Africa, including Maghreb countries. Labor trafficking victims are primarily men and children from Afghanistan, Albania, Bangladesh, India, Moldova, Pakistan, and Romania who reportedly have been forced to work primarily in the agriculture or construction sectors, with some in domestic servitude. One Greek NGO reported that teenage males, typically unaccompanied children from Afghanistan, Pakistan, Somalia, and other countries in sub-Saharan Africa, are forced into prostitution in Greece. Victims of trafficking from Italy, Malta, and other EU countries transited through Greece. Greek NGOs and police report that traffickers used deception to enter into romantic relationships with young female victims from poorer areas in countries such as Albania or Romania with the goal of forcing the victim into prostitution in Greece. The police reported that the majority of trafficking gangs in Greece were small, cell-based criminal organizations often linked to bars, clubs, and hotels, using restaurants, nightclubs, small businesses, and yacht rental companies as money-laundering fronts. Greek police estimated that there had been likely hundreds of forced labor victims in Greece over the past few years. Police report an increase in "family-based" trafficking, in which Romanian parents bring their own children into Greece and force them to work. NGOs reported children, mainly Roma from Albania, Bulgaria, and Romania, were forced to sell small items, beg, or steal. Adolescents from Afghanistan, Pakistan, and Bangladesh smuggled into Greece were sometimes forced to repay their debt to smugglers by trafficking drugs. Some trafficking victims in Greece had been re-trafficked to Greece multiple times.

The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government identified a greater number of trafficking victims during the reporting period, compared to the previous year. Few trafficking victims were certified for victim assistance, despite a progressive statutory scheme. The government investigated many trafficking cases and imposed serious prison sentences for some of the 19 trafficking offenders convicted in Greece during the reporting period. Unresolved cases of complicity remained a challenge. Despite allegations of low-level police involvement in trafficking, the government did not report convicting any government employees for trafficking complicity. As a consequence of Greece's serious economic crisis, government funding for anti-trafficking NGOs ceased entirely; services were inconsistent and some smaller trafficking shelters struggled to remain open. However, the Ministry of Health's National Center for Social Solidarity (EKKA) operated non-trafficking-specific shelters for 80 persons (including minors) and in

cooperation with NGOs had access to another 120 beds. The judiciary continued to suffer from structural and legal inefficiencies that resulted in low conviction rates, although there was some progress on faster resolution of trafficking cases. Even with dwindling government resources dedicated to NGOs, the government and NGOs created multiple partnerships this year, cooperating and sharing resources to address trafficking, including trafficking awareness training for students.



Recommendations for Greece: Ensure victims of trafficking have an opportunity to be certified under the government program and are offered assistance and deportation relief available under Greek law, including in cases in which a criminal case is not brought; take measures to improve success rates and resolve trafficking prosecutions more quickly, such as increased specialization of prosecutors and judges; vigorously prosecute traffickers with a view to increasing convictions, including against officials complicit in trafficking; collect and provide data on length of sentences for trafficking convictions; encourage victims to participate in investigations and prosecutions by incorporating incentives, such as restitution or other benefits, into criminal proceedings and by providing enhanced protection for victims who testify; encourage sustainable funding for anti-trafficking NGOs; ensure access to specialized assistance for male victims; strengthen the central authority to coordinate and monitor anti-trafficking efforts, giving it a mandate of accountability within the inter-ministerial process; enhance public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade.

Prosecution

Government law enforcement efforts against trafficking during the reporting period were mixed, with continuing strong investigations against trafficking but low conviction rates. Greek Law 3064/2002 and Presidential Decree 233/2003 prohibit trafficking for both sexual and labor exploitation and prescribe punishments of up to 10 years' imprisonment and fines the equivalent of $14,000 to $70,000. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Hellenic Police's Anti-Trafficking Unit, whose head now also leads the Organized Crime Unit, focused on dismantling organized trafficking rings such as various Bulgarian, Romanian, Greek, and other rings, in cooperation with law enforcement authorities from those countries. The police conducted 41 human trafficking investigations in 2011, a decrease from 62 investigations in 2010. Six of the investigations concerned forced labor or forced begging, down from 15 labor trafficking investigations in 2010. In 2011, Greek authorities prosecuted 220 suspected offenders, in contrast to the prosecution of 246 suspected trafficking offenders in 2010. Greek authorities reported 19 new convictions of trafficking offenders in 2011, and six acquittals, compared with 28 new convictions and 14 acquittals in 2010. The Ministry of Justice did not report any suspended sentences in 2011. Sentences for convicted trafficking offenders ranged from one to 18 years' imprisonment. In many cases, the trafficking offenders were also required to pay large penalties, up to the equivalent of $140,000. While the government did not report whether cases investigated or prosecuted were sex or labor trafficking cases, the Greek police were known to have investigated a few labor trafficking cases, including cases involving forced begging and forced labor in strawberry fields. There were reports that many judges and attorneys continued to lack a basic understanding of human trafficking and displayed a lack of sensitivity toward victims; nevertheless, NGOs reported some progress in prosecutors' sensitivity toward trafficking. In some of the successful trafficking prosecutions, NGOs played a key role in victim support, including legal and psychological assistance and payment of court fees.

The Hellenic Police incorporated anti-trafficking training in all its police academies. The Anti-Trafficking Unit ensured continuous training for police officers on duty and also provided training to first responders on trafficking, including all 160 first responders in the Attica region. The Greek government enhanced partnerships with NGOs to improve identification at the border. The Greek anti-trafficking unit targeted organized crime groups, such as a Bulgarian trafficking ring that used force and threats to force children and people with mental and other disabilities to beg in Greece. In 2011, the Greek Anti-Trafficking Police reported cooperating with Italy, Romania, Russia, Albania, and Bulgaria on trafficking cases.

There were allegations that local police and vice squad officers took bribes from trafficking offenders. Although the government reported it discharged and investigated corrupt officers in general, the government did not report the investigation, prosecution, conviction, or sentencing of any government employees for trafficking-related crimes. Older trafficking-related corruption cases remained pending, with no accountability reported.

Protection

The government's efforts to protect victims of trafficking diminished during the reporting period. Funding for NGOs ceased as the result of the economic crisis, so some smaller trafficking shelters struggled to remain operational, and fewer victims were certified for care. However, more victims were identified over the year. The government has strong legislative provisions to protect trafficking victims, including three to five month reflection periods and provisions for legal aid. NGOs reported that the reflection period was rarely offered and that victims were sometimes asked to make a decision regarding participation in prosecution immediately when interviewed, even in cases in which the victim still feared the trafficking offenders. NGOs also reported that legal aid provisions are rarely implemented in practice. The Ministry of Interior reported that it granted legal residency permits to 62 trafficking victims – nine new permits and 53 renewals; this is down from 87 residency permits in 2010 – 21 new permits and 66 renewals. The police explained that the number of residency permits decreased because the majority of victims were EU citizens originating in Romania or Bulgaria and thus had the right to residency without a permit.

In 2011, in the wake of newly announced austerity measures, the Ministry of Foreign Affairs ceased funding to NGOs for assistance of trafficking victims even while they continued support and assistance by establishing valuable partnerships with NGOs. As a result, NGOs reported uneven provision

of victim support services, including shelter and legal aid. While the government-run and non-government funded NGO shelters continued to provide care to victims, some smaller domestic NGOs struggled because of lack of private support and unreliable government funding. Nevertheless, the Government of Greece operated various mixed-use shelters to accommodate trafficking victims (including children) and victims of domestic abuse in Athens, and helped victims of trafficking find safe shelter in all areas of the country. The government did not detain victims of trafficking in these shelters; they could leave unchaperoned and at-will. The Greek government did not have special shelters available for adult male victims of trafficking; adult male victims were generally repatriated. In 2011, the Greek government officially identified 97 victims of sex and labor trafficking, in contrast to 92 victims of trafficking identified in 2010. Some NGOs and the police reported that victim identification procedures improved during the last year among front-line Border Police, Coast Guard, and vice squad officers. Of the total number of victims, 70 were referred to care facilities for assistance. Out of the 97 victims identified, approximately nine received official certification as victims, a condition precedent for government-provided care. NGOs reported that it was difficult for victims to receive certification, particularly in cases in which victims chose not to participate in police investigations. Victims could obtain restitution only if they filed civil suits against trafficking offenders. However, obtaining compensation for victims of trafficking was difficult in practice, given the high cost of filing civil lawsuits and the inefficiency of the administrative court system. NGOs reported that, even though victim identification improved over the long term, it continued to be a weakness for the government. The government worked on increasing international partnerships and allocated the equivalent of $28,000 to an international project aimed to develop common guidelines on trafficking victim identification, collaborating with the governments of France, Bulgaria, the Netherlands, Romania, and Spain.

Prevention

The Government of Greece improved its prevention activities during the reporting period. The General Secretariat for Gender Equality of the Ministry of Interior launched a new anti-trafficking public awareness campaign targeting both victims and clients, broadcasting anti-trafficking messages through major national TV and radio channels. In collaboration with UNHCR and the Ministry for Citizen Protection, the General Secretariat for Gender Equality issued a booklet in Greek and in English with guidelines for first-contact personnel for the protection upon their entrance to Greece of women and girls at risk of trafficking. The Parliament established an anti-trafficking parliamentary committee in January 2012. The government had a national action plan to address trafficking in persons, which it developed in coordination with NGOs. The government also passed a new law, providing that migrants to Greece must be interviewed and informed of their rights on arrival; if this law is applied, it should give trafficking victims an opportunity to be identified. The government collaborated with IOM, NGOs, foreign governments, and other partners on multiple anti-trafficking conferences in 2011, including on promoting a victim-centered approach to trafficking in persons, training of prosecutors and judges, and a trilateral border anti-trafficking conference in collaboration with Bulgaria and Turkey. During the reporting period, the National Coordination Mechanism headed by the Ministry of Foreign Affairs had the authority only to coordinate activities, but did not have a mandate of accountability. A state-operated gender hotline was available to receive anti-trafficking calls; in 2011, it received one call regarding trafficking in persons. The Greek government collaborated with IOM and other entities to support several anti-trafficking awareness raising events during the reporting period, including a film screening for 500 judges and prosecutors, a theater presentation, and high school outreach. The government did not undertake specific projects to reduce the demand for commercial sex acts during the reporting period. The Greek government trained military personnel on trafficking in persons prior to their deployment abroad on international peacekeeping missions.

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 and children are exploited in sex trafficking within the country, as well as in Mexico and the United States. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service. Guatemalan men, women, and children also are found in conditions of forced labor in Mexico and the United States in agriculture, the garment industry, and in domestic service. During the year, 19 Guatemalan women and one man were subjected to domestic servitude in Jordan and Israel. Indigenous Guatemalans are particularly vulnerable to forced labor. In the border area with Mexico, Guatemalan children are exploited for forced begging and vending on streets, and forced labor in the majority of municipal dumps throughout the country. Women and children from other countries in the region, including El Salvador, Honduras, Colombia, and Nicaragua, are exploited in sex trafficking in Guatemala. Child sex tourism is prevalent in certain tourist areas such as Antigua, Puerto Barrios, Rio Dulce, around Lake Atitlan, and in Tecun Uman on the Mexican border. Child sex tourists predominately come from Canada, Germany, Spain, and the United States. According to NGOs and government officials, organized crime networks continue to be involved in some cases of human trafficking, and gangs recruit children to commit illicit acts, sometimes using force or coercion.

The Government of Guatemala does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Guatemalan authorities maintained anti-trafficking progress, particularly through continued law enforcement efforts and the sustained funding of a dedicated shelter for adult trafficking victims. The government also launched a program to provide specialized services to victims of trafficking and sexual violence. Investigative units, however, remained under-funded, many judges and law enforcement officials were poorly informed about human trafficking, and official complicity continued to impede anti-trafficking efforts.

Recommendations for Guatemala: Vigorously implement the anti-trafficking law and statutes prohibiting child sex tourism; continue efforts to investigate and prosecute trafficking offenses, especially suspected cases of forced labor and domestic servitude, and convict and punish trafficking offenders; proactively investigate and prosecute public officials complicit in trafficking; improve victim referral mechanisms to ensure that all victims, including victims of forced labor and domestic servitude, are referred to appropriate services, including shelters; enhance the availability of specialized victims services throughout the country, including through partnerships with civil society; continue to conduct training for judges, police, immigration officers, and other government officials on how to identify and assist victims; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

Prosecution

The government maintained its anti-trafficking law enforcement efforts during the year. Article 202 of the Guatemalan penal code prohibits the transport, transfer, retention, harboring, or reception of persons for the purposes of exploitation, including forced prostitution, sexual exploitation, forced labor or services, begging, slavery, illegal adoptions, or forced marriage, in addition to other prohibited purposes. Penalties prescribed under Article 202 are from eight to 18 years' imprisonment. Such penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Anti-trafficking police and prosecutors suffered from a lack of funding, human resources, and training, and NGOs reported that most cases were reactive responses to NGO complaints, as opposed to proactive investigations. The dedicated anti-trafficking police unit within the national civil police department for the investigation of sexual crimes, trafficking in persons, and disappeared children had only four trafficking investigators to cover the entire country. The government also maintained a small prosecutorial unit to investigate and prosecute human trafficking cases; this unit had only five prosecutors and 10 assistant prosecutors and had insufficient funding and staff. Much of this unit's work focused on crimes such as illegal adoptions and child kidnapping and disappearance, which do not fall within the 2000 UN TIP Protocol; therefore, officials could not indicate how many of the 107 criminal proceedings initiated during the year were for forced labor or sex trafficking.

During the reporting period, authorities convicted five sex trafficking offenders using the anti-trafficking law; sentences ranged from eight to 16 years' imprisonment, plus fines the equivalent of between $39,000 and $52,000. In comparison, during the previous year, the Guatemalan government reported 10 convictions for human trafficking offenses, two using the anti-trafficking law and others using different statutes, with sentences ranging from three to five years' imprisonment.

Some judges reportedly dismissed trafficking cases or acquitted trafficking offenders due to a lack of understanding of the crime, and NGOs noted that some officials do not understand that forced labor is a crime. Credible reports from international organizations, NGOs, and several government officials continued to indicate that corrupt public officials impeded anti-trafficking law enforcement efforts and facilitated trafficking activity by accepting or extorting bribes, falsifying identity documents, leaking information about impending police raids to suspected traffickers, and ignoring trafficking activity in commercial sex sites. The government did not report investigating, prosecuting, convicting, or punishing any officials complicit in human trafficking. Guatemalan authorities held numerous anti-trafficking workshops and conferences aimed at educating and building capacity among judges, police, prosecutors, immigration officers, and other government officials; most trainings were conducted in partnership with civil society and with funds from foreign governments or international organizations. Authorities were attempting to coordinate with Jordanian officials on a joint investigation at the end of the reporting period.

Protection

Although the government largely relied on NGOs and international organizations to provide the bulk of victim services, it maintained a specialized trafficking shelter for adult victims and, during the year, launched a program to provide services to victims of trafficking and sexual violence. While the government reported employing standard operating procedures on how to assist sex trafficking victims, it does not employ procedures for identifying forced labor victims among vulnerable populations, and labor inspectors did not have sufficient training or resources to identify victims. Most NGOs remain critical of the government's ability to identify and refer trafficking victims effectively. While authorities reported identifying hundreds of victims, it was unclear how many of these victims were children involved in illegal adoption and how many were counted multiple times by separate government entities. The Ministry of Foreign Affairs facilitated the repatriation of 50 trafficking victims returning to Guatemala from abroad, as well as the voluntary repatriation of five Colombians from Guatemala. During the year, 10 victims stayed in the government-operated shelter, which had a capacity to care for 20 victims. Child victims could be referred to three NGO-operated shelters dedicated to girl trafficking victims, or could be referred to a government orphanage where they could receive specialized care. The absence of an effective referral mechanism appeared to impede the government's ability to provide victims, particularly adults, with care services. With international organization funding, authorities launched a program to provide client services to victims of trafficking and sexual abuse, although they did not report how many trafficking victims received services through this program during the year. NGOs did not receive government funding to provide services to trafficking victims.

Although Guatemalan authorities encouraged victims to assist with the investigation and prosecution of their traffickers, most victims did not file complaints due to fear of violence or reprisals, lack of faith in the judicial system, and the limitations of the government's witness protection program. Guatemalan law allowed for victim testimony via video. While Guatemalan law established that convicted traffickers should provide restitution to victims, there were no reports that this occurred during the reporting period. The government did not detain, fine, or otherwise penalize identified victims for unlawful acts committed as a direct result of being trafficked. Guatemalan authorities reported that all identified foreign trafficking victims were sent directly from the immigration detention center to the government-run shelter for adult victims. However, victims may not have had their victim status recognized by Guatemalan authorities before being deported as undocumented migrants. Guatemalan law provides legal alternatives to removal of foreign victims who may face hardship or retribution upon repatriation. The authorities

offered these alternatives to foreign trafficking victims but reported that no victims had accepted.

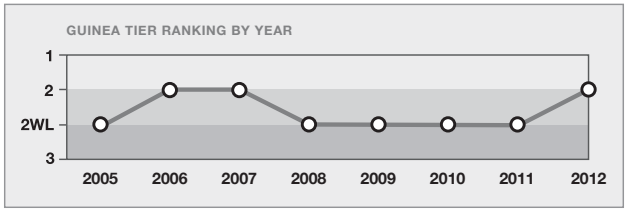
Prevention

The Government of Guatemala maintained prevention efforts. The Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons (SVET) was responsible for coordinating government efforts, as was the interagency anti-trafficking commission, which met six times during the year. Some officials and NGOs indicated that SVET was a weak coordinating body. Authorities continued public awareness campaigns, including distributing information pamphlets through its consulates abroad. Officials reported re-launching a trafficking hotline in January 2012. The independent human rights ombudsman published a report on the trafficking situation in Guatemala. Despite continued reports of child sex tourism, which is prohibited by Article 195 of the penal code, there were no reported prosecutions or convictions of child sex tourists. Authorities provided training on human trafficking to Guatemalan troops prior to their deployment abroad on international peacekeeping missions.

GUINEA (Tier 2)

Guinea is a source, transit, and, to a lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. The majority of Guinea's trafficking victims are children, and incidents of trafficking are more prevalent among Guinean citizens than foreign migrants residing in Guinea. Girls are often subjected to domestic servitude and commercial sexual exploitation, while boys are forced to beg on the streets, to work as street vendors or shoe shiners, or to labor in gold and diamond mines. Some Guinean women and men are subjected to forced labor in agriculture. Smaller numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea-Bissau migrate to Guinea, where they are subjected to domestic servitude and likely also to commercial sexual exploitation. Children are sent to the coastal region of Boke for forced labor on farms and to Senegal for education in Koranic schools, some of which exploit students through forced begging. Some Guinean boys and girls are subjected to forced labor in gold mining in Senegal, Mali, and possibly other West African countries. Guinean women and girls are subjected to domestic servitude and forced and child prostitution in Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain. Reports indicate that Chinese and Vietnamese women are subjected to forced prostitution in Guinea and that some Guinean woman who migrate to the Middle East and Europe are subjected to forced prostitution and domestic servitude.

The Government of Guinea does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since Guinea's first democratic election in December 2010, the government has experienced limited funding, endemic corruption, and austerity measures. Due to funding difficulties, the country's criminal courts, which handle major crimes such as human trafficking, have not convened since 2009. However, the Government of Guinea did achieve a trafficking conviction in 2011 under charges of child abduction, which was prosecuted in a lower court. The government also investigated a significant number of trafficking cases in 2011, compared to no investigations in the previous reporting period, and identified an increased number of child trafficking victims. The government struggled, however, to provide adequate protection to trafficking victims, and its overall prevention efforts remained weak.



Recommendations for Guinea: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; work towards gaining capacity for the criminal courts to convene; educate prosecutors on trafficking-related statutes that can be pursued through the lower courts until the criminal courts convene; train law enforcement officials and magistrates on anti-trafficking statues in the child code and the existing penal code; finalize and adopt the implementing text for the child code; increase prescribed penalties for the sex trafficking of adults; provide specialized training to border officials to recognize trafficking victims and to refer them to protective services; investigate allegations of corruption among border officials; implement the 2012-2013 national action plan; develop stronger partnerships with NGOs and international organizations, where possible, to care for victims and develop systemic referral practices for victim care; enhance partnership and information-sharing mechanisms among government agencies involved in combating trafficking; and increase efforts to raise public awareness about trafficking.

Prosecution

The Government of Guinea demonstrated notable progress in its anti-trafficking law enforcement efforts over the past year. It significantly increased its investigations of suspected trafficking crimes during the reporting period; however, only 13 of 59 cases were submitted to the courts for prosecution. Guinean law does not prohibit all forms of trafficking, including forced prostitution of adults and debt bondage. Article 337 of the 1998 penal code prohibits individuals from entering into agreements that 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. The government initiated 59 new trafficking investigations, submitted 13 cases to the courts, and successfully convicted one trafficking offender during the reporting period: a significant increase compared to no anti-trafficking law enforcement activity in 2010. Twelve cases remain pending at the close of the reporting period. The non-functioning of the criminal courts during the reporting period greatly inhibited the government's efforts to secure trafficking convictions. In June 2011, the court of appeal of Kankan confirmed a decision by the justice of the peace of Macenta convicting a trafficking offender under Article 340 (child abduction) of the penal code for kidnapping a six-year-old girl with intent to transport her to Mali. The trafficking offender was sentenced to one year's imprisonment and forced

to pay a fine equivalent to $70 along with court fees. The prosecutor chose to pursue child abduction charges, as these offenses would not require a hearing before the criminal court. In September 2010, the government imprisoned a Koranic teacher for nearly burning alive a four-year-old child for eating, without permission, the peanuts he was forced to grow for the teacher. His prosecution was delayed pending a determination of the child's medical condition. The Ministry of Security's Office for the Protection of Gender, Childhood and Morals employed approximately 56 police investigators throughout the country to investigate allegations of human trafficking and child labor; the number of trafficking cases this unit investigated during the reporting period is unknown. The government did not provide any specialized training to its officials on the recognition, investigation, and prosecution of human trafficking. Border guards allegedly were involved in trafficking-related corruption, although the government took no known action to address these allegations.

Protection

The government's protection of trafficking victims remained limited and difficult to assess during the reporting period. Government funding for all social programming was constrained by austerity measures taken to avoid fiscal insolvency. The government reported that the Ministry of Social Affairs, in collaboration with local citizens, rescued 30 children in 2011 – an increase from 2010 – but did not specify the nature of the crimes committed against the children. The government reported its security forces either delivered these children to local NGOs or returned them to their homes. The government did not provide trafficking victims with direct access to legal, medical, or psychological services, and did not provide direct or in-kind support to foreign or domestic NGOs that assisted victims; it did, however, refer on an *ad hoc* basis an unknown number of child victims to NGOs that provided such services. The government reported that it operated rudimentary, multipurpose care stations at military bases for child victims prior to their being referred to NGOs, but the services such stations provided were unclear. NGOs reported that local *ad hoc* systems of police referral of victims to NGOs functioned well in certain areas of the country, and an unknown number of potential victims to NGOs and international organizations were referred for assistance. The Ministry of Social Affairs' section for at-risk children provided assistance to a few hundred children, a small number of whom may have been trafficking victims; however, it did not indicate the type of assistance provided. Although it is legally available, the government did not provide temporary or permanent residence status to victims from countries where they would face retribution or hardship; it is unclear if any of the 30 identified victims were offered or requested such immigration relief. The child code contains provisions allowing NGOs to bring cases to court on behalf of victims, and the government reported that a victim could file a civil suit against a trafficking offender provided the victim is older than 12 years of age; however, this did not happen during the reporting period. There was no evidence that the government encouraged trafficking victims to participate in the investigation or prosecution of their traffickers during the year. It is not known whether any trafficking victims were prosecuted for violations of other laws.

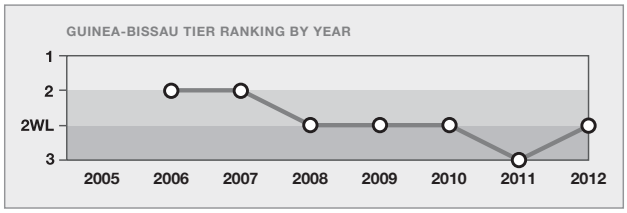
Prevention

The Government of Guinea did not conduct any trafficking prevention campaigns during the reporting period, although the Ministry of Social Affairs updated the National Action Plan to Combat Trafficking in Persons to cover through 2013. The National Committee to Fight against Trafficking in Persons (CNLTP) met sporadically throughout 2011. Despite the involvement of numerous government ministries in combating trafficking, the ability to share information among agencies remains limited, and NGO observers stated that the CNLTP is chronically understaffed, poorly trained, and underpaid. Despite having a widespread problem with child labor in Guinea, the government did not implement any social programs to prevent children from entering exploitative work situations, and according to NGOs, labor inspectors lacked the capacity to adequately conduct child labor investigations. The government did not take steps to reduce the demand for commercial sex acts.

GUINEA-BISSAU (Tier 2 Watch List)

Guinea-Bissau is a country of origin and destination for children subjected to forced labor and sex trafficking. The scope of the problem of trafficking in adult women or men for forced labor or forced prostitution is unknown. Unscrupulous *marabouts* (religious teachers), or their intermediaries, recruit boys under the pretense of offering them a Koranic education, but subsequently transport them to Senegal or, to a lesser extent, Mali or Guinea, where they are forced to beg for money. Young boys are increasingly sent to cities within Guinea-Bissau for the same purpose. Men from the regions of Bafata and Gabu – often former students of the *marabouts*, known as *talibes* – who are generally well-known within the communities in which they operate are the principal trafficking offenders. NGOs observed an alarming increase in overall trafficking during the past year. Boys reportedly were transported to southern Senegal for forced manual and agricultural labor, girls were forced into domestic service in Bissau, the capital, and both boys and girls were forced to work as street vendors in Bissau-Guinean and Senegalese cities. Bissau-Guinean girls are subjected to domestic servitude in Guinea and Senegal, while a smaller number are subjected to child prostitution the same countries, including for exploitation by international sex tourists.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged that human trafficking is a problem in the country and enacted a comprehensive anti-trafficking law in June 2011, followed by a national plan of action for implementing the law. It also facilitated the repatriation of 120 trafficking victims from Senegal and provided a small amount of funding to NGO shelters that provided victim care. It did not, however, pursue criminal action against trafficking offenders during the year. Anti-trafficking awareness efforts applied the misleading phrase "children in movement" in place of "trafficking" in an attempt to avoid backlash from religious communities. Police claimed to monitor the activities of known trafficking perpetrators, but failed to initiate law enforcement actions against them.



Recommendations for Guinea-Bissau: Focusing first on Pirada and Sao Domingos, transit towns on the border with Senegal, train law enforcement officials and magistrates to use the new anti-trafficking law to investigate and prosecute trafficking offenses; ensure that efforts to hold parents criminally liable for sending their children with abusive *marabouts* are accompanied by efforts to prosecute and convict the unscrupulous *marabouts* who use *talibes* for forced begging; ensure that budget allocations are designated to keep prisons fully operational with furnishings and security staff to ensure that trafficking offenders serve prison sentences; undertake increased efforts to coordinate with NGOs to provide services to trafficking victims; increase partnership and coordination between the National Institute of Women and Children (INMC) and local NGOs to advance anti-trafficking efforts; and in collaboration with NGOs, implement a public awareness campaign warning families about the dangers of trafficking.

Prosecution

Although the Government of Guinea-Bissau enacted comprehensive anti-trafficking legislation during the reporting period, it did not prosecute or punish any trafficking offenders. In June 2011, the Parliament passed Public Law 12/2011, which is Guinea-Bissau's first comprehensive law against human trafficking. The law 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. The penalties prescribed by these statutes are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. However, neither these laws nor other existing laws were used to prosecute trafficking cases during the reporting period.

An unknown number of suspected traffickers were arrested and possibly detained, but the government reported no investigations or prosecutions of trafficking offenses. During the reporting period, border police detained and questioned five *marabouts* on suspicion of child trafficking, although they were eventually released and no charges were filed against them. Observers noted that most parents of trafficked children remained unwilling to press charges against suspected traffickers. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly and corruption remained pervasive. In contrast to previous years, however, some prisons were staffed and functioning. The government did not provide any specialized training to law enforcement officials on investigating or prosecuting trafficking crimes. During the reporting period, members of an Italian police force provided on-site training to border guards in Pirada, a major trafficking route. There were no investigations into official government complicity, but observers believe police and border guards accepted bribes to release trafficking offenders from detention centers, and politicians intervened to facilitate the release of influential religious leaders accused of trafficking to garner political support.

Protection

The Government of Guinea-Bissau demonstrated overall inadequate efforts to identify and protect victims during the year, though it provided modest financial assistance to NGO-run shelters that cared for trafficking victims. NGOs reported that the government did not make systematic efforts to identify victims proactively and refer them to NGOs and international organizations. Although the INMC routinely called NGOs to alert them to the arrival of repatriated trafficking victims, the government offered no additional assistance. During the last year, the central government contributed the equivalent of $16,000 to an NGO that operated two multi-purpose shelters, and two local governments paid the salaries of security guards for two care facilities for previously-exploited *talibes* in their jurisdictions. The Bissau-Guinean Embassy in Dakar organized and funded the repatriation of 120 Bissau-Guinean victims identified in Senegal. There are reports that some children who were able to escape their traffickers walked back to Guinea-Bissau from Senegal on their own; the government did not provide these children with services upon their return, and there were reports that many of them ended up living on the street. Child victims were not encouraged to assist in the investigation and prosecution of trafficking offenses; the government reported encouraging adult family members and neighbors to participate in legal proceedings against the suspected traffickers of their children, although none occurred. There is no evidence that the government detained, fined, or jailed trafficking victims for unlawful acts committed as a result of being trafficked.

Prevention

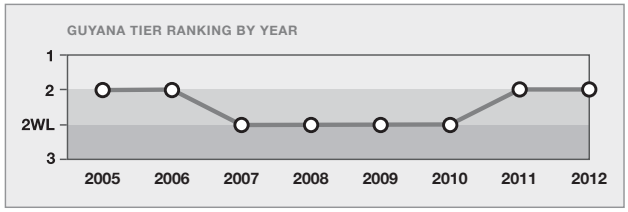
The government undertook minimal anti-trafficking prevention efforts during the reporting period. An inter-ministerial steering committee, chaired by INMC, met once during the reporting period and adopted a national action plan for 2011-2013, which is primarily aimed at providing guidance for implementing the new anti-trafficking law. This plan also obligates the government to contribute to anti-trafficking efforts from its general funds each year. NGOs expressed concern over the lack of transparency and partnership between the INMC and the NGO community. The government participated in NGO-led anti-trafficking awareness campaigns in the form of local workshops, radio and television announcements, informational flyers, and door-to-door campaigns. International donors provided the funding for these outreach events. The government took no discernible measures to reduce the demand for commercial sex acts or forced labor during the year.

GUYANA (Tier 2)

Guyana is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Guyanese nationals have been subjected to human trafficking in other countries in the Caribbean region. Cases of human trafficking reported in the media generally involved women and girls in forced prostitution. Country experts expressed concern that exploitative child labor practices occur within the mining industry, agriculture, and forestry sector. The

limited government control of Guyana's vast interior regions, combined with profits from gold mining and the prostitution that accompanies the industry provide conditions conducive for trafficking. People in domestic service in Guyana are vulnerable to human trafficking, and instances of the common Guyanese practice of poor, rural families sending children to live with higher-income family members or acquaintances in more populated areas creates conditions conducive to domestic servitude. Guyanese from rural, economically depressed areas are particularly vulnerable to trafficking in mining areas and urban centers. There is additional concern that young Brazilian women in prostitution are vulnerable to trafficking as well.

The Government of Guyana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increased efforts to identify and assist trafficking victims. There were no prosecutions of trafficking offenders and there was no reported progress on prosecutions initiated in previous reporting periods, highlighting serious concerns about a lack of accountability for trafficking offenders in Guyana. The absence of formal standard operating procedures to guide officials in victim identification and protection, disincentives for reporting and working on trafficking cases, as well as lack of action to address perceived official complicity, were also obstacles to progress.



Recommendations for Guyana: Boost efforts to hold trafficking offenders accountable by vigorously and appropriately investigating and prosecuting forced prostitution and forced labor, including police, customs, and immigration officers complicit in trafficking; in partnership with NGOs, develop standard operating procedures to guide and encourage front line officials, including police, health, immigration, labor, mining, and forestry personnel in the identification and protection of forced labor and forced prostitution, ensuring that victims are not punished for crimes committed as a result of being in a trafficking situation; foster a climate of open dialogue on trafficking and encouraging people to come forward to authorities on potential cases; and consider developing a working level task force to complement the policy level task force that would be able to coordinate the day-to-day efforts of law enforcement, NGOs, prosecutors, as well as labor, health, mining, and forestry officials to address obstacles, plan strategy, and work together on specific cases.

Prosecution

The government made no discernible progress in holding human trafficking offenders in Guyana accountable during the reporting period. 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. The penalties are commensurate with penalties prescribed for other serious crimes, such as rape. The government reported 13 trafficking reports during the year but reported initiating only two new trafficking investigations. Authorities reported no new prosecutions or convictions. Of two sex trafficking prosecutions initiated in previous years, one remained pending, and one was dismissed.

There were many challenges to achieving successful prosecutions in Guyana. In almost all cases, the government treated trafficking as a summary offense in the lower courts, where cases are often dismissed, indicating a lack of severity assigned to the crime of trafficking. Guyana's legal system suffered from a severe case backlog in all areas that limits the efficiency and effectiveness of the system; repeated delays in nearly all criminal prosecutions increased the likelihood that victims would become discouraged and cease cooperation as witnesses in trafficking prosecutions. Perceived corruption and low public confidence in the Guyana Police Force also were problems. The government's public insistence that human trafficking in not a significant problem in the country created a potential disincentive for police and court officials to address trafficking cases. There was evidence that people could be penalized for reporting suspected human trafficking crimes to the police. The press reported that police arrested a mother immediately after she reported concern that her daughter was in forced prostitution.

Protection

The government made efforts to protect victims of trafficking during the reporting period. Specifically, in a positive step, the government was able to document that it identified and assisted an increased number of sex trafficking victims during the reporting period. Officials reported identifying 13 sex trafficking victims and assisting six of these during the reporting period, compared with three sex trafficking victims identified and assisted during the previous reporting period. For another year, the government did not identify any victims of forced labor, raising concerns that the government did not employ systematic procedures to guide front-line responders, such as police, mining officials, forestry officials, labor inspectors, and health officials, in identifying victims of human trafficking. Trafficking victims in Guyana faced disincentives to seek help from authorities due to fear of retribution from trafficking offenders and fear of arrest. The government estimated that it spent the equivalent of approximately $7,500 toward trafficking victim assistance during the reporting period. The government had an unsigned memorandum of understanding with a domestic violence NGO in Georgetown to provide shelter and other assistance; the NGO assisted the six sex trafficking victims referred to it by authorities during the reporting period. There were no shelter facilities in other areas of the country. In accordance with Guyana's anti-trafficking law, there are legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution. Highlighting the need for standard operating procedures to guide authorities in the identification and handling of potential trafficking cases, there was evidence that some potential trafficking victims were penalized for crimes committed as a result of being in a trafficking situation. Following anti-trafficking raids of brothels in 2011, some foreign women in prostitution were jailed and deported immediately for immigration violations, without the involvement of an NGO or concerted efforts to identify possible trafficking victims. Local observers have noted that other potential child victims may have been sent to the juvenile detention center.

Prevention

The government made limited progress in preventing human trafficking during the reporting period. The government continued to focus its public comments on the scope of Guyana's trafficking problem, maintaining that it is limited, rather than fostering an open dialogue to build public awareness of the potential for trafficking and how to identify, report, and prevent cases. Minimizing the existence of human trafficking hindered the progress of trafficking awareness campaigns, which were largely donor driven and funded. An NGO that received government funding operated a hotline that had operators trained to assist trafficking victims. The government has not updated its national action plan to combat trafficking in persons since 2005. The Ministry of Home Affairs was the lead agency for combating human trafficking, with the minister of Home Affairs serving as chair of the government's national task force for combating trafficking in persons. The Ministry of Labor, Human Services, and Social Security was the lead agency for victim related issues and child labor. Officials did not report any measures to reduce the demand for commercial sex acts during the reporting period. There were no reports that Guyana was a significant sex tourism destination.

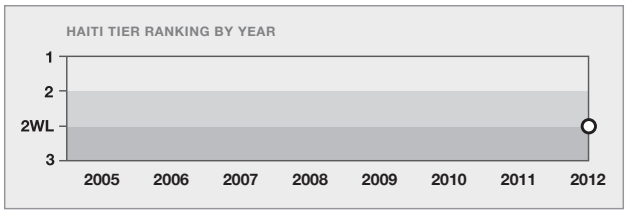
HAITI (Tier 2 Watch List)

Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Many of Haiti's trafficking cases are the estimated 150,000-500,000 *restaveks* – the term for children in forced domestic service. The majority of children that become *restaveks* do so when recruiters arrange for them to live with families in other cities and towns in the hope of going to school. *Restaveks* are treated differently from other non-biological children living in households; in addition to involuntary servitude, these children are particularly vulnerable to beatings, sexual assaults, and other abuses by family members in the homes in which they are residing. Dismissed and runaway children, many of whom were former *restaveks*, as well as many *restaveks* displaced by the 2010 earthquake, make up a significant proportion of the large population of street children who end up forced into prostitution, begging, or street crime by violent criminal gangs in Haiti. There were some incidents of foreigners procuring child commercial sex acts, including at least two incidents of sexual exploitation and abuse reported by the UN Stabilization Mission in Haiti (MINUSTAH). There have been documented cases of Dominican women in forced prostitution in Haiti.

NGOs monitoring the Haitian-Dominican border reported that children frequently cross the border illegally, often in the company of an adult who is paid to pretend to be the child's parent or guardian until they get to the other side. Some of these children are reunited with parents working in the Dominican Republic, but others are believed to be forced into organized begging rings or in domestic servitude. Authorities have also reported regularly seeing trucks full of children heading for the border, as well as "mobile brothel" trucks containing people in prostitution, driving from town to town and across the Haitian-Dominican Republic border.

Haitian men, women, and children also are subjected to forced labor and sex trafficking in the Dominican Republic, other Caribbean countries, the United States, and South America. The groups most at risk to trafficking were those from the lowest income backgrounds, especially undocumented Haitians. One Haitian government report estimated that the births of more than 10 percent of Haitians were not registered.

The Government of Haiti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Haiti is placed on Tier 2 Watch List. The absence of strong legislation criminalizing all forms of human trafficking and related policies or laws on victim protection severely limited the government's ability to prosecute trafficking offenders and protect victims. Still recovering from the 2010 earthquake, coordination of anti-trafficking activities remained a challenge and support for victims was almost exclusively donor funded because of the lack of capacity in existing and weak government institutions. However, government officials worked with NGOs to rescue child trafficking victims.



Recommendations for Haiti: Enact legislation prohibiting sex trafficking and all forms of forced labor, including domestic servitude, with penalties that are proportionate to other serious crimes such as rape; investigate, prosecute and convict trafficking offenders, including persons abusing *restaveks* or prostituting children under 18, using available legal instruments; adopt laws or policies to guarantee victims are not punished for crimes committed as a direct result of being trafficked; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of child and adult victims to appropriate shelters and services; raise awareness through high-level public statements to inform the public about the causes and consequences of forced labor and forced prostitution; and establish an inter-ministerial task force to plan and coordinate the government's anti-trafficking efforts.

Prosecution

The government did not make discernible progress in prosecuting traffickers during the reporting period because Haiti does not have a law or laws specifically prohibiting trafficking in persons. Draft human trafficking legislation remained pending in Parliament during the reporting period. There were some laws that could potentially be used to prosecute some trafficking offenses, such as the Act on the Prohibition and Elimination of All Forms of Abuse, Violence, Ill-treatment or Inhumane Treatment against Children of 2003, but the government did not report any prosecutions or convictions of any trafficking offenders in Haiti under this law or under any other statutes during the reporting period. The Brigade for the Protection of Minors (BPM), the government agency responsible for investigating crimes against children, reported initiating 42 cases of child trafficking, resulting in 25 arrests during the reporting period. During

the reporting period, the Haitian government attempted to extradite to the Dominican Republic a person charged with trafficking; however, because no extradition agreement exists between the two countries and there was no clear law against trafficking in Haiti, authorities released the individual after a two-week detention period without charge. The absence of legislation also contributed to confusion among elements of the Haitian government and some of its international donors regarding the crimes of human smuggling, human trafficking, and illegal adoption. In addition to the absence of trafficking legislation, other impediments included widespread corruption; the lack of quick responses to cases with trafficking indicators; the slow pace of the judicial branch to resolve criminal cases; scant funding for government agencies; and low government capacity in general. Specialized training for officials on assisting trafficking victims and investigating human trafficking was limited during the reporting period, but officials participated in training that addressed trafficking sponsored by international organizations, NGOs, and foreign donors, including one training bringing together Dominican and Haitian officials.

Protection

The government made limited progress in the protection of trafficking victims during the reporting period. The government did not track data regarding trafficking victim identification and lacked formal victim identification and assistance procedures and resources. NGOs working with the government were able to identify over 1,000 trafficking victims during the reporting period. The government did not provide direct or specialized services to trafficking victims; however, the government referred suspected cases to donor-funded NGOs which provided shelter, food, medical, and psychosocial support. NGOs reported that they had good working relationships with individual government officials, and the leadership of BPM and the government's social welfare ministry (IBESR) expressed commitment to helping child trafficking victims during the reporting period. Due to budgetary limitations, one senior official used personal funds to provide food for child trafficking victims. One NGO reported that the government assisted it in the safe repatriation of 20 child trafficking victims to their biological families or legal guardians during the reporting period. The government did not have formal trafficking victim protection policies to encourage victims to assist in the investigation and prosecution of trafficking offenders. Moreover, the government did not provide immigration relief for foreign victims of human trafficking facing retribution in the countries to which they would be deported or legal protections to ensure victims were not punished for crimes committed as a direct result of being in a human trafficking situation.

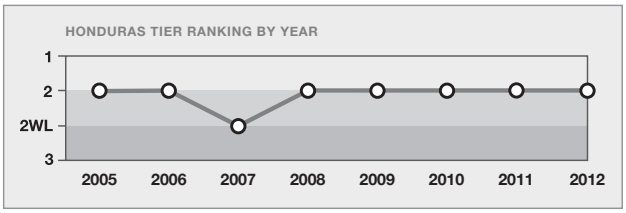
Prevention

Efforts to prevent new incidents of human trafficking in Haiti were largely driven by international organizations and NGOs. There were no reports of government funded anti-trafficking information campaigns conducted or hotlines established during the reporting period. The government did not have a national plan of action to address trafficking in persons in a strategic way; officials expressed the desire to put together such a plan. No single agency or official had the lead in anti-trafficking efforts, and there was no inter-ministerial group to coordinate the government's response to forced labor and sex trafficking. In an action that helped to prevent abuse of children and child trafficking, the newly installed head of IBESR closed several unregulated children care centers. There were no known measures by the government taken during the reporting period to reduce the demand for commercial sex acts.

HONDURAS (Tier 2)

Honduras is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Honduran victims are often recruited from rural areas with false offers of employment and later subjected to sex trafficking in urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are exploited in sex trafficking in Guatemala, El Salvador, Mexico, Belize, and the United States. To a lesser extent, women and girls from neighboring countries are exploited in sex trafficking in Honduras. There have also been reports of rural families leasing out their children, who are then exploited in forced labor, including forced begging and commercial sexual exploitation in urban areas. NGOs report incidents of forced labor in Honduras in agriculture and domestic service. Honduran men, women, and children are also subjected to forced labor in other countries, particularly in Guatemala, Mexico, and the United States; some of these migrants are exploited *en route* to or within the United States. Over the last year, officials, NGOs, and the media reported that an increase in cases in which young males in urban areas were coerced and threatened by gang members to transport drugs. In addition to anecdotal reports of incidents in the Bay Islands, Honduran authorities have identified child sex tourists in La Ceiba, San Pedro Sula, and Siguatepeque.

The Government of Honduras does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. These efforts included sustained, modest law enforcement efforts against child sex traffickers and the drafting and the passage of a comprehensive anti-trafficking law. However, government funding for victim services remained inadequate, efforts against forced labor were weak and impeded by the lack of criminal penalties during the year, and authorities did not employ proactive methods to identify trafficking victims among vulnerable populations.



Recommendations for Honduras: Vigorously implement the new comprehensive anti-trafficking law; increase efforts to investigate and prosecute all trafficking offenses, including forced labor crimes and forced prostitution of adult victims, and increase the number of trafficking offenders convicted and sentenced; ensure that specialized services and shelter are available to trafficking victims through dedicated funding, either to government entities or civil society organizations; increase resources and staff for the dedicated police and prosecutorial units; develop and implement formal procedures for identifying victims among vulnerable populations and referring them to service providers; continue to increase training

on victim identification and assistance for immigration and law enforcement officers, labor inspectors, prosecutors, judges, and social workers; improve data collection on law enforcement and victim protection efforts; enhance government planning and coordination mechanisms, perhaps through passing a national plan; and continue to raise awareness about all forms of human trafficking.

Prosecution

The Government of Honduras demonstrated uneven anti-trafficking law enforcement efforts over the last year. While it maintained efforts to investigate and punish sex trafficking crimes involving children and passed comprehensive anti-trafficking legislation prohibiting forced labor, its efforts to investigate cases of sex trafficking of adults or forced labor remained weak. In April 2012, Congress passed a comprehensive anti-trafficking law that prohibits all forms of trafficking, as well as establishes more robust victim protections and interagency cooperation. The law also prohibits illegal adoption, a crime that is distinct from human trafficking, per the 2000 UN TIP Protocol. The law prescribes penalties ranging from 10 to 22.5 years' imprisonment, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. Prior to this, Honduras prohibited forced prostitution through aggravated circumstances in Article 149 of its penal code, which prescribes penalties ranging from 12 to 19.5 years' imprisonment. It did not, however, specifically prohibit forced labor. The government maintained a law enforcement unit dedicated to investigating human trafficking and human smuggling crimes; this unit consisted of 10 investigative officers, all based in the capital. The Office of the Special Prosecutor for Children handles all trafficking cases, including those involving adults. This unit's effectiveness was hampered, however, by limited staff and funding; there were only two prosecutors, four analysts, and two investigators responsible for investigating trafficking crimes, as well as all crimes against children.

There were 48 new investigations and 162 pending investigations into human trafficking complaints during the reporting period. Authorities reported prosecuting and convicting six sex trafficking offenders in 2011, although it was unclear what statutes these cases were prosecuted under, or if they were all human trafficking convictions. Convicted offenders received sentences ranging from three to 19 years' imprisonment, plus fines. In comparison, authorities reported prosecuting 26 trafficking cases and obtained three convictions during the previous year. The lack of specific prohibitions against forced labor remained a significant impediment in law enforcement efforts. The government did not report any investigations, prosecutions, convictions, or sentences of public officials for complicity in human trafficking. NGOs and international organizations continued to deliver most of the anti-trafficking training available to government officials; immigration officials received information on how to identify trafficking victims, municipal employees were trained on how to receive and refer trafficking complaints, and cadets at the national police academy received training on how to identify and respond to trafficking cases.

Protection

The Honduran government provided minimal services to trafficking victims during the year, although it continued to refer victims to NGOs for care. Honduran authorities continued to lack systematic procedures to identify trafficking victims among vulnerable populations, such as people in prostitution. A network of NGOs reported identifying over 90 victims during the reporting period, whereas authorities identified only 16 victims through law enforcement efforts. The government did not fund dedicated shelters or services for trafficking victims. Honduran officials generally referred trafficking victims to NGO facilities on an *ad hoc* basis; these facilities did not receive funding from the government. Although the government continued to offer child victims limited medical and psychological assistance at three government shelters for at-risk children, officials did not record the number of child trafficking victims who received services at these facilities. NGOs have provided services to adult victims of trafficking in Honduras, including repatriated Honduran victims, although government funding for adult victim services was practically nonexistent. The only government-provided shelter accessible to adult male victims was the migrant detention center, which was not appropriate for victims of trafficking. Government-funded victim services were largely limited to the delivery of basic medical, psychological, and dentistry services to some victims at government health facilities; these services are available to all Honduran citizens.

Victims were encouraged to assist in the investigation and prosecution of trafficking offenders, and an unknown number did so during the reporting period. Some trafficking victims declined to cooperate, however, due to distrust in the judicial system, particularly its ability to ensure their personal safety. There were no reports of identified victims being penalized for unlawful acts committed as a result of their being trafficked. The government did not report systematically offering foreign victims legal alternatives to their removal to countries where they may face hardship or retribution, although victims could be granted temporary residency as refugees or migrant workers. However, authorities reported that no foreign victims applied for this status during the year.

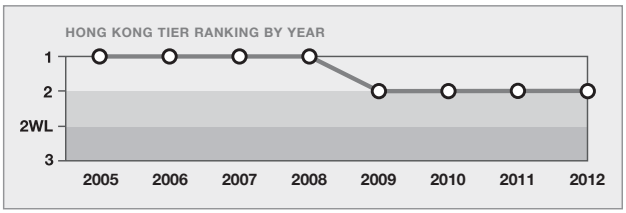
Prevention

The government maintained limited efforts to prevent human trafficking during the reporting period through partnerships with civil society organizations. The Inter-Institutional Commission on the Commercial Sexual Exploitation and Trafficking of Children, which is composed of government agencies, NGOs, and international organizations, served as the interagency coordinating body, and met 17 times in 2011. The commission drafted and presented the comprehensive anti-trafficking bill to the Honduran Congress during the year. The government maintained a national hotline for trafficking victims to obtain information and assistance; the hotline was administered by the anti-trafficking police unit. The government reported no investigations, prosecutions, or convictions of child sex tourists during the year. The government did not report efforts to reduce the demand for forced labor or commercial sex acts.

HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a source, destination, and transit territory for men, women, and teenage girls from Hong Kong, mainland China, the Philippines, Indonesia, Thailand, Vietnam, Nepal, Cambodia, and elsewhere in Southeast Asia, subjected to sex trafficking and forced labor. Some migrants are lured to Hong Kong by criminal syndicates or acquaintances with promises of financial rewards and are deceived about the nature of prospective work. Upon arrival in Hong Kong, these migrants are forced into prostitution to repay money owed for their passage to Hong Kong. According to an NGO and press reports, some victims of sex trafficking have been psychologically coerced into prostitution by trafficking offenders who threaten to reveal photos or recordings of the victims' sexual encounters. Some foreign domestic workers in the territory, particularly those from Indonesia and the Philippines, face notable indebtedness assumed in their home countries as part of the terms of job placement, which have the potential to lead to situations of debt bondage. Foreign domestic workers from the Philippines and Indonesia are generally charged the equivalent of $1,950 and $2,725, respectively, by recruiters in their home countries. These debts may comprise more than 80 percent of workers' salaries for the first seven to eight months of employment. During that period, some workers may be unwilling to report abusive employers for fear of losing their jobs. Several of Hong Kong's domestic worker employment agencies have charged fees in excess of Hong Kong law and illegally withheld passports, employment contracts, and bank debit cards of domestic workers until their debt has been paid – factors that could facilitate labor trafficking in the territory.

The authorities of Hong Kong does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The authorities made no discernible progress over previous years in law enforcement efforts against sex trafficking or forced labor; it secured six sex trafficking convictions and no forced labor convictions. The authorities identified 12 trafficking victims during the reporting period, and while it trained law enforcement on investigating trafficking, the continued lack of a single, comprehensive law to prohibit all forms of trafficking and protect victims impeded results.



Recommendations for Hong Kong: Enact a stringent, comprehensive anti-trafficking law that prohibits all forms of trafficking and defines terms according to established international standards as set forth in the 2000 UN TIP Protocol; ensure adequate procedures are in place to guide officials in proactively identifying forced labor and sex trafficking victims among vulnerable populations and referring them to available services; grant victims permission to work and study while participating in trafficking investigations and prosecutions; develop a national action plan to commit resources and develop a clear, overarching strategy to combat trafficking; convene regular meetings of the Security Bureau and other agencies comprising the anti-trafficking working group to more proactively develop efforts to combat trafficking; continue to publicize the availability of these protective service resources among vulnerable populations, such as foreign domestic workers; and educate law enforcement, judges, authority officials, and the public on trafficking definitions in line with established international standards.

Prosecution

Hong Kong authorities made no discernable progress in their anti-trafficking law enforcement efforts during the reporting period. Hong Kong authorities' continued outdated interpretation of trafficking as a phenomenon of movement for prostitution and the lack of a specific criminal prohibition on forced labor hindered anti-trafficking law enforcement efforts. Inconsistent with the 2000 UN TIP Protocol's 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 in the offense and focuses on movement of persons into or out of Hong Kong for prostitution regardless of whether force, fraud, or coercion has been used. Section 129's prescribed penalty of 10 years' imprisonment is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other sections of Hong Kong's Immigration Ordinance, Crimes Ordinance, and Employment Ordinance, however, were used to prosecute trafficking offenses during the reporting period. During the year, Hong Kong authorities reported the conviction of six offenders under Crimes Ordinance Section 130 – which prohibits forced prostitution but no convictions of forced labor. The authorities did not report any investigations, arrests, prosecutions, or convictions of authority officials complicit in trafficking offenses. While the authorities provided training to 300 police officers during the reporting period on conducting anti-trafficking investigations,such training was limited by Hong Kong's outdated anti-trafficking laws.

Protection

The Hong Kong authorities continued its efforts to protect trafficking victims during the reporting period by identifying 12 sex trafficking victims. The Hong Kong authorities continued its outreach within the foreign domestic worker community to identify victims of forced labor or sexual abuse, but the authorities did not identify any victims of forced labor during the reporting period. A local NGO and consulate identified one victim of forced labor who remained jailed at the end of the reporting period for immigration and labor violations. Law enforcement and social services officials reportedly followed systematic procedures in identifying the full range of potential trafficking victims, particularly among high-risk populations such as foreigners arrested for prostitution or immigration violations, although the low number of trafficking victims identified by the authorities and the imprisonment of a forced labor victim raised concerns about the effectiveness of these procedures. The authorities subsidized six NGO-run shelters and three authority-owned and operated shelters that serve victims of abuse, violence, exploitation, and trafficking. These shelters provided temporary free accommodations, counseling, and access to public hospital services to the 12 identified victims during the reporting period. Services were available for local and foreign men and women, as well as children. The authorities claimed that it encouraged victims to participate

in the investigation and prosecution process; however, the authorities did not permit victims to work while remaining in Hong Kong to participate in trials, and Hong Kong does not specifically allow for permanent residency status for cases in which repatriation may constitute a risk of hardship or retribution. While victims have the ability to file civil charges for compensation against their traffickers, there were no such cases in which this occurred.

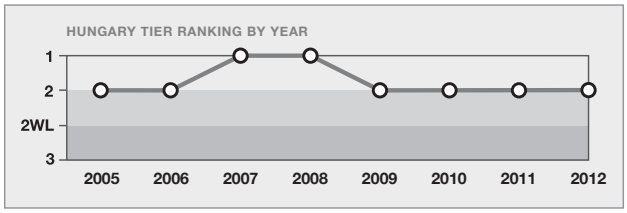
Prevention

Hong Kong continued efforts to prevent trafficking in persons during the reporting period. In February 2011, a Hong Kong immigration officer participated in the Indonesian consulate's monthly orientation program for new foreign domestic workers and educated the workers on their rights under Hong Kong law. The Labor Department organized a number of seminars for foreign domestic worker employment agencies on regulations those agencies must follow, including penalties for withholding travel documents and underpaying wages. Hong Kong authorities continued to disburse anti-trafficking pamphlets in six different languages aimed at educating the public on trafficking issues. The Labor Department also widely distributed information packets for foreign domestic workers in eight different languages discussing ways to prevent and report human trafficking. The authorities continued to provide new foreign domestic workers arriving at the airport with information on preventing trafficking, which was available in multiple languages. The Security Bureau coordinated Hong Kong's anti-trafficking efforts through leadership of a working group that involved several other agencies; the working group met one time during the reporting period. Hong Kong authorities reported no efforts to prevent or combat child sex tourism. Hong Kong is not a party to the 2000 UN TIP Protocol.

HUNGARY (Tier 2)

Hungary is a source, transit, and destination country for women and girls subjected to sex trafficking and a source country for men and women subjected to forced labor. Women from Hungary are forced into prostitution in the Netherlands, Switzerland, the United Kingdom (UK), Denmark, Germany, Austria, Italy, Norway, Spain, Ireland, Belgium, Greece, and the United States. Women from eastern Hungary are subjected to forced prostitution in Budapest and in areas of Hungary along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to sex trafficking within the country. Men and women from Hungary are subjected to conditions of forced labor in the UK, Spain, Canada, and the United States, as well as within Hungary. During the last year, government officials reported an increase in forced labor cases. Women from Slovakia, Romania, Moldova, Poland, Ukraine, and China are transported through Hungary to the Netherlands, the UK, Denmark, Germany, Austria, Italy, Switzerland, France, and the United Arab Emirates where they are subsequently subjected to forced prostitution; some of these victims may be exploited in Hungary before they reach their final destination country. Romanian women and children are subjected to sex trafficking in Hungary. Men from Western Europe travel to Budapest for the purpose of adult sex tourism, which may sometimes involve the exploitation of trafficking victims. Roma are disproportionately represented among trafficking victims in Hungary.

The Government of Hungary does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2011, the government increased its anti-trafficking investigations and courts strengthened penalties for some convicted trafficking offenders. Furthermore, the government remedied a previous shortcoming by providing year-round funding to an NGO assisting trafficking victims. During the year, however, the parliamentary commissioner for civil rights reported that Hungarian police treated children found in prostitution as offenders, reflecting a serious misunderstanding of the internationally recognized definition of child sex trafficking. Furthermore, the overall conviction rate for trafficking offenders continued to decline and the government provided limited assistance to victims. Finally, the government did not vigorously investigate or prosecute trafficking-related complicity, which hampered its ability to investigate trafficking and identify victims.



Recommendations for Hungary: Develop, implement, and support victim assistance programs for all trafficking victims in Hungary and increase incentives for victims to voluntarily cooperate with law enforcement; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders while ensuring the human rights of victims; designate specific national-level funding for trafficking victim assistance; improve anti-trafficking training for local police to ensure children in prostitution are not treated as offenders and punished for unlawful acts committed as a direct result of being trafficked; amend the criminal code to ensure necessary compliance with international standards – including through revising Paragraph 175/b which requires proof that a victim is bought or sold – with a view toward increasing investigations and prosecutions of trafficking; institutionalize partnerships with NGOs, including those representing Roma, on victim identification and assistance in order to achieve a more victim-centered approach to addressing trafficking in Hungary; and consider establishing specialized prosecutors and judges to litigate trafficking cases.

Prosecution

The Hungarian government demonstrated some improvements in its law enforcement efforts by increasing its investigations of trafficking cases in 2011. Hungary prohibits all forms of trafficking through Paragraph 175/b of its criminal code. Prescribed penalties range from one to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Hungarian officials and outside experts continued to cite the narrow scope of Hungary's trafficking laws and a precedent set by the Hungarian Supreme Court – specifically that a victim of human trafficking must have either been bought or sold by another person, or that direct or recently committed violence as opposed to the use of psychological coercion or abuse of a position of vulnerability had been used as a form of coercion – for creating overly strict evidentiary requirements

for prosecutors to prove the crime of human trafficking. Because of these legal hurdles, prosecutors continued to use other statutes to prosecute trafficking offenders, which carry lighter sentences that the trafficking statute. Police increased the number of investigations of trafficking cases in 2011, initiating 18 new trafficking investigations, including two forced labor investigations. This is an improvement from eight investigations initiated in 2010. Courts prosecuted and convicted eight sex trafficking offenders in 2011, a decline from 12 convicted trafficking offenders in 2010 and a sustained decline from 23 convicted offenders in 2009. As opposed to the previous year, the courts did not convict any labor trafficking offenders in 2011. Sentences for the eight convicted offenders ranged from a one-year suspended sentence to nine years' imprisonment. There continued to be a lack of specialized judges and prosecutors for trafficking cases, and few county police officers were trained in combating trafficking. The government did not provide data on any investigations or prosecutions of trafficking-related complicity. However, a 2011 report based on interviews with survivors of sex trafficking contained reports of police discouraging victims who sought help from pursuing criminal cases. Further, the report contained strong indications of trafficking-related complicity, including reports of officers physically abusing and humiliating trafficking victims and not taking action when victims disclosed the names of their pimps. Country experts reported that police often failed to investigate trafficking cases that involved Roma victims.

Protection

The Hungarian government demonstrated some progress in its protection of trafficking victims in 2011. During the reporting period, the government reported identifying 34 victims in Hungary; the Hungarian Consular Services identified 90 additional Hungarian victims abroad. The government did not offer evidence that it provided reintegration assistance upon these victims' return to Hungary; according to country experts, there were no government social services available for repatriated victims. One NGO reported that the government only formally recognized trafficking victims if they agreed to testify in court and that NGOs must finance any care provided to victims during the 30-day reflection period during which victims may decide whether to participate in legal actions against their traffickers. While the government provided an amount equivalent to $27,000 for the operation of an NGO shelter for victims of trafficking – which provided assistance to 24 Hungarian victims in 2011 – it failed to renew its contract with this NGO once the year ended. Another NGO provided separate assistance to 15 victims and IOM assisted in the repatriation of 20 Hungarian victims exploited abroad. Moreover, the government's Victim Support Service assisted 14 victims from the UK, Switzerland, the Netherlands, and Germany, who had been exploited within Hungary. An ombudsman report issued in December 2011 exposed a deep misunderstanding among Hungarian authorities of child trafficking issues and highlighted the problem of police treating children in prostitution as perpetrators, as opposed to victims of trafficking. One NGO reported that more than 100 Hungarian children were charged with solicitation for prostitution over an eight-month period in 2011. Furthermore, the same NGO reported that at least 16 potential trafficking victims, including 11 Romanians, were charged and prosecuted for begging offenses.

The government did not provide adequate incentives for victims to participate in the investigation and prosecution of their traffickers in 2011. The government offered foreign victims a 30-day reflection period to decide whether to assist law enforcement; however, no foreign victims applied for or received this temporary immigration relief in 2011. NGOs continue to report that a 30-day reflection period is insufficient time for victims to work through the trauma and decide whether to testify against their exploiters. Foreign victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement. Country experts noted concerns in 2011 that victims who chose not to assist law enforcement were forced to testify; other victims continued be charged for violating prostitution, labor, or migration laws.

Prevention

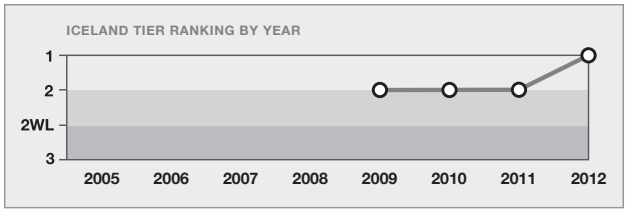
The Government of Hungary demonstrated some improvements in its efforts to prevent human trafficking. In December 2011, the national coordinator chaired an NGO roundtable to improve the work of the National Coordination Mechanism. In May 2011, the Office of the Prosecutor General funded and organized anti-trafficking training for county prosecutor offices. The government did not demonstrate transparency and accountability in its anti-trafficking efforts by systematically monitoring or assessing these efforts during the reporting period. However, in November 2011, it launched a new website listing information on its anti-trafficking efforts, indicators of trafficking, and checklists for Hungarians planning on working abroad. The government did not undertake specific measures to reduce the demand for commercial sex acts during the reporting period. The government provided anti-trafficking training to Hungarian crisis management troops prior to their deployment abroad on international peacekeeping missions.

ICELAND (Tier 1)

Iceland is a destination and transit country for women subjected to forced prostitution. Some reports maintain Iceland also may be a destination country for men and women who are subjected to conditions of forced labor in the restaurant and construction industries. Female victims of human trafficking in Iceland come from Eastern Europe, Russia, Africa, and Brazil. These victims may stay for several months before being trafficked onward, while others may spend only a few days in Reykjavik before moved abroad. Authorities suspect the involvement of organized crime in trafficking.

The Government of Iceland fully complies with the minimum standards for the elimination of trafficking. The Icelandic government increased the maximum criminal penalty for human trafficking offenses from eight years of imprisonment to 12 years, a penalty that obliges Icelandic police to hold human trafficking suspects in pre-trial detention without bail. The government provided funding for a new shelter to aid the long-term reintegration of trafficking victims that opened in September 2011. During the year, victim identification became a core part of the curriculum at the national police college, and NGOs reported victims were more knowledgeable about available services due to the Icelandic police following formal guidelines for victim identification created in 2010. Nevertheless, the number of victims identified dropped this year and no cases were prosecuted. The Government of Iceland

continued to develop a public awareness campaign, which it had not yet launched at the time of this report.



Recommendations for Iceland: Vigorously investigate, prosecute, and convict trafficking offenders; continue to formalize victim identification and care procedures for all care providers; expand training on proactive identification and referral of victims to prosecutors, labor inspectors, and health officials; conduct an awareness and prevention campaign focused on both sex and labor trafficking and the demand for both forms of trafficking; provide specialized training to the national emergency hotline operators on responding to trafficking calls; and consider establishing a hotline for reporting suspected instances of human trafficking.

Prosecution

The Government of Iceland strengthened its legal framework on human trafficking during the reporting period, though it did not initiate any prosecutions or convict any trafficking offenders. Iceland prohibits both sex and labor trafficking under Article 227a of its criminal code. In June 2011, the Icelandic parliament passed legislation that raised the maximum penalty for human trafficking, prescribed by Article 227a, from eight years of imprisonment to 12 years, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. The stricter penalty enables police and prosecutors to hold human trafficking suspects during pre-trial detention, which government officials had noted prior to the new legislation as an obstacle in criminal trafficking investigations. Police conducted two trafficking investigations during the reporting period, the same number of investigations initiated in the previous year. However, one of the investigations did not produce evidence sufficient for prosecution; the other was ongoing at the time of this report. Icelandic authorities did not initiate any other trafficking prosecutions during the reporting period, nor did they achieve any convictions. Last year, they similarly did not initiate any prosecutions nor convict any trafficking offenders. The Government of Iceland's Specialist and Coordination Team for Human Trafficking coordinated law enforcement efforts as well as other inter-governmental anti-trafficking projects. Due to government budgetary constraints in the wake of the country's economic crisis, resources for overall law enforcement shrank, which included a reduction in the total number of police officers. Several reports from NGOs suggested that the police could be more vigorous in initiating human trafficking investigations. The government did not report the investigation, prosecution, conviction, or sentencing of any government official allegedly complicit in trafficking. Icelandic authorities continued to hold classes for students at the national police college on recognizing victims; investigating human trafficking issues will become a core part of the curriculum at the college in 2012. The police have also received "passenger analysis" training that they employ at the airports to assist in identification of potential trafficking victims. Additionally, the government has sent senior Keflavik International Airport officials and border police to anti-trafficking courses abroad, for example at the European Police Academy, as well as to conferences on human trafficking sponsored by OSCE and the Nordic Council of Ministers.

Protection

The Icelandic government sustained robust efforts to protect trafficking victims, yet victim identification efforts showed need for improvement. The government granted the equivalent of $79,100 to an NGO that opened a long-term shelter in September 2011 for women who were victims of trafficking or who have been in prostitution and are making an effort to transition to a different life. The shelter has a capacity for housing four to six women. The government allocated the equivalent of an additional $345,000 to a domestic violence shelter that was available to house trafficking victims. Victims of trafficking were permitted to leave the shelters unchaperoned and at will. The government did not offer male trafficking victims specialized services, though they had access to general social services. In cases involving unaccompanied children, municipal and state child protection services are responsible for assistance. The government offered free health care and legal aid to all trafficking victims, though it is not known how many victims accepted this assistance during the year. Trafficking victims regularly used psychological services offered through a government-supported NGO. The Government of Iceland offered both short- and long-term residency permits for victims of trafficking: a six-month reflection period to foreigners if there was suspicion that they were victims of trafficking and a second one-year renewable permit for victims who cooperated with law enforcement or who found themselves in compelling circumstances, such as facing retribution or hardship in their home countries. During the reporting period, the government did not grant any new permits to victims, although it extended a temporary residence permit for one victim. Victims can obtain a work permit to seek legal employment while in temporary residency status. During the previous reporting period, the National Police Commissioner published formal rules of procedure for identifying, contacting, and caring for suspected victims of trafficking. The Government of Iceland identified three trafficking victims during the reporting period, compared to six victims in the previous year and three victims two years ago. The government provided direct assistance to two victims during the reporting period and a third victim refused an offer of government assistance. NGOs reported identifying three to four additional victims of trafficking. The government reported that no trafficking victims were detained, fined, or jailed for unlawful acts committed as a result of their being trafficked. The government encouraged victims to participate in the investigation of trafficking.

Prevention

The Icelandic government made some progress in its efforts to prevent human trafficking during the reporting period. Although there were no specific anti-trafficking awareness campaigns in Iceland during the year, the government continued to develop a comprehensive campaign to launch later in 2012. In public appearances by senior officials, the government continued to recognize that trafficking remained a problem in the country. The government coordinated its anti-trafficking activities through its anti-trafficking team, and reported its progress to complete all steps of its 2009-

2012 National Action Plan by year's end. The government continued to provide funds for field projects via OSCE, which, in this reporting period, contributed to a special course on human trafficking at Moscow State University, provided anti-trafficking financial assistance to the Government of Belarus for a project administered by the Icelandic Red Cross, and helped fund the Council of the Baltic Sea States' Task Force on Trafficking in Human Beings. The Government of Iceland continued to take steps to reduce the demand for commercial sex acts by convicting one client of prostitution during the reporting period.

INDIA (Tier 2)

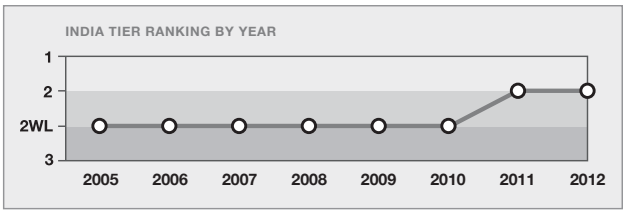
India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. The forced labor of millions of its citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. A common characteristic of bonded labor is the use of physical and sexual violence as coercive tools. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social strata, including the lowest castes, are most vulnerable. Children are also subjected to forced labor as factory workers, domestic servants, beggars, agricultural workers, and to a lesser extent, in some areas of rural Uttar Pradesh as carpet weavers. There were new reports about the continued forced labor of children in hybrid cottonseed plots in Gujarat, and reports that forced labor may be present in the Sumangali scheme in Tamil Nadu, in which employers pay young women a lump sum to be used for a dowry at the end of a three-year term. An increasing number of job placement agencies lure adults and children for forced labor or sex trafficking under false promises of employment. Indian boys from Bihar were increasingly subjected to forced labor in embroidery factories in Nepal.

Women and girls are trafficked within the country for the purposes of forced prostitution. Religious pilgrimage centers and cities popular for tourism continue to be vulnerable to child sex tourism. Women and girls from Nepal and Bangladesh, and an increasing number of females from Uzbekistan, Ukraine, and Russia, are also subjected to sex trafficking in India. There were increasing reports of females from northeastern states and Odisha subjected to servile marriages in states with low female-to-male child sex ratios, including Haryana and Punjab, and also reports of girls subjected to transactional sexual exploitation in the Middle East under the guise of temporary marriages. Maoist armed groups known as the Naxalites forcibly recruited children into their ranks. Establishments of sex trafficking are moving from more traditional locations – such as brothels – to locations that are harder to find, and are also shifting from urban areas to rural areas, where there is less detection.

Some Indians who migrate willingly every year for work as domestic servants and low-skilled laborers find themselves in forced labor in the Middle East and, to a lesser extent, Southeast Asia, the United States, Europe, Southern Africa, the Caribbean, and other countries. In some cases, such workers are lured from their communities through fraudulent recruitment, leading them directly to situations of forced labor, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to labor trafficking. Nationals from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East.

In March 2012, a U.S. court entered a default judgment of $1.5 million in favor of an Indian domestic worker who sued a former Indian consular officer who had employed her while assigned to duty in the United States; no appeal was filed. The domestic worker accused the Indian diplomat of forcing her to work without adequate compensation for three years and subjecting her to physical and mental abuse.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Ministry of Home Affairs (MHA) continued to establish Anti-Human Trafficking Units (AHTUs), which were responsible for combining law enforcement and rehabilitation efforts. The Central Bureau of Investigation launched an anti-trafficking unit in the reporting period and gave investigation authority under trafficking-related laws to all its police officers. Challenges remain regarding overall law enforcement efforts against bonded labor and the alleged complicity of public officials in human trafficking.



Recommendations for India: Develop a comprehensive anti-trafficking law or amend anti-trafficking legislation to be in line with the 2000 UN TIP Protocol, with adequate penalties prescribed by the UN Transnational Organized Crime Convention; increase prosecutions and convictions on all forms of trafficking, including bonded labor; prosecute officials allegedly complicit in trafficking, and convict and punish officials complicit in trafficking; encourage states to establish special anti-trafficking courts; improve distribution of state and central government rehabilitation funds to victims under the Bonded Labor (System) Abolition Act (BLSA); improve protections for trafficking victims who testify against their traffickers; encourage AHTUs to address both sex and labor trafficking of adults and children; encourage state and district governments to file bonded labor cases under appropriate criminal statutes; improve central and state government implementation of protection programs and compensation schemes to ensure that certified trafficking victims receive benefits; and increase the quantity and breadth of public awareness and related programs on bonded labor.

Prosecution

The government continued to make progress in its law enforcement efforts to combat human trafficking in 2011, but concerns remain over the uneven enforcement of trafficking laws and alleged official complicity. India prohibits most forms of forced labor through the Indian Penal Code (IPC), the BLSA, the Child Labor (Prohibition and Regulation) Act, and the Juvenile Justice Act. These laws were unevenly enforced, and their prescribed penalties are not sufficiently stringent. India

prohibits most forms of sex trafficking. Prescribed penalties for sex trafficking under the Immoral Traffic Prevention Act (ITPA) and the IPC, ranging from three years' to life imprisonment, are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The ITPA also criminalizes other offenses, including prostitution, and has some sections that are sometimes used to criminalize sex trafficking victims.

The government did not report comprehensive law enforcement data, and the challenges of gathering accurate, comprehensive, and timely data make it difficult to assess law enforcement efforts. However, the Ministry of Home Affairs established scorecards for its AHTUs in June 2011 to improve the availability of real-time data. A variety of sources noted that there were many investigations, including inter-state investigations. In Mumbai, in 2011, there were 242 sex trafficking cases prosecuted in the special ITPA court; 125 sex trafficking offenders were convicted with sentences of up to three years' imprisonment. Two NGOs reported that six trafficking offenders were convicted for forced and bonded labor. Four offenders were sentenced to one year in prison – these sentences are being appealed – and two offenders were charged with fines. Most government prosecutions were supported in partnership with NGOs. A senior government official noted that while trafficking rescues and registration of cases have increased, convictions remain low. However, conviction rates were low across the penal system. Some NGOs continued to criticize the categorization of trafficking crimes as bailable offenses, which in some cases resulted in the accused absconding after receiving bail. Enforcement of trafficking laws, particularly labor trafficking laws such as the BLSA, remained a challenge.

NGOs continued to report that official complicity in trafficking remained a problem. Corrupt law enforcement officers reportedly continued to facilitate the movement of sex trafficking victims, protect suspected traffickers and brothel keepers from enforcement of the law, and receive bribes from sex trafficking establishments and sexual services from victims. Some police allegedly continued to tip-off sex and labor traffickers to impede rescue efforts. Some owners of brothels, rice mills, brick kilns, and stone quarries are reportedly politically connected. The Indian government reported no prosecutions or convictions of government officials for trafficking-related offenses during the reporting period; NGOs said this was due to a lack of sufficient evidence. In September 2011, the police arrested a member of the border security force for trafficking. He was released on bail as of December 2011, but there is no further information on that case. There was no information on the status of an arrest of a former member of parliament or an investigation on an Indian Administrative Services officer – as noted in the 2011 TIP Report – for his involvement in human trafficking.

The Central Bureau of Investigation established a dedicated federal anti-trafficking unit in January 2012 whose police officers have nationwide investigative authority. The government continued to implement its three-year nationwide anti-trafficking effort by disbursing funds to state governments to establish at least 107 new Anti-Human Trafficking Units in police departments during the reporting period, for a total of at least 194 AHTUs. Some NGOs believed that some units were more focused on sex trafficking than labor trafficking, including bonded labor. Some units appeared to focus on child trafficking rather than on the trafficking of both children and adults. Some units continued to be understaffed, which hampered efforts. The government funded more than 500 police officers to participate in a six-month anti-trafficking course at the Indira Gandhi National Open University. The government reported that it covered transportation and lodging expenses for over 5,000 government officials who participated in NGO-organized anti-trafficking trainings.

Protection

India made efforts to protect and assist trafficked victims. The MHA, through a 2009 directive, advised state government officials to use standard operating procedures developed in partnership with UNODC to proactively identify trafficking victims and refer them to protection services; however, the implementation of these procedures is unknown. The government continued to fund over 100 NGO-run hotlines that help assist vulnerable people, including trafficking victims. The Ministry of Labor and Employment reported 865 bonded laborers rescued and the equivalent of almost $170,000 distributed in government-mandated rehabilitation funds in 2010-11, the latest data available. This represents a small fraction of the millions of Indian citizens subject to bonded labor. There were some NGO reports of delays in obtaining release certificates, and distribution of rehabilitation funds was uneven across states. There were numerous reports that sex trafficking victims were rescued, most often in partnership between police and NGOs. There were increased reports of inter-state coordination among the AHTUs resulting in rescues. In one case, the Manipur, Rajasthan, and Kerala AHTUs collaborated in the rescue of 33 trafficked children.

The Ministry of Women and Child Development (MWCD) allocated the equivalent of $118 million for 2011-12 to fund 153 projects in 17 states under the Ujjawala program – which seeks to protect and rehabilitate female sex trafficking victims – and 58 new Swadhar projects – which help female victims of violence, including sex trafficking. Some NGOs have cited difficulty in receiving timely disbursements of national government funding of their shelters under these programs. India does not provide care for adult male trafficking victims. Conditions of government shelter homes under the MWCD varied from state to state. NGOs reported that a number of shelters were overcrowded and unhygienic, offered poor food, and provided limited, if any, services. There were some NGO reports that some shelters did not permit victims to leave the shelter purportedly for security reasons; this violates international principles on the protection of victims. In some cases, traffickers continued to re-traffic victims by approaching shelter managers and pretending to be family members to get the victims released to them, although this practice is declining. Some Indian diplomatic missions in the Middle East provided services, including temporary shelters, medical care, legal assistance, and 24-hour hotlines, to Indian migrant laborers, some of whom were victims of trafficking.

There were some reports of trafficking victims being penalized for acts committed as a result of being trafficked. Section 8 of the ITPA (solicitation) and Section 294 of the IPC (obscenity in public places) continued to be used to criminalize sex trafficking victims. Reports indicated that some victims are punished for being undocumented migrants or for document fraud. Foreign trafficking victims were not offered special immigration benefits such as temporary or permanent residency status, although some NGOs reported that foreign victims had the same access to care as domestic victims. Foreign

victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution. In most cases, NGOs assisted rescued victims in providing evidence to prosecute suspected traffickers. Many victims declined to testify against their traffickers due to the fear of retribution by traffickers, who were sometimes acquaintances. Some NGOs continued to report the government was increasingly sensitized against not treating victims as perpetrators, and law enforcement activities against victims decreased. There were some reports of police treating victims as perpetrators, not using victim-centric policies, and not improving victim-witness security, which hindered victim testimony and prosecutions.

Prevention

The Government of India continued to make progress in its efforts to prevent human trafficking. The MHA's Anti-Trafficking Nodal Cell continued bimonthly inter-ministerial meetings on trafficking, which also included participation of anti-trafficking officers from state governments. The Ministry of Home Affairs raised public awareness on trafficking though radio talk shows and press conferences; the Ministry of Overseas Indian Affairs continued to work with state governments to conduct safe emigration awareness campaigns; and the Bureau of Police Research and Development organized a workshop on the linkages between missing children and human trafficking and encouraged all police officers to track cases of missing persons.

The Ministry of Labor and Employment continued its preventative convergence-based project against bonded labor in Tamil Nadu, Andhra Pradesh, and Odisha, but not in Haryana. The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. The government continued its multi-year project to issue unique identification numbers to citizens; more than 100 million identify cards were issued in the reporting period. Training for Indian soldiers and police officers deployed in peacekeeping missions reportedly included awareness about trafficking.

INDONESIA (Tier 2)

Indonesia is a major source country and, to a much lesser extent, a destination and transit country for women, children, and men who are subjected to sex trafficking and forced labor. Each of Indonesia's 33 provinces is a source and destination of trafficking, with the most significant source areas being the provinces of West Java, Central Java, East Java, West Nusa Tenggara, and Banten. A significant number of Indonesian migrant workers face conditions of forced labor and debt bondage in more developed Asian countries and the Middle East, particularly Saudi Arabia, Malaysia, Singapore, Taiwan, and Hong Kong. The government reports that there are 4.3 million documented Indonesian migrants working outside the country and estimates another 1.7 million undocumented workers, including an estimated 2.6 million workers in Malaysia and 1.8 million in the Middle East. During 2011, Saudi Arabia was the leading destination for newly departing migrant workers registered with the Indonesian government, followed closely by Malaysia. An estimated 69 percent of all overseas Indonesian workers are female. The Indonesian government estimates that two percent of Indonesian workers abroad who are properly documented become victims of trafficking. The actual number of Indonesian trafficking victims is significantly higher, particularly among the more than one million undocumented workers abroad. During 2011, Indonesian trafficking victims were reported in all of the Gulf countries, Malaysia, Taiwan, Chile, New Zealand, the Philippines, Egypt, and the United States, among others.

In assessing 2011 data, IOM reported a new trend of women, including some children, trafficked for commercial sexual exploitation at mining operations in Maluku, Papua, and Jambi provinces. There were reports of an increasing number of children exploited in prostitution in Batam district of the Riau Islands province and children from North Sulawaesi province being exploited in prostitution in West Papua province. Contacts in several large cities reported a new trend of university and high school students selling underage friends, male and female, for sex. Some women from Uzbekistan and Colombia are subjected to forced prostitution in Indonesia.

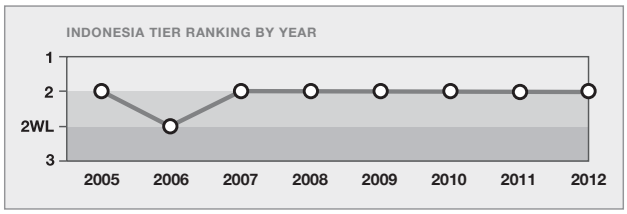
Government and non-governmental sources reported an increasing number of undocumented workers travelling abroad. As the government expands its use of biometric travel documents, false documents are becoming more difficult and expensive to obtain. As a result, more undocumented workers are traveling by sea, primarily from Batam and the Riau Islands and by land from Kalimantan, to Malaysia where they remain or transit to a third country. Undocumented workers are at a significantly higher risk of becoming trafficking victims than documented workers. A labor trafficking trend that gained international attention during the year was the forced labor of Indonesian men aboard Korean-flagged fishing boats operating in New Zealand waters as well as the forced labor of Burmese and Cambodian fishermen who escape Thai fishing boats while in Indonesian waters. According to press and NGO reports, over 1,000 such undocumented Burmese fishermen are stranded on the remote Indonesian island of Tual. According to IOM, labor recruiters are responsible for more than 50 percent of the Indonesian female workers who experience trafficking conditions in destination countries. Some recruiters work independently, while others work for Indonesia-based international labor recruitment companies called PJTKIs. Some PJTKIs operate similarly to trafficking rings, leading both male and female workers into debt bondage and other trafficking situations. Traffickers regularly operate with impunity and escape punishment because of endemic corruption among law enforcement officials and the government's lack of commitment to upholding the rule of law. Trafficking victims often accumulate debts with labor recruiters that make victims vulnerable to debt bondage. Licensed and unlicensed companies used debt bondage, withholding of documents, and threats of violence to keep Indonesian migrants in situations of forced labor.

Indonesian women migrate to Malaysia, Taiwan, and the Middle East and are subsequently subjected to forced prostitution; they are also subjected to forced prostitution and forced labor in Indonesia. Children are trafficked internally and abroad primarily for domestic servitude, forced prostitution, and work in cottage industries. Many of these trafficked girls work 14 to 16 hours a day at very low wages, often under perpetual debt due to pay advances given to their families by Indonesian brokers. Debt bondage is particularly pronounced among sex trafficking victims, with an initial debt the equivalent of some $600 to $1,200 imposed on victims; given an accumulation of additional fees and debts, women and girls are often unable to escape this indebted servitude, even after years in prostitution.

An estimated 60 percent of children under five years of age do not have official birth certificates, putting them at higher risk for trafficking. Traffickers employ a variety of means to attract and control victims, including promises of well-paying jobs, debt bondage, community and family pressures, threats of violence, rape, false marriages, and confiscation of passports. Country experts reported a trend of recruitment of Indonesian migrant workers in Malaysia for Umrah, a religious pilgrimage to Mecca continued during the year; once in the Saudi Kingdom, Indonesian migrants are trafficked to other points in the Middle East. Some Indonesian children are recruited into sex trafficking through Internet social networking media. More than 25 sex trafficking victims from Uzbekistan were identified in 2010. Six sex trafficking victims from Colombia were identified in 2011.

Internal trafficking is also a significant problem in Indonesia, with women and girls exploited in domestic servitude, commercial sexual exploitation, and in forced labor in rural agriculture, mining, and fishing. Many victims were recruited originally with offers of jobs in restaurants, factories, or as domestic workers before they were coerced into prostitution. Child sex tourism is prevalent in the Riau Islands bordering Singapore and is reported to occur in Bali and in other locations around Indonesia.

The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government undertook new efforts to improve protections for Indonesian migrants, particularly through the National Agency for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI). The government did not make progress in curbing the trafficking complicity of Indonesian security personnel and senior officials and increasing the effectiveness of law enforcement and judicial officials in upholding the country's anti-trafficking laws, as would be indicated by an increase in the number of prosecutions and convictions of traffickers. A decentralized government structure presented considerable challenges to coordinating nationwide anti-trafficking programs and policies; nonetheless, the government undertook no visible efforts to improve the centralized collection of data on prosecutions and victim protection data from local governments.



Recommendations for Indonesia: Improve the collection, analysis, and public reporting of comprehensive data on legal proceedings against traffickers taken under the 2007 law; undertake greater efforts to criminally prosecute and punish labor recruitment agencies and corporations involved in trafficking; increase efforts to prosecute and convict public officials who are involved in trafficking; undertake efforts to prosecute and punish those who obtain commercial sexual services from children; create a national protocol that clarifies roles and responsibilities for prosecuting trafficking cases when the crime occurs outside a trafficking victim's province of residence, particularly with regard to responsibilities for funding the involvement of victims as witnesses in proceedings; increase government funding to support trafficking victims' participation in legal proceedings; increase efforts to combat trafficking through awareness campaigns targeted at the public and law enforcement personnel at all levels of government in primary trafficking source regions; and consider amending the 2004 Overseas Labor Placement and Protection Law in order to provide effective protections to Indonesian migrants recruited for work abroad, particularly female domestic workers, as a means of preventing potential trafficking of these migrants.

Prosecution

The Indonesian government sustained anti-trafficking law enforcement efforts during the reporting period, although an inability to collect and report on national anti-trafficking law enforcement efforts gives the appearance that the numbers of trafficking offenders prosecuted and convicted declined for a second consecutive year. Through a comprehensive anti-trafficking law passed in 2007 and implemented in 2009, Indonesia prohibits all forms of trafficking in persons, prescribing penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. While Indonesian National Police (INP) investigators used the 2007 law to prepare cases for prosecution, some prosecutors and judges still use other, more familiar laws to prosecute traffickers. Police and other law enforcement officials complained about the difficulty of coordinating among police, prosecutors, witnesses, and courts to obtain successful convictions.

The government does not aggregate nationwide records of trafficking prosecutions. Statistics on human trafficking prosecutions and convictions remain available exclusively at the district and province levels. Only the police aggregate nationwide data on human trafficking investigations; during 2011, the INP reported initiating 133 new trafficking investigations involving 179 suspected trafficking offenders. The INP also reported the referral to local prosecutors of 50 cases, of which 41 were accepted for prosecution. Based on incomplete reports during the year from four of Indonesia's 33 provinces – East, Central, West Java, and North Sulawesi – 16 trafficking offenders were convicted by province- and district-level courts. This compares with incomplete reporting on the convictions of 25 trafficking offenders in 2010. The national Attorney General's Task Force on Transnational Crime reported an additional prosecution of eight trafficking offenders in 2011, but no convictions. The Indonesian government cooperated with New Zealand authorities to investigate allegations, published in the international media, of Indonesian fishermen who were recruited by licensed PJTKIs for work on Korean fishing vessels operating in New Zealand waters, and subjected to forced labor, including debt bondage, aboard the boats. Indonesian authorities, however, have not initiated criminal investigations or prosecutions of the recruiters cited in the allegations.

Endemic corruption among members of Indonesian security forces and government officials remained an impediment to increased effectiveness in anti-trafficking law enforcement efforts, according to NGOs and government officials. Corruption sustained trafficking at a number of levels: in the issuance of false documents for future victims; through lax border controls where trafficking would otherwise be detected;

through the tolerance and profiting from illegal commercial sex sites; and through the compromise of law enforcement investigations and judicial processes.

Protection

The Indonesian government continued its provision and coordination of modest and uneven efforts to protect victims of trafficking during the year. The government's Centers for Integrated Service for the Empowerment of Women and Children provided shelters and trauma clinics to trafficking victims through 172 centers at the provincial and district level. The government provides limited funding to other organizations for the provision of services to trafficking victims, but since 2005 is increasingly channeling support through the Centers for Integrated Service. The Centers for Integrated Service also receive private funding. The National Police operated 306 Women and Child Service Units in police stations around the country, which provided emergency protection and medical services to victims of violence, also accessible to victims of trafficking. The government continued to rely significantly on international organizations and NGOs for the provision of services to victims, particularly for repatriated Indonesian victims of trafficking abroad, although it increased the role of its Centers for Integrated Service during 2011, adding 51 centers for a total of 172 throughout Indonesia. Although the government did not collect or report comprehensive data on victims identified throughout the country, the Ministry of Women's Empowerment reported 358 victims in 2011, including 111 women and no children; most of these victims (53 percent) were from West Java. IOM reported assisting 227 victims in 2001, including 120 Indonesians, 65 Cambodian men who escaped forced labor aboard Thai fishing boats, 36 Burmese men who escaped the same forced labor conditions, and six Colombian women who had been subjected to forced prostitution in Jakarta.

The central government largely funds provincial governments through block grants, and provinces have significant discretion on the use of these funds, including decisions on trafficking-related programs. As a result, provincial governments' funding of victim protection services varies greatly. In West Java, the Council on Women's Empowerment and Family Planning reported that in 2011 the provincial government doubled its budget for assistance to trafficking victims to the equivalent of $1,111 per victim. The West Java Center for Integrated Service for the Empowerment of Women and Children, which receives most of its funding from the provincial government, reported that in 2011 its budget for assistance to trafficking victims increased from the equivalent of $833,000 to $2.2 million. In Riau Islands province, the Child Welfare Commission reported a 50 percent increase in its budget for victim protection services in 2011. Some provinces have not established anti-trafficking task forces and provide only minimal funding for the protection of trafficking victims. The Riau Islands provincial-level INP reported having no budget for the protection of trafficking victims or for the investigation of trafficking allegations. The INP, Attorney General's Office, Ministry of Law and Human Rights, Department of Immigration, the Witness Protection Program, the National Commission on Women, and a number of NGOs actively cooperated in an IOM-led task force to revise the 2007 edition of "Guidelines for Law Enforcement and the Protection of Victims of Trafficking in Handling Trafficking in Persons Cases." The final draft is completed and awaits funding for publishing.

Prevention

The Indonesian government made progress in preventing human trafficking during the reporting period, particularly through improved, centralized oversight of labor migrants and the licensed recruiting agencies sending them abroad. Most other prevention work was conducted at the district and province levels; 21 provincial and 73 district or municipal anti-trafficking task forces continued to coordinate local anti-trafficking efforts with a wide variety in levels of funding, staffing, and energy. While the West Java provincial task force includes 66 government and civil society representatives that meets regularly and funds over the equivalent of $2.2 in victim protection activities, the task force in Riau Islands province – a major transit area for trafficking victims from throughout the country – did not meet during the year. The Coordinating Minister for Social Welfare nominally chaired the government's anti-trafficking taskforce, and the Ministry of Women's Empowerment and Child Protection (MWECP) provided active direction. The national taskforce met in September 2011 with 21 ministries, departments, and agencies represented; the national anti-trafficking taskforce does not have a budget and is funded by the participating ministries and departments. Anti-trafficking in persons campaigns continued during the reporting period and were maintained by MWECP, the Ministry of Manpower, the Ministry of Education, the INP, numerous Centers for Integrated Service for the Empowerment of Women and Children throughout the country, and NGOs in cooperation with local governments. The campaigns were delivered via conferences, radio, newspapers, billboards, pamphlets, school programs, and neighborhood meetings.

The government strengthened the ability of BNP2TKI to monitor outbound Indonesian workers and protect them from fraudulent recruitment and human trafficking. Using a new database and national worker's identify card system, the BNP2TKI registered and gave biometric identity cards to 581,081 workers who left for work abroad in 2011. Through its centralized database, it was able to improve verification of intending workers' eligibility and the *bona fides* of PJTKIs, while reducing the opportunities for corruption at the local level. BNP2TKI did not report the recruiters it referred to the Ministry of Manpower and Transmigration for trafficking. The Ministry, however, reported revoking the licenses of 28 firms in 2011.

During the year, the MWECP issued Ministerial Decree No. 9/2011 on Early Warning TIP Indicators as a guide to its branch offices and NGOs who provide support to trafficking victims. The Ministry issued Ministerial Decree No. 7/2011 on the Policy to Increase Family Resilience of Children in Need of Special Protection. The decree is an effort to identify the problem of vulnerable children, including trafficked children, as a national priority, and lead an interagency effort to address the problem by strengthening vulnerable families. Also in February 2012, MWECP cooperated with IOM to produce a manual on "Recovery, Return and Reintegration" training for trafficking victim care providers. The Ministry also published a training manual titled "Training Guide: Witness Assistants And/Or Victims of Trafficking" and in 2011 conducted training on facilitating victims of trafficking as criminal witnesses to 87 anti-trafficking front-line workers from government agencies, non-governmental organizations, and individuals who are interested in providing assistance to witnesses and victims of trafficking from East Nusa Tenggara, Bali, and Riau Islands. In early 2012, IOM conducted training

for 205 participants from West Java, West Kalimantan, and Yogyakarta. The ministry published a program called "early warning system," targeting communities in five provinces: East Java, North Sumatra, West Nusa Tenggara, East Nusa Tenggara, and North Sulawesi with populations vulnerable to trafficking crimes. These communities also had locally based and directed awareness programs. The MWECP created a telephone and postal hotline for reporting suspected trafficking cases; there were 250 reported complaints filed in 2011. In June 2011, BNP2TKI also implemented a national trafficking in persons hotline that was advertised widely to workers going overseas and their families. The data is reported directly to the president monthly, while BNP2TKI works with embassies to follow up on cases of suspected trafficking abroad.

The government continued partnerships with NGOs and international organizations to increase public awareness of trafficking. The International Catholic Migration Commission (ICMC) organized a cross-border exchange meeting in September 2011 at the Indonesia-Malaysia border crossing at Nunukan, East Kalimantan. Eighty-eight representatives from local Indonesian and Malaysian governments, law enforcement agencies, NGOs, and the Indonesian Consulate in Tawau, Malaysia, shared expertise and experiences with a focus on increasing arrests, prosecutions and convictions of trafficking offenders. In December 2011, the Indonesian government concluded two years of negotiations with Malaysia on revising a 2006 memorandum of understanding (MOU) on The Recruitment and Placement of Indonesian Domestic Workers. The revisions, agreed by both governments, establish a joint task force "to provide appropriate solutions on matters concerning Indonesian domestic workers" and gives Indonesian workers the right to retain possession of their passports while working in Malaysia. To improve coordination of anti-trafficking programs, a number of provinces signed inter-provincial MOUs in 2011 that included guidelines for cooperating in the provision of care to trafficking victims who are located outside of their home provinces. West Java signed four MOUs with the provinces of Riau Islands, Bangka, West Kalimantan, and East Kalimantan. Riau Islands signed six MOUs with the provinces of West Java, Jakarta, Central Java, West Kalimantan, East Kalimantan, and Lampung. North Sumatra signed an MOU with Central Java.

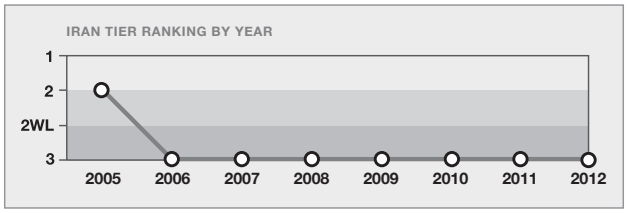
There were reports of individuals from Australia, Canada, China, France, Germany, Italy, Japan, Korea, Malaysia, Singapore, Taiwan, the Middle East, the Netherlands, the United Kingdom, and the United States coming to Indonesia as child sex tourists. One UK citizen was arrested in the district of Batam, Riau Islands province, in November 2011 for sexually exploiting children and is in jail awaiting trial. There were no reports of Indonesian peacekeeping troops engaging in trafficking-related offenses. The government provided Indonesian military personnel with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. The government did not report efforts to reduce the demand for forced labor or the demand for commercial sex acts during the year.

IRAN (Tier 3)

Iran is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Iranian and Afghan boys and girls residing in Iran are forced into prostitution within the country. Iranian women, boys, and girls, are subjected to sex trafficking in Iran, as well as in Pakistan, the Persian Gulf, and Europe. Azerbaijani women and children are also subjected to sex trafficking in Iran.

Afghan migrants and refugees are subjected to forced labor in Iran. Men and women from Pakistan, Bangladesh, and Iraq migrate voluntarily to Iran, or through Iran, to other Gulf states, particularly the UAE, and Europe, seeking employment. Some are subsequently subjected to conditions of forced labor, including debt bondage, through the use of such practices as restriction of movement, nonpayment of wages, and physical or sexual abuse. NGO reports indicate criminal organizations, sometimes politically connected, play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with the smuggling of migrants, drugs, and arms. Unconfirmed reports indicate that religious leaders and immigration officials are involved in human trafficking.

The Government of Iran does not comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. The government did not share information on its anti-trafficking efforts with the international community during the reporting period; this impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless indicate that the Iranian government is not taking sufficient steps to address its extensive trafficking challenges. For these reasons, Iran is placed on Tier 3 for a seventh consecutive year.



Recommendations for Iran: Significantly increase efforts to investigate trafficking offenses and prosecute and punish trafficking offenders, including officials who are complicit in trafficking; institute victim identification procedures to proactively identify victims of trafficking, particularly among vulnerable populations such as persons in prostitution, children in begging rings, and undocumented migrants; offer protection services to victims of trafficking, including shelter and medical, psychological, and legal assistance; cease the punishment of victims of trafficking for unlawful acts committed as a result of being trafficked; and increase transparency in government anti-trafficking policies and activities through public reporting.

Prosecution

The Government of Iran made no discernible law enforcement efforts against human trafficking during the reporting period. A 2004 law prohibits trafficking in persons by means of threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery, or forced marriage. The prescribed penalty under this law reportedly is up to 10 years' imprisonment, which is sufficiently stringent, but not commensurate with

penalties prescribed under Iranian law for other serious crimes, such as rape. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these serious crimes. In addition, the Labor Code does not apply to work in households. NGO sources report that these laws remain unenforced due to a lack of political will and widespread corruption. There were no reports of investigations or prosecutions of trafficking cases or convictions of trafficking offenders. It was extremely difficult for women in forced prostitution to obtain justice; first, because Iranian courts accord legal testimony by women only half the weight accorded to testimony by men, and second, because women who are victims of sexual abuse are liable to be prosecuted for adultery, which is defined as sexual relations outside of marriage and is punishable by death. There were no reports of government officials being investigated or punished for complicity in trafficking offenses during the reporting period.

Protection

The Government of Iran made no discernible efforts to protect victims of trafficking during the reporting period. There is no evidence that the government has a process to identify trafficking victims among vulnerable populations found in the country. Iran has deported large numbers of undocumented Afghans without attempting to identify trafficking victims among them. The government also has reportedly punished victims of sex trafficking for unlawful acts committed as a direct result of being trafficked, for example, adultery and prostitution. There were no reports that the government referred trafficking victims to protective services. Some welfare organizations unrelated to the government may help Iranian trafficking victims. The Iranian government did not provide foreign victims of trafficking with a legal alternative to removal to countries in which they may face hardship or retribution.

Prevention

There were no reports of efforts by the Government of Iran to prevent trafficking during the past year, such as campaigns to raise public awareness of trafficking, to reduce demand for commercial sex acts, or to reduce demand for child sex tourism by Iranians traveling abroad. A news report indicated that in February 2012, President Mahmoud Ahmadinejad attended a two-day trilateral summit with the presidents of Afghanistan and Pakistan in Islamabad; one of the summit's agenda items was transnational organized crime, including human trafficking. There was no improvement in the transparency of the government's reporting on its own anti-trafficking policies or activities and no apparent efforts to forge partnerships with international organizations or NGOs in addressing human trafficking problems. According to UNHCR, in June 2011, the Iranian government began re-registering Afghan refugees – a group vulnerable to trafficking – extending the validity of their registration card to one year. Iran is not a party to the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

Iraq is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Iraqi women and girls are subjected to conditions of trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, Yemen, and Saudi Arabia for forced prostitution and sexual exploitation within households. Anecdotal reporting suggests that trafficking in forced prostitution and bonded labor are increasing in Iraq, partially owing to pervasive corruption and an overall increase in criminal activity.

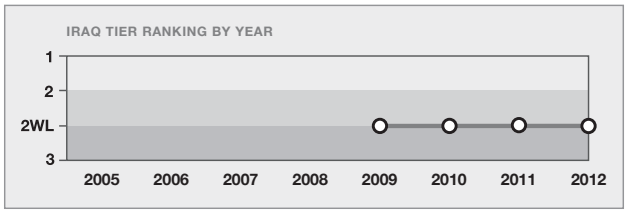
Women are lured into forced prostitution through false promises of work. An international organization reports an increase in forced prostitution in the city of Tikrit; women between the ages of 15 to 22 years from Baghdad, Kirkuk, and Syria are sold to traffickers in Tikrit for the equivalent of $1,000-5,000 and then replaced or sold again every two or three months. Women are also subjected to involuntary servitude through forced marriages, often as payment of a debt, and women who flee such marriages are often vulnerable to further forced labor or sexual servitude. One NGO reports that recruiters rape women and girls on film and blackmail them into prostitution or recruit them in prisons by posting bail and then forcing them into prostitution via debt bondage. Some women and children are pressured into prostitution by family members to escape desperate economic circumstances, to pay debts, or to resolve disputes between families. NGOs report that these women are often prostituted in private residences, brothels, restaurants, and places of entertainment. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the use of temporary marriages (*muta'a*), by which the family of the girl receives money in the form of a dowry in exchange for permission to marry the girl for a limited period of time. Some Iraqi parents have reportedly collaborated with traffickers to leave children at the Iraqi side of the border with Syria with the expectation that traffickers will arrange forged documents for them to enter Syria and find employment in a nightclub. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of sexual exploitation.

The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked. Women from Iran, China, and the Philippines reportedly may be trafficked to or through Iraq for commercial sexual exploitation. Some Iraqi refugees in Syria reportedly have contracted their daughters to work as maids in Syrian households, where they may have been subsequently raped, forced into prostitution, or subjected to forced labor. In other instances, Iraqi refugees' children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to re-trafficking by criminal gangs operating along the border. After political unrest escalated in Syria, Iraqi refugees remaining in Syria reported they were unable to find work in the informal sector, coerced into taking part in anti-government protests, and harassed by Syrian authorities, all of which increased this vulnerable population's susceptibility to trafficking.

Iraq is also a destination for men and women who migrate from Bangladesh, India, Indonesia, Nepal, the Philippines, Sri Lanka, Thailand, Pakistan, Georgia, Jordan, and Uganda and are subsequently subjected to involuntary servitude as construction workers, security guards, cleaners, handymen, and domestic workers. Such men and women may face confiscation of passports and official documents, nonpayment of wages, long working hours, threats of deportation, and

physical and sexual abuse as a means to keep them in a situation of forced labor. Some of these foreign migrants were recruited for work in other countries such as Jordan or the Gulf States, but were forced, coerced, or deceived into traveling to Iraq, where their passports were confiscated and their wages withheld, ostensibly to repay labor brokers for the costs of recruitment, transport, food, and lodging. Other foreign migrants were aware they were destined for Iraq, but once in the country, found the terms of employment were not what they expected or the jobs they were promised did not exist, and they faced coercion and serious harm, financial or otherwise, if they attempted to leave. The Governments of Nepal and the Philippines continue to ban their citizens from migrating to Iraq for work. In addition, some Iraqi boys from poor families are reportedly subjected to forced street begging and other non-consensual labor exploitation and commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the Iraqi Kurdistan Region experienced conditions of domestic servitude after being recruited with offers of jobs different than they received.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Iraq is placed on Tier 2 Watch List for a fourth consecutive year. Iraq was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The Iraqi Parliament passed a comprehensive anti-trafficking law on April 30, 2012; this law prescribes punishments for both sex trafficking and labor trafficking. The Iraqi government reported negligible efforts to prosecute or punish traffickers under existing laws. The government demonstrated some efforts to identify and assist victims of forced labor, yet the government continued to punish victims of forced prostitution, while providing no systematic protection services to victims of trafficking.



Recommendations for Iraq: Implement legislation that prohibits all forms of trafficking; continue to use existing Iraqi criminal statutes – including those prohibiting kidnapping and detention by force or deception – to investigate and prosecute human trafficking offenses and convict trafficking offenders; institute a procedure to proactively identify victims, such as by comprehensively training police and immigration officials who may come into contact with trafficking victims; cease punishing identified victims of trafficking for crimes committed as a direct result of being trafficked, including forced prostitution; provide protection services to victims and proactively refer victims to available non-governmental protection services; under the new trafficking law, de-criminalize NGO shelters that provide assistance to victims of sex trafficking; encourage victims' assistance in prosecuting offenders; provide assistance to Iraqi victims of trafficking identified abroad; offer legal alternatives to removal to foreign victims of trafficking; take steps to end the practice of forced marriages that entrap girls in sexual and domestic servitude; regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor; and undertake a public awareness campaign to raise awareness of sex trafficking and forced labor.

Prosecution

The government demonstrated modest law enforcement efforts against trafficking in persons during the reporting period, as the Iraqi Parliament adopted a comprehensive anti-trafficking law on April 30, 2012. During the reporting period, the Iraqi government had several existing provisions in its penal code through which it could prosecute, convict, and punish trafficking offenses, including those prohibiting the unlawful seizure, kidnapping, and detention of a person by force or deception with penalties of up to seven years' imprisonment and up to 15 years' imprisonment if the victim is a child and force is used. The penalty for sexual assault or forced prostitution of a child is up to 10 years' imprisonment, which is sufficiently stringent to deter this activity, though not commensurate with the penalties prescribed for rape, which is up to 15 years' imprisonment. Iraq's anti-trafficking law prescribes some punishments for both sex trafficking and labor trafficking that are sufficiently stringent. The government does not collect statistics on prosecutions, convictions, or sentences of trafficking offenders.

The government did not make demonstrable efforts to investigate or punish official complicity in trafficking offenses. The Government of Iraq has no mechanisms to collect data on the enforcement of anti-trafficking law offenses. The government did, however, open a criminal investigation regarding the case of 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone; the case was filed in criminal court in March 2012. While the government did not fund anti-trafficking training, the Ministry of Labor and Social Affairs (MOLSA) provided facilities for some anti-trafficking awareness and victim identification trainings that were funded by an international organization and a foreign government; participants in multiple trainings throughout the year included officials from the Ministry of Interior and MOLSA, judges, prosecutors, and law enforcement personnel. Additionally, more than 100 Iraqi police cadets and commissioned officers received anti-trafficking awareness and victim identification training courses from a foreign government from July 2011 through February 2012.

Protection

The Iraqi government demonstrated minimal efforts to protect victims of trafficking during the reporting period. Government authorities did not develop or employ systematic procedures to identify proactively victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers, and did not recognize that women in prostitution could be victims of sex trafficking. The government similarly did not provide standard operating procedures to guide law enforcement officials in identification of trafficking victims. As a result, some victims of trafficking were incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked, such as engaging in prostitution.

Victims of forced labor reportedly were not detained, fined, or jailed for immigration violations, but they were generally not provided protection services by the government, including medical services.

The government demonstrated some willingness to assist victims of forced labor during the reporting period. In July 2011, the government reportedly paid 10 Sri Lankan victims of forced labor the equivalent of $3,000 each in compensation. In October 2011, the Ministry of Foreign Affairs worked in collaboration with an international organization to provide compensation the equivalent of $2,000 and exit documentation to each of the aforementioned 22 male Ukrainian and Bulgarian victims of forced labor in the construction sector whose employer abandoned them in Baghdad's international zone. After the victims were repatriated, the government worked with Ukrainian authorities to collect the victims' statements to pursue a criminal investigation. The workers' Iraqi attorney filed a criminal complaint under Labor Law 111, Article 456, prior to passage of the anti-trafficking law. The victims were also allowed to pursue a civil court claim against the employer for the equivalent of $300,000 in back wages. These cases were pending at the end of the reporting period.

Some Iraqi police centers have specialists to assist women and children who are victims of trafficking and abuse, yet the number of victims assisted and the type of assistance provided was unclear. The government neither provided protection services to victims of trafficking nor funded or provided in-kind assistance to NGOs providing victim protection services; likewise, the government did not have a budget designated for victim protection or assistance during the reporting period. All available care was administered by NGOs, which operated victim-care facilities and shelters accessible to victims of trafficking. The government continued to criminalize NGO-run shelters that provided protective services to sex trafficking victims; therefore, these shelters continue to be vulnerable to prosecution and unprotected from threats of violence by extremist groups. There were no signs that the government developed or implemented procedures by which government officials systematically referred identified victims to organizations providing legal, medical, or psychological services; the government did not collect official statistics on the number of trafficking victims in Iraq or those that received assistance. Upon release from prison, female victims of forced prostitution had difficulty finding assistance, especially in cases where the victim's family had sold her into prostitution, thereby increasing her chances of being re-trafficked. Some child trafficking victims were placed in protective facilities, orphanages, and foster care, while others were placed in juvenile detention centers. The government did not encourage victims to assist in investigations or prosecutions or provide them legal assistance or legal alternatives to removal to countries in which they may face hardship or retribution.

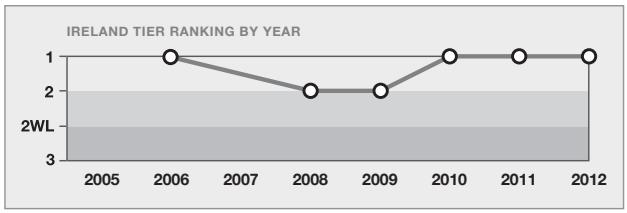
Prevention

The Government of Iraq made some efforts to prevent trafficking in persons. The government, in coordination with an international organization, formed and co-chaired the Rule of Law International Policy Committee Working Group on Trafficking in Persons in February 2011, which met eight times in 2011 to discuss developments in the draft law, lobby for its passage, and raise awareness of human trafficking and the draft law among relevant ministry employees. MOLSA reportedly began to regulate labor recruitment practices during the reporting period, though it was unclear if the government penalized or closed recruitment agencies involved in fraudulent recruitment practices. Some government officials continued to deny the existence of human trafficking or did not believe trafficking was a significant issue in Iraq. For example, on various occasions during the year, Ministry of Interior officials denied that women incarcerated for prostitution could also be trafficking victims. The government did not conduct any public awareness or education campaigns to educate migrant workers, labor brokers, and employers of workers' rights against forced labor. There were no reported efforts to reduce the demand for commercial sex acts.

IRELAND (Tier 1)

Ireland is a destination, source, and transit country for women, men, and children subjected to sex trafficking and forced labor. Sex trafficking victims originate in Eastern Europe, African countries including Nigeria, South America, and Asia. Adult labor trafficking victims are reportedly from South America, Eastern Europe, Asia, and Africa. Forced labor victims are found in domestic service and restaurant work. According to local reporting, within the last several years some victims have been subjected to domestic servitude by foreign diplomats on assignment in Ireland. According to NGO experts, children are subjected to prostitution in various cities in Ireland, including Kilkenny, Cork, and Dublin.

The Government of Ireland fully complies with the minimum standards for the elimination of trafficking. The government took important steps to investigate and prevent domestic servitude among employees of diplomats posted in Ireland. During the year, the government prosecuted and convicted a sex trafficker for the prostitution of a minor. The government, however, has yet to fully prosecute and convict any trafficking offenders, as defined by international standards using the country's 2008 anti-trafficking law. The government developed victim-centered care plans for many trafficking victims, provided holistic care through the provision of temporary residency permits and associated services, and continued to provide funding to NGOs that provided specialized assistance to trafficking victims. All identified victims received services regardless of immigration status. However, the majority of trafficking victims from non-EU countries received services and pursued refugee status through Ireland's asylum process, which NGOs criticize as resulting in inadequate care and insufficient protection of victims' rights, in comparison to the provisions specific to trafficking victims.



Recommendations for Ireland: Vigorously implement Ireland's 2008 anti-trafficking law to ensure labor and sex trafficking offenders are held accountable; consider drafting an amendment to explicitly criminalize forced labor and other forms of compelled service with a view toward increasing

efforts to implement the 2008 anti-trafficking law; explore and enhance NGOs' roles in the victim identification process; ensure proactive screening for trafficking during asylum intake interviews; ensure all potential trafficking victims, regardless of immigration status, are afforded an official recovery and reflection period to make an informed decision about whether to assist law enforcement; ensure asylum-seeking trafficking victims who are cooperating with law enforcement have accurate information on the support they may qualify for under Ireland's explicit provisions for trafficking victims, and ensure they are aware this is an option they can pursue; expand legal aid beyond representation during trials for victims assisting law enforcement; continue educating potential clients of prostitution about the linkage between prostitution and trafficking; and consider establishing a national anti-trafficking rapporteur or similar entity to encourage more self-critical assessments to improve law enforcement and victim protection.

Prosecution

The Government of Ireland sustained its efforts to investigate and prosecute trafficking offenders in 2011. The government prohibits all forms of trafficking through its 2008 Criminal Law (Human Trafficking) Act; however, to date no trafficking offenders have been successfully convicted under this law. Penalties prescribed range from no imprisonment to life imprisonment, a range that is sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. During the year, NGOs advocated for the offenses of forced labor and servitude to be clarified and for the law to explicitly provide that such offenses need not include movement in order to constitute trafficking offenses.

The government investigated 53 new trafficking cases in 2011, including 12 labor trafficking cases, compared with 75 cases investigated in 2010, and it prosecuted nine suspected sex, and no labor, trafficking offences. The government continued its investigation of an officer for trafficking-related complicity initiated in November 2010. According to an NGO review of the National Action Plan in June 2011, the low number of prosecutions for trafficking contributes to an underestimation of the severity of the trafficking problem in the country.

Although the government reported four trafficking convictions in 2011, only one conviction involved a human trafficking offense consistent with international standards. In the trafficking case, a Nigerian woman who subjected a 16-year-old girl to exploitation in prostitution received a sentence of four years' imprisonment, with two of the years suspended. The other cases reported by the government involved sexual assault without commercial exploitation, organized prostitution of adults without force, fraud, or coercion, or solicitation of pornographic images of children without a commercial sex act. The Government of Ireland continued to provide specialized, ongoing anti-trafficking training for law enforcement officers and other front-line responders.

Protection

During the reporting period, the Irish government maintained its protection efforts for trafficking victims and administered victim-centered care plans to many trafficking victims. The government provided a total amount equivalent to $412,000 to NGOs providing specialized services for victims of sex and labor trafficking and referred victims to these NGOs. Victims who were not nationals of EU countries received care and social services as directed by special provisions called administrative immigration arrangements for victims of human trafficking. Trafficking victims in the asylum process receive services as directed by the asylum provisions. A 2011 NGO paper criticized the system of care available to asylum seeking trafficking victims and called for the abolition of the practice of housing nationals of non-EU countries in mixed gender asylum centers, citing the risk of exacerbating trafficking-related trauma; this paper also noted long-term residence in aslyum hostels hinders victims' recovery and compounds mental health issues. While other benefits, such as medical care, education, and vocational training apply to all victims, anti-trafficking NGOs in Ireland reported critical distinctions based on a victim's nationality made by government service providers and influencing the overall quality of support offered to a victim, specifically immigration benefits, availability of long-term housing, and the right to work.

The Irish government identified 57 potential victims in 2011, a decrease from 78 victims identified in 2010. The government reported the use of systematic procedures to guide officials in the identification and referral of victims, though NGOs assessed that better institutional cooperation among key stakeholders is needed in order to identify victims and ensure they benefit from assistance programs. During the year, police referred 29 potential trafficking victims, six of whom were identified as victims of labor trafficking, to government social workers who prepared victim-centered care plans for their assistance. Under the administrative immigration arrangements for victims of human trafficking, the government provided one foreign victim with a 60-day reflection period – time to receive immediate care and assistance while considering whether or not to assist law enforcement. The government reported at least 25 suspected trafficking victims cooperated with law enforcement in the investigation and prosecution of their traffickers in 2011. While victim cooperation is generally viewed as positive for anti-trafficking efforts, local experts noted concerns about the potentially negative impact on asylum-seeking trafficking victims' ongoing cooperation in lengthy cases without formal recognition or identification by authorities that they are 'suspected' victims, as well as potential threats from traffickers.

Victims from non-EU countries were eligible to remain in Ireland for up to three years under Ireland's temporary residency permit. The government granted one victim a temporary residency permit in 2011, compared with five temporary permits issued in 2010, and it renewed 18 temporary residency permits for trafficking victims. Other victims were either in the asylum process or did not require residency permits because they were from Ireland or other EU countries. The government reported that no identified trafficking victims were subjected to deportation from Ireland and there were no cases of trafficking victims being criminalized for unlawful acts committed as a direct result of their being trafficked. Despite this, NGOs continued to voice concerns that unidentified victims may have been inadvertently deported or punished for crimes committed while under coercive control of their traffickers.

Prevention

The government sustained its anti-trafficking prevention efforts. It re-launched a regional Blue Blindfold campaign in Ireland aimed at targeting potential victims and reducing the demand for sex trafficking. The Irish Justice Department's anti-trafficking unit continued to coordinate the country's

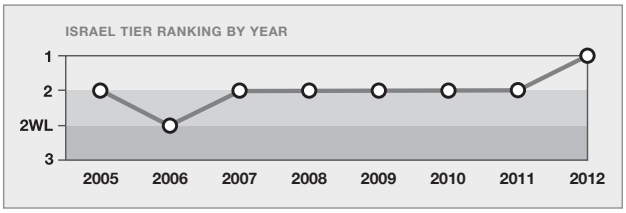
efforts; a high-level inter-departmental group also functioned as a coordinating mechanism. The government did not report on any prevention measures targeted at reducing the vulnerability of unaccompanied foreign minors to trafficking. The Department of Defense provided ongoing anti-trafficking training for all Irish troops prior to their deployment abroad as part of international peacekeeping missions.

ISRAEL (Tier 1)

Israel is a destination country for men and women subjected to forced labor and sex trafficking. Low-skilled workers from Thailand, China, Nepal, the Philippines, India, Sri Lanka, and, to a lesser extent, Romania, migrate voluntarily and legally to Israel for temporary contract labor in construction, agriculture, and caregiving industries. Some subsequently face conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, inability to change or otherwise choose one's employer, nonpayment of wages, threats, sexual assault, and physical intimidation. Many labor recruitment agencies in source countries or brokers in Israel require workers to pay exorbitant recruitment fees to secure jobs in Israel – ranging from the equivalent of $4,000 to $20,000 – a practice that contributes to forced labor once migrants are working in Israel.

Based on many documented victim testimonies, an increasing number of migrants and asylum seekers – primarily from Eritrea, Sudan, and to a lesser extent Ethiopia – arriving in Israel are reportedly held for ransom and forced into sexual servitude or labor during their captivity in the Egypt's Sinai. The Israeli government improved its system of identifying and providing medical care for these victims, who are trafficked and abused before they arrive in Israel. Some isolated cases of women from the former Soviet Union, China, and South America are subjected to forced prostitution in Israel, although the number of women affected continues to decline since the passage and implementation of Israel's 2006 anti-trafficking law. Some NGOs report that Israeli women and girls are subjected to sex trafficking in Israel, but police have found no evidence indicating such internal trafficking.

The Government of Israel fully complies with the minimum standards for the elimination of trafficking. The Israeli government sustained strong law enforcement actions against sex trafficking and strong overall prevention efforts during the year. Efforts to address labor violations of foreign workers that could lead to trafficking vulnerability continued to lag, though the government convicted two individuals for labor trafficking during the reporting period. The government continued to fund and refer victims to two NGO-run shelters for trafficking victims. The government failed to protect some vulnerable populations, including some exploited foreign workers, foreign migrants, and asylum seekers arriving from Egypt who were forced into sexual servitude or forced labor during their captivity in the Sinai.



Recommendations for Israel: Increase the number of labor inspectors and translators in the agriculture, construction, and homecare sectors, ensuring that they are adequately trained in identifying trafficking cases; increase enforcement of foreign worker labor rights; evaluate employers and recruitment agencies for histories or indicators of abusive practices before referring migrant workers to them for new employment; continue to strengthen victim identification of migrants and asylum seekers arriving from the Sinai, continue to accord those trafficking victims protections and medical treatment, and ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked, such as immigration violations; adequately train regional district police units in victim identification and enforcement of labor and sex trafficking laws; and increase investigations of forced prostitution of Israeli nationals.

Prosecution

The Government of Israel sustained its strong law enforcement efforts against sex trafficking during the reporting period; it also made marked progress against labor trafficking. The government prohibits all forms of human trafficking through its Anti-Trafficking Law of 2006, which prescribes penalties of up to 16 years' imprisonment for 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. During the reporting period, the government conducted 18 investigations of sex trafficking and two investigations of forced labor under Israel's trafficking statute. Israeli courts convicted 15 sex trafficking offenders, some of whom were charged under the trafficking statute but convicted under related statutes due to limitations of available evidence in trafficking cases, and were given sentences ranging from eight months to five years' imprisonment. In a precedential case in February 2012, the government convicted two individuals for forced labor of a Filipina domestic worker under the trafficking statute. While there was no evidence of physical violence inflicted upon the victim, the court recognized this case as an offense of "holding a person under conditions of slavery" and withholding of a passport; the sentence was pending at the end of the reporting period and the victim had been referred to a trafficking shelter. In a separate case, the government also convicted one alleged labor trafficker under a non-trafficking statute, and sentenced him to eight years' imprisonment. At the end of the reporting period, the prosecution of 10 sex trafficking offenders and two labor trafficking cases remained pending. At the end of the reporting period, prosecution had not yet begun of an employer who has been under investigation since May 2010 for forcing a caregiver from Moldova to have sex with the employer's disabled son over a sustained period of time.

As in the previous reporting period, police did not uncover cases in which Israeli women were forced into prostitution, yet a local NGO observed that the majority of women in prostitution are Israeli citizens, and some are restricted from leaving the brothels where they work. NGOs continued to report that the majority of alleged labor trafficking complaints were made by NGOs, and that the government failed to provide sufficient funding and staffing for police enforcement, particularly in the field. The SAAR unit – which was established in 2009 as the central anti-trafficking police unit – was decentralized in July 2011, and regional districts became responsible for handling trafficking investigations, overseen by an Israel National Police headquarters component. A smaller coordination unit was preserved from the previous SAAR unit, which traditionally operated as an economic crimes unit. NGOs claimed the decentralization would hurt the police's ability to manage complex field investigations, gather intelligence, and build evidence for successful prosecutions, but the Israeli High Court found no evidence of a decrease in the government's ability to fight trafficking. Furthermore, the government asserted that the decentralization was designed to improve enforcement and coordination at local levels and that there was no reduction in resources allocated for anti-trafficking efforts. Law enforcement entities continued to rely largely on information from NGOs to investigate most instances of alleged labor trafficking. For example, an Israeli NGO identified several hundred victims of serious labor rights abuses in the agricultural sector in 2011, which prompted an investigation that identified no victims of trafficking. Through the National Anti-Trafficking Unit, the government continued to provide numerous anti-trafficking trainings, workshops, and seminars for law enforcement officers, judicial officials, labor inspectors, officials from various government ministries, social workers, and NGOs.

Protection

The Government of Israel continued to improve its strong protection of trafficking victims over the reporting period, although it lacked effective procedures to identify and protect some trafficking victims among vulnerable populations, including migrant workers and other migrants who entered from the Sinai. As a result, some unidentified victims may have been penalized for unlawful acts, such as immigration violations, committed as part of being trafficked. Israeli law enforcement authorities employed systematic procedures for identifying foreign sex trafficking victims among high-risk persons with whom they came in contact. The police established a new pilot program coordinated with an NGO to help identify sex trafficking victims during police raids of brothels. During the reporting period, police did not identify any children or Israeli women forced into prostitution, though press reports cited the existence of underage prostitution in Tel Aviv. An NGO noted that some victims who were trafficked in the Sinai and later entered Israel remained in Saharonim prison for several weeks, but were then transferred to trafficking shelters. Additionally, the Ministry of Industry, Trade and Labor lacked Thai translators during inspections in the agriculture sector, thus inspectors were unable to communicate with and receive complaints from the predominantly Thai migrant workers in the sector. The government provided victim identification training and workshops to judges, social workers, law enforcement and prison officials, labor inspectors, and NGOs which resulted in marked improvement in the identification of trafficking victims.

The government continued to fund its 35-bed Maagan shelter for foreign female trafficking victims and the 35-bed Atlas shelter for foreign male trafficking victims, both of which were open and allowed shelter residents to freely leave. NGOs and international organizations praised the efforts of these shelters but also claimed that they were insufficient to treat the scale of trafficking victims who were not officially identified in Israel, particularly among migrants and asylum seekers arriving from the Sinai. The government opened new apartments as needed to handle additional identified victims. Law enforcement and judicial officials referred 16 women to the Maagan shelter and 10 men to the Atlas shelter in 2011; while the number of women referred to the shelter was similar with the previous year, referrals of men dropped significantly compared to 2010. In 2011, the shelters housed 26 trafficked women, 13 men, and six children. No child victims of trafficking were referred to the shelter this year, but the children of some adult trafficking victims were housed in the shelter with their parent. The shelter staff maintained contact with trafficking victims after they had left the shelter to assist victims with long-term reintegration into Israeli society and to ensure future work conditions were not exploitative. The government continued to fund and supervise the shelters and legal and medical services, allocating the equivalent of approximately $811,000 in 2011 to fund the NGO-operated Atlas and Maagan facilities. These shelters offered job training, psychosocial support, medical treatment, language training, and other services. The Legal Aid Branch of the Ministry of Justice continued to provide free legal aid to victims and included a special representative with expertise in handling human trafficking cases. In 2011, the Branch granted legal aid to 54 possible victims of trafficking, including victims of sex trafficking and forced labor, as well as those who entered from the Sinai and allegedly experienced conditions of forced labor and sex trafficking in Egypt. The government encouraged victims to assist in the investigation and prosecution of trafficking but did not require it. During the year, the government issued or extended several temporary B1 visas to trafficking victims that allowed victims to work legally and without restriction; these were not contingent on their participation in investigations or prosecutions. Some NGOs complained that identified victims of trafficking who suffered abuses in Egypt were not accorded B1 visas in Israel, but were instead issued standard deferred deportation orders that served as *de facto* work permits.

The Israeli government continued to grapple with the influx of foreign migrants and asylum seekers arriving from the Sinai, primarily from Eritrea, Sudan, and to a lesser extent Ethiopia, many of whom were victims of torture prior to their entry into Israel, and some of whom were identified as victims of trafficking. NGOs noted the government's improved procedures in Israeli prisons to identify trafficking victims among this large group of migrants and referral of victims to service providers. The government continued to improve its system of identifying victims and providing medical treatment, even to those victims who were abused and trafficked prior to arriving in Israel. Judges identified, released from detention, and referred to shelter services 30 possible trafficking victims who had entered Israel from the Sinai. Police, who can officially identify trafficking victims and refer them to the shelters, only authorized the referral of 15 of these victims to the shelters, based on detailed assessments. Police recognized the other 15 as torture victims, not as trafficking victims; therefore, they were not authorized access to the trafficking shelters. The government indicated it did not have the capacity to provide assistance to the large numbers of trafficking victims

among the migrants arriving from Egypt. In March 2011, the government reported that it ceased the practice of "hot returns" of migrants and asylum seekers back to Egypt, citing the lack of effective coordination by Egyptian authorities receiving the migrants. NGOs filed two complaints to the State Attorney's office in August 2011 regarding prior incidents of hot returns, but there were no reported cases of new hot returns since July 2011. According to international organizations and NGOs, immigration officials pressured some migrants who may have been trafficking victims with disputed nationalities not to claim citizenship of Sudan or Eritrea, because nationals of those countries have received temporary protective status from deportation. As a result, these possible trafficking victims were not offered protection, which includes shelter and B1 visas. The Ministry of Interior (MOI) deported some asylum seekers who arrived from the Sinai and were determined to be Ethiopian without determining if they were victims of trafficking. Moreover, judges referred at least two of these migrants to police as trafficking victims, yet police did not validate the initial assessment, and the MOI deported the victims.

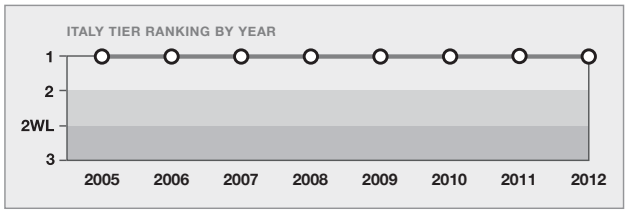
Prevention

The Israeli government made sustained progress in preventing human trafficking over the reporting period. In December 2011, the government held its fourth annual ceremony to present awards to individuals or organizations that made a significant contribution against human trafficking. The Knesset Subcommittee on Trafficking in Women held frequent meetings during the reporting period that were open to the public and covered by the media. As a continuation of the government's efforts from the previous reporting period, the country's national coordinator for human trafficking published an annual summary of the Israeli government's anti-trafficking efforts. The government conducted 20 investigations of recruitment agencies, of which 12 cases were referred for prosecution. NGOs continued to raise concerns over amendments to the Law of Entry, which passed in the Knesset in May 2011 and might further bind foreign workers to particular sectors, employers, and geographic regions. These amendments specifically affect work permits issued to migrant workers in the caregiving sector in Israel. The government continued to distribute a labor rights brochure to foreign workers arriving at Ben Gurion Airport. Under the November 2010 amendment to the Foreign Workers Law, labor inspectors entered and inspected private residences in which migrant workers were employed. In efforts to reduce the demand for commercial sex acts, in February 2012, a government committee endorsed a bill prohibiting the procurement of prostitution that was pending in the Knesset at the end of the reporting period. The government also opened 293 cases of managing a property for the purpose of engaging persons in prostitution and eight cases of advertisement of prostitution services.

ITALY (Tier 1)

Italy is a destination and transit country for women, children, and men subjected to sex trafficking and forced labor. Victims originate from Romania, Nigeria, Morocco, Albania, Moldova, Russia, Ukraine, Bulgaria, China, Belarus, Brazil, Peru, Colombia, Kazakhstan, Kyrgyzstan, Pakistan, Bangladesh, and Ecuador. Children, mostly from Romania and Nigeria, continued to be subjected to sex trafficking and forced begging; some children were also subjected to forced criminality. Most male child victims of sex trafficking were Roma, but some were Moroccans and Romanians. A significant number of men continued to be subjected to forced labor and debt bondage, mostly in the agricultural sector in southern Italy and the construction and service sectors in the north. Recruiters or middlemen are often used as enforcers for overseeing the work on farms in the south; they are sometimes foreigners reportedly linked to organized crime elements in southern Italy. Immigrant laborers working in domestic service, hotels, and restaurants were also particularly vulnerable to forced labor. Forced labor victims originate in Poland, Moldova, Romania, Pakistan, Albania, Morocco, Bangladesh, Egypt, India, China, Senegal, Ghana, and Cote d'Ivoire.

The Government of Italy fully complies with the minimum standards for the elimination of trafficking. The government generally continued to implement a flexible, victim-centered approach to victim identification and provided comprehensive protection and assistance to a significant number of trafficking victims in 2011. It continued vigorously to prosecute and convict trafficking offenders using its trafficking law. NGOs remain concerned, however, that the government's focus on the expedited return of illegal migrants – such as its efforts in 2009 to interdict African migrants on the high seas and deliver them to Libya, and to deport foreign women found in street prostitution without screening them for trafficking indicators – may have resulted in trafficking victims not being identified by authorities, and their being treated as law violators and thus penalized for unlawful acts committed as a direct result of being trafficked.



Recommendations for Italy: Collect and disseminate comprehensive law enforcement data disaggregating forced labor from forced prostitution convictions; increase systematic efforts to proactively identify victims of trafficking; ensure specialized outreach and identification efforts extend to all vulnerable groups and potential trafficking victims, especially foreign migrants without status; standardize identification and referral procedures for trafficking victims on the national level to ensure victims are not inadvertently deported or otherwise punished for crimes committed as a direct result of being trafficked; implement proactive anti-trafficking prevention programs targeted at vulnerable groups, trafficked victims, and the larger public; establish an autonomous, national rapporteur to enhance anti-trafficking efforts and share Italy's best practices on victim protection with other countries.

Prosecution

The Government of Italy continued to vigorously investigate, prosecute, and convict trafficking offenders during the reporting period. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons Law, which prescribes penalties of eight to 20 years'

imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2010, the government reported investigating 2,333 suspected trafficking offenders, compared with investigating 2,521 suspects in 2009. Italian prosecutors brought to trial 621 trafficking offenders, and trial courts convicted 174 trafficking offenders under Italy's 2003 trafficking law in 2010, compared to 166 convictions in 2009. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted for exploitation of underage prostitution and slavery laws were given sentences averaging 3.5 and 1.5 years, respectively. The government did not disaggregate its data to demonstrate convictions of forced labor offenders. The government continued to investigate acts of trafficking-related complicity involving officials, including the April 2011 arrest of two Palermo police officers for extorting women in prostitution; the government indicted one of the two policemen on January 18, 2012, and the other entered a guilty plea on January 25, 2012. The government did not report any further information regarding a May 2010 case involving the arrest of two police officers suspected of trafficking-related complicity in a nightclub in Pisa and a December 2009 case in which authorities charged two prison guards with exploitation of women in prostitution. In April 2011, a trial began for former Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan minor. During the reporting period, the government continued to conduct specialized training on victim identification and investigation of trafficking for law enforcement agencies.

Protection

The Italian government continued its strong efforts to identify and protect victims of trafficking by promoting a flexible, victim-centered approach to identifying potential trafficking victims. Although Italy does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, authorities informally grant this to victims and do not limit it to a finite number of days. NGOs praised the good results of this approach when combined with comprehensive assistance. The government reported it identified and referred for care 724 new trafficking victims in 2011, and it continued to provide comprehensive assistance to 836 victims referred in previous years. The government reported 23 percent of all victims assisted in 2011 were men, and 6.5 percent were children. Article 13 of the Law 228/2003 provides victims with three to six months' assistance while Article 18 of Law 286/1998 guarantees victims shelter benefits for another 12 months and reintegration assistance. Application of this article is renewable if the victim finds employment or has enrolled in a training program and is sheltered in special facilities. Foreign child victims of trafficking received an automatic residence permit until they reached age 18. Government funding for victim assistance, primarily through the funding of NGOs by national, regional and local authorities, was the equivalent of approximately $13 million in 2011.

Victims are not required to cooperate with police in order to receive a residence permit. The government reported it issued 1,078 temporary residence visas in 2011; although this number likely includes victims of other forms of exploitation. Further, it reported it issued 608 renewals of residency permits in 2011. The top three countries of origin of assisted victims were Nigeria, Romania, and Morocco. The government reported that 68 percent of assisted victims cooperated with police in the investigation of their exploiters. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government has yet to adopt formal procedures on the national level for all front-line responders in Italy. NGOs reported the quality of the referral process for victims varied from region to region.

During the reporting period, the government continued to implement anti-immigration security laws and policies resulting in fines for illegal migrants and their expedited expulsion from Italy. Italian authorities did not screen these migrants to identify trafficking victims. In February 2012, the European Court of Human Rights ruled that the Italian government's "push-back" policy, in effect for several months in 2009, of intercepting migrants on the high seas and sending them to detention camps in Libya violated the migrants' right to seek asylum and placed them at risk of hardship or retribution in Libya or in their country of origin.

Prevention

The Government of Italy sustained its anti-trafficking prevention efforts in 2011. The Ministry for Equal Opportunity, through a committee that included independent experts and NGOs, completed Italy's first national action plan on trafficking and submitted the draft plan to Parliament in January 2012. According to country experts, the Eurozone crisis resulted in increased unemployment among foreign workers in Italy, thus increasing their vulnerability to exploitation. On August 13, 2011 the government issued a decree to criminalize and increase penalties for labor brokers who exploit vulnerable workers. The law provides sentences of five to eight years and fines; sentences are increased to 10-24 years for child victims or if victims are exposed to health hazards. The government demonstrated some transparency in its anti-trafficking efforts by maintaining a monitoring system on the regional and national level in conjunction with anti-trafficking NGOs in 2011, but it did not monitor or report publicly on its various measures to address the problem.

The Ministry of Tourism implemented a program from 2010 to 2011 to reduce child sex tourism by issuing certificates of responsible tourism to travel agencies and tour operators for their outreach to potential clients and implemented a country-wide media campaign to promote awareness among potential clients of child sex tourism. The Italian armed forces regularly continued to organize training to prevent the trafficking or sexual exploitation of women and children by Italian troops who are deployed abroad on international peacekeeping missions.

JAMAICA (Tier 2 Watch List)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. The exploitation of local children in the sex trade, a form of sex trafficking, remains a problem. The media has reported that pimps are luring Jamaican children under age 18 into prostitution, especially in urban areas in Jamaica. NGOs and the government remain alarmed at the high number of missing children and are concerned that some of these children are falling prey to sex trafficking. Sex trafficking of children and adults likely occurs on the street, in night clubs, bars, and private homes. In addition, massage parlors in